

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO: 05/23

Date to Members: 03/02/2023

Member's Deadline: 09/02/2023 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2020. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee. You may also wish to refer to the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral You may wish to consider the guidance given in the Members' Planning Code of Good Practice in the Council's constitution, which sets out the criteria the Chair of the Committee, in consultation with the Spokes will use to consider any referral requests.

If would be helpful if you could indicate if you:-

- Have discussed the application(s) with the Case Officer and/or Development Manager
- Have discussed the application(s) with ward Member(s) if the site is outside of your ward
- Consider the site would benefit from a visit by the committee, setting out the reasons

Valid referral requests will be considered by the Committee Chair, in consultation with the Spokes, against the criteria given in the Members' Planning Code of Good Practice in the Council's constitution and you will be notified of the Chair's decision. Applications which are not referral, or where the referral request is not agreed by the Chair, will be determined by officers under delegated powers

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

6. Do you feel a site visit is required or can issues be addressed by other means e.g. further information in the report, additional presentation material, video etc.

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

To be emailed to MemberReferral@southglos.gov.uk

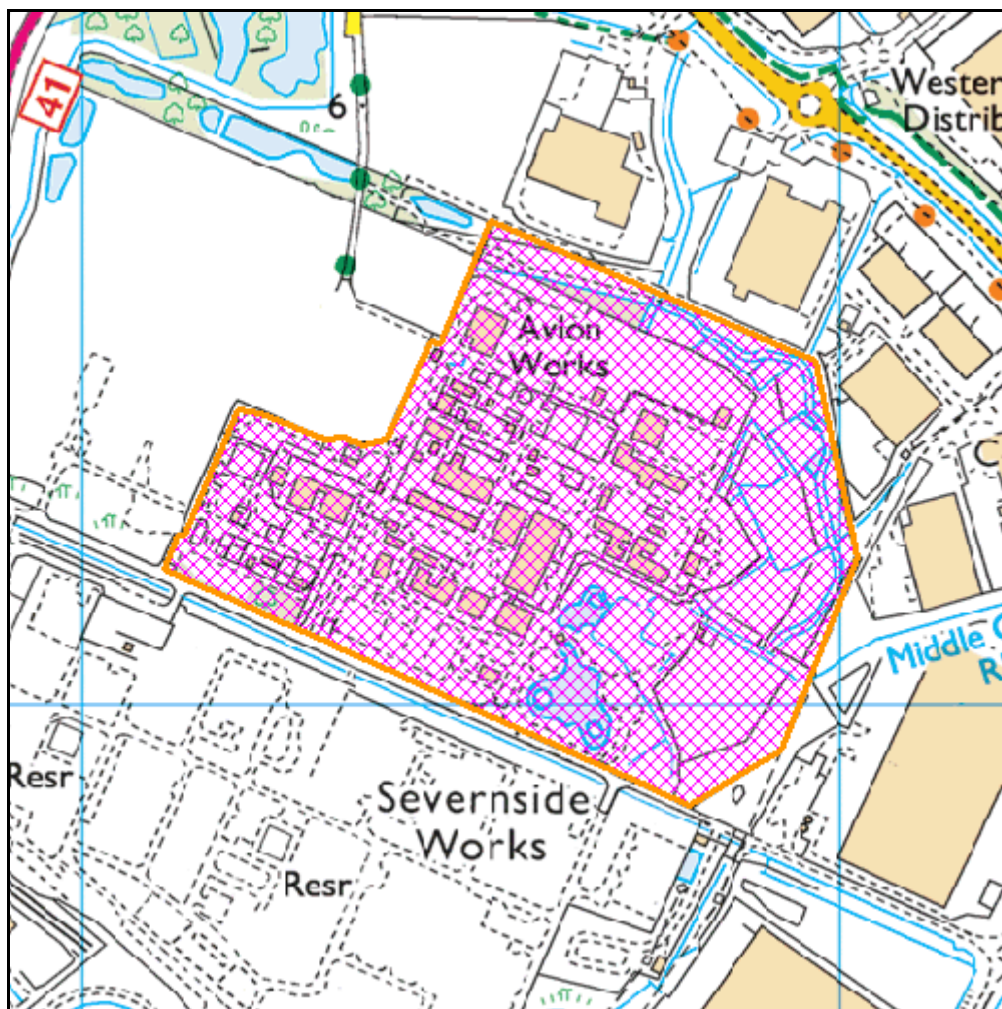
CIRCULATED SCHEDULE 03 February 2023

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P21/06880/F	Approve with Conditions	Former Avlon Works Severn Road Hallen South Gloucestershire BS10 7ZE	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
2	P22/05634/F	Approve with Conditions	178 Bath Road Longwell Green South Gloucestershire BS30 9DB	Longwell Green	Hanham Abbots Parish Council
3	P22/06611/F	Approve with Conditions	52 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
4	P22/06644/F	Approve with Conditions	135 Windsor Drive Yate South Gloucestershire BS37 5DX	Yate North	Yate Town Council
5	P22/06657/F	Approve with Conditions	54 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
6	P22/06662/F	Approve with Conditions	54 Gayner Road Filton South Gloucestershire BS7 0SW	Filton	Filton Town Council
7	P22/06774/HH	Approve with Conditions	7 Charles Road Filton South Gloucestershire BS34 7ES	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P21/06880/F	Applicant:	Avonmouth Industrial Estates (UK) Ltd
Site:	Former Avlon Works Severn Road Hallen South Gloucestershire BS10 7ZE	Date Reg:	4th November 2021
Proposal:	Hybrid planning application, comprising of full planning permission for raising of site levels and associated enabling works to create pre-development plateau; and outline planning permission for erection of strategic employment development comprising of industrial (Class B2) and/or storage and distribution (Class B8) with ancillary office space, external yards, parking and associated works, with access to be determined and all other matters reserved.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354570 183240	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	23rd February 2022



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100023410, 2008. N.T.S. P21/06880/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to three or more representations which are contrary to the officer recommendation. A recommendation has also been made by the Parish Council which is contrary to the officer recommendation. Furthermore, the application is subject to a legal agreement under Section 106 of the Town & Country Planning Act 1990. Therefore, under the current scheme of delegation, this application is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 The application is a hybrid planning application comprising both outline and full elements. In terms of the outline element, outline planning permission is sought for the erection of strategic employment development comprising of industrial (Class B2) and/or storage and distribution (Class B8) with ancillary office space, external yards, parking and associated works, with access to be determined and all other matters reserved. The full element seeks permission for the raising of site levels and associated enabling works to create a pre-development plateau. The application relates to the former Astrazeneca, Avlon Works Site, Severn Road, Severnside.
- 1.2 The application site lies to the east of Severn Road and is located upon part of the former Avlon Works. The site extends to approximately 41 hectares, and was used as a pharmaceutical manufacturing facility from 1969 to 2019, firstly by Imperial Chemical Industries (ICI) and more recently by Avara Pharmaceuticals.
- 1.3 The site is within the Severnside Enterprise Zone and is also within the area of land associated with the historical planning consents for the wholesale commercial development (including chemical processes) often referred to as the '1957 and 1958' consent. The site falls outside the approved Western Approach masterplan area. The site forms approximately one half (eastern portion) of the former Astrazeneca site. The western portion is under separate ownership, and benefits from both outline and reserved matters consent for the construction of B2/B8 development. Construction works at the adjacent site are ongoing. The entire site is located within EA Floodzone 3.
- 1.4 The site is generally level with two distinct character areas. The east of the site comprises open fields with woodland boundaries and areas of open water, whereas the west comprises the previously developed part of the site; which was the focus of the industrial activity. Until recently this area contained a varied mix of buildings, external plant complexes and open hard-standing areas. However, following the granting of prior approval by the Local Planning Authority in March 2021, all buildings and structures at the site have since been

demolished, with associated slabs and foundations alongside areas of hard standing, car parks, basements, channels and trenches to a depth of 3 metres also removed.

- 1.5 An Environmental Statement (ES) was submitted in support of the application. Prior to the submission of the planning application, a scoping opinion was submitted by the applicant in late 2020, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. The scoping report proposed to scope the following matters into the ES:
- Landscape and Visual
 - Ecology
 - Drainage and Flood Risk
 - Transport
 - Waste
- 1.6 The submitted ES ('Environmental Statement – Project Axis October 2021') subsequently covered the above matters within chapters 7-11 of the Statement. The ES, together with all appendices, have been considered in detail by the LPA as part of the application process.
- 1.7 In terms of the full element of the scheme, the land raising exercise is required following discussions between the applicant and the Environment Agency (EA) and Lower Severn Drainage Board (LSDB) prior to the application, on the basis of the site being located within EA Flood Zone 3. As originally submitted, the applicant is seeking to raise the land level from approximately 6.07m – 6.77m AOD (the site levels vary, with the majority of the existing site set at approximately 6.4m AOD) to approximately 7.2m AOD, following advice from the EA and LSDB.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework July 2021
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP5	Undesignated Open Spaces
PSP6	Onsite Renewable and Low Carbon Energy
PSP8	Residential Amenity
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP18	Statutory Wildlife Sites: European Sites & SSSIs
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses
PSP47	Site Allocations and Safeguarding

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Waste Collection: Guidance for new developments SPD (Adopted) January 2015.

Revised Landscape Character Assessment SPD (Adopted 2014)

Renewables SPD (Adopted 2014)

CIL Charging Schedule and the CIL and S106 SPD (Adopted 2021)

Green Infrastructure SPD (Adopted 2021)

Sustainable Drainage Systems (SUDS) SPD (Adopted 2021)

Trees and Development Sites SPD (Adopted 2021)

3. RELEVANT PLANNING HISTORY

Application Site

3.1 P21/00660/PND

Prior notification of the intention to demolish all buildings and structures (excluding the electrical substation), including their associated slabs and foundations alongside areas of hard standing, car parks, basements, channels and trenches.

Prior Approval Granted: 04.03.2021

3.2 P20/029/SCO

Scoping opinion for an outline proposal for storage and distribution development (Use Class B8).

Response Provided: 27.01.2021

3.3 PT07/1640/HS

Claim for express consent under The Planning (Hazardous Substances) Regulations 1992 (Amendments to PT05/0324/HS)

Approved: 29.10.2007

3.4 PT05/0324/HS

Claim for express consent under The Planning (Hazardous Substances) Regulations 1992 (Amendments to PT03/1706/HS)

Approved: 13.01.2006

3.5 PT02/3226/F

Erection of effluent treatment plant and associated works.

Approved: 13.03.2003

3.6 P99/2661/HSC

Claim for deemed consent under The Planning (Hazardous Substances) Regulations 1992 (Regulation 14).

Approved: 04.11.1999

Adjacent Site to West

3.7 PT10/2630/O

Development of 31.96ha of B2, B8 and ancillary B1 uses, with highway infrastructure, car parking and associated works. Outline including access with all other matters reserved.

Approved & s106 signed: 14.12.2011

3.8 PT16/6695/RM

Erection of 4no.distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O).

Approved: 26.04.2017

3.9 **PT16/6658/RM**

Erection of 4no.distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O)

Approved: 26.04.2017

3.10 **PT16/6614/RM**

Erection of 2no.distribution units (Class B2, B8 and ancillary B1 use). (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT10/2630/O)

Approved: 26.04.2017

3.11 **P21/05058/F**

Erection of three units for general industrial (B2) and storage and distribution (B8) uses with vehicular parking, hardstanding yards, drainage, landscaping and associated infrastructure.

Finally Disposed of: 27.09.2022

4. **CONSULTATION RESPONSES**

4.1 **Pilning and Severn Beach Parish Council**

No objection, in principle the re-development of the land is acceptable as it is within the designated Enterprise Area. However, a number of points need to be taken into account:

- Vital that a full archaeological condition be imposed, especially for the areas around the remains of the moated farmhouse.
- Opportunity should be taken to re-establish off road routes through or around the site to supplement the opportunity for workers to commute by bus/train, as well as providing a break-out area during lunch breaks.
- Buildings shown are far too large for the land available, leaving inadequate space for landscaping and habitat retention. This site is within reach of the internationally important River Severn so denser development that may be suitable in Avonmouth and around the docks is not suitable here. Please see Core Strategy paragraph 17.10, and also the new Green Infrastructure Strategy.
- Appears that piling work will be required; we request this is carried out at socially acceptable times.

Further Comments – January 2023

Following the meeting of the full council, Pilning & Severn Beach Parish Council now objects to this planning application. This is primarily due to the change in NPPG.

- The proposed application includes land raising which the SFRA advises will increase flood risk elsewhere. This is contrary to para 159 of the NPPF.

- The site currently provides storage capacity in the event of a flood and NPPG (as revised in August 2022) outlines the requirements for applications which remove such.
- The application fails to provide compensatory storage capacity and is thus contrary to the NPPG.

4.2 Internal Consultees

Archaeology Officer

Various archaeological works have been undertaken at the site. A programme of trial trenching has taken place at locations within the red line boundary, which has identified the survival of archaeological features, notably the remains of historic farmsteads of possible Medieval date.

Although I am not in possession of an evaluation report, I am confident that those areas explored all contained archaeology and as such, these areas need to be fully recorded to compensate for their loss through development. As such, no objection subject to conditions requiring a programme of archaeological investigation to be submitted and agreed prior to commencement, and a post investigation assessment being submitted and agreed prior to the occupation of the development.

Conservation Officer

No objection from built heritage perspective. The development will be experienced in the context of an existing and expanding Enterprise Area, partially obscured by existing, substantial distribution centres and it will not result in any additional harm to the setting of any nearby designated assets above and beyond that which already exists.

However, advise that a programme of archaeological recording is secured, and defer to the council's Archaeology Officer on the scope and nature of recording.

Contaminated Land Officer

Following the submission of various documents during application, no objection subject to conditions requiring agreed remediation works to be carried out, a report relating to verification of enabling works being submitted, and a scheme of ground gas monitoring being carried out prior to the construction phase.

Ecology Officer

In terms of general ecology matters, following submission of various updated mitigation strategies over course of application, no objection subject to works being carried out in full accordance with mitigation strategies.

In terms of Biodiversity Net Gain (BNG), the applicants have recognised their scheme will lead to a loss of BNG and have offered the Council, in a voluntary capacity, the monetary contribution to achieve 1% BNG gain off site. As BNG is not yet mandatory, and any gain is acceptable, this is welcomed. The BNG calculations undertaken by the applicant are also acceptable.

However, the £9,000 offered per biodiversity unit is at the lowest end of DEFRA's advice from 2018 (the current advice based on Metric 2.0 at the time

of submission) which stated that the biodiversity unit tariff might be set between £9,000 and £15,000. The value of BNG units has moved on since this and our understanding is that current guidance is suggesting a cost of £20-25k per biodiversity unit, as stated on the council website. Therefore query whether applicant will re-consider offer, although appreciated that this is a voluntary offer at this stage.

On Habitats Regulations Assessment (HRA), ecology officers conclude that the development is unlikely to have a significant adverse effect on the Features of Interest of the Severn Estuary European Site (SAC/SPA/Ramsar) and the Avon Gorge Woodlands European Site (SAC).

Economic Development

Support - ED Team supports the conclusions highlighted by Lichfields in its report ("Avlon Works, Economic Assessment") dated September 2021. The investment of over £110 million during the build phase is welcomed, as are the jobs created during the build and operational phases, including is the resultant spin-off (induced effects) into the economy.

The Severnside Enterprise Area is an established strategic logistics hub. The Economic Area is also seeing high-tech manufacturing businesses locate to the Area e.g GKN Aerospace and Oxford Instruments. The proposal at Avlon Works complements these sectors and helps Severnside maintain its position as one of the key strategic logistics hubs in both the West of England and the Western Gateway region.

The Avlon site is a redundant employment area, and its economic regeneration is supported by the Economic Development Team. Our view is that the proposal accords with all relevant employment related policies CS12, CS35, PSP26 and PSP27.

Environmental Policy & Climate Change

No objection subject to conditions requiring detailed Energy Statements to be submitted with each reserved matters. Energy Statements should accord with principles of Statement submitted with outline application.

Environmental Protection

No objection – EP Team (noise) note the comprehensive hybrid application for this extensive site and the submitted noise report for Part A pertinent to the B2 and B8 uses. The submitted noise report properly sets out a satisfactory and appropriate British Standard BS4142 as amended noise assessment.

Highway Structures

No comment

Landscape Officer

Objection – not considered that current layout proposed retains or enhances current landscape features and is therefore contrary to PSP2. Part of the site lies within land previously set aside as part of the landscape buffer for the Western Approach Distribution Park, covered by the ICI consent and approved Section 106 and this area of the site should therefore not be developed.

The current proposals would have a significant negative impact on the function and amenity of the strategic GI & landscape buffer and GCN mitigation area agreed under PT10/2630/O. The current 4-unit layout is also considered contrary to policy CS2 and GI SPD, CS9, PSP26 and notably contrary to the Section 106 approved under the extant ICI planning consent.

Recommended that a reduced unit scheme is explored, which allows the retention of the undeveloped portion of the site and retains the existing habitat in-situ. The revised scheme should also include landscape mitigation proportionate to the scale of development, consistent with surrounding development within Western Approach.

Follow-up Comments – January 2023

Note applicant's response regarding GCN mitigation area, and can confirm that an alternative has been previously agreed with Council ecologists. In terms of landscape buffer zone covered by ICI consent, area is shown as 'Landscape Zones off site' within ICI S106 agreement, and therefore think the intention was always for these landscape zones to contribute to the ecological buffer. However, would defer to legal advice on this point.

Also note a number of discrepancies between details on different plans which should be resolved. An outline LEMP is also required, however this can be secured by condition. In terms of 1957/58 consent, understand points raised by applicant in respect of ability to develop on land without further permission. However, policy has moved on considerably since that time, and north/eastern portions of site represent last remaining green wildlife rich space within Severnside consent area. Therefore still consider this should be retained and enhanced as part of a reduced site layout.

Lead Local Flood Authority

No objection. The proposed outline surface water drainage strategy for the site as detailed in 'Environmental Statement Appendix 9.2: SuDS Strategy' (October 2021) is acceptable to the LLFA. As the surface water drainage strategy is at outline stage, a condition will need to be applied to the planning approval in order to obtain the detailed design. The Lower Severn Drainage Board will also need to be consulted on the application.

Planning Policy Team

No comment

Public Art Officer

No objection subject to scheme of public art being agreed as required through policy CS23 of the Core Strategy. This should be secured through either planning condition or s106, and the public art programme should be devised and managed by a public art professional to ensure a high-quality scheme.

Public Health and Wellbeing

No comment

Sustainable Transport

Following a significant amount of work undertaken since the submission of the application, no objection subject to conditions and s106 highway contributions/obligations.

Tree Officer

Submitted plans show high level of tree clearance, however, acknowledge implications of 57/58 consent on retention. For trees which are to be retained, these shall be protected in accordance with tree protection fencing in accordance with BS:5837:2012 as shown on the submitted arboricultural method statement.

The submitted illustrative Masterplan shows proposed tree planting to the exterior of each of the separate units/parcels of the site. A landscape management plan will be required for the planting, establishment and maintenance of the proposed planting.

Provided that the trees are protected in accordance with the submitted arb method statement, there are no objections.

Urban Design Officer

No objection – as application primarily seeks outline permission, no detailed comments at this stage. However key principles such as landscaping and detailed design must be thoroughly considered and dealt with at reserved matters stage.

Waste and Minerals Officer

No objection - the land raising would need to be justified as a necessary enabling requirement due to site conditions or restrictions, and would need to form part of the planning assessment. If justified it should be an appropriate level of raising, and not unnecessary infill. The EA's comments should be sought both in terms of potential fill/waste material coming in as well as FRA implications associated with land raising.

4.3 **External Consultees**

Avon Fire and Rescue

No comment

Avon Wildlife Trust

No comment

Bristol City Council

No objection

Crime Prevention Design Advisor

No objection, detailed matters to be considered at reserved matters stage.

Department for Levelling Up

No comments to make on Environmental Statement.

Environment Agency

Provided Local Planning Authority is satisfied that the requirements of the Sequential Test under the NPPF are met, the Environment Agency would have no objection in principle to the proposal, subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, a remediation strategy relating to contamination being agreed and undertaken, any piling works being agreed with the LPA, and preventing drainage systems for the infiltration of surface water to the ground from being installed without the prior consent of the LPA.

Fisher German LLP

No comment

Health and Safety Executive (HSE)

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines. The proposed development site identified in planning application P21/06880/F lies within the consultation distance of four major hazard sites:

- Terra Nitrogen (UK) Ltd & JH Bunn Ltd (HSE Ref: H0385)
- Avara Avlon Pharma Services Ltd (HSE Ref: H3627)
- J H Bunn Ltd & Terra Nitrogen (UK) Ltd (HSE Ref: H3877)
- National Grid (HSE Ref: H0584)

The major hazard sites hold hazardous substances consent to store up to specified quantities of various hazardous substances under the Planning (Hazardous Substances) Act 1990 and the Planning (Hazardous Substances) Regulations 2015.

It is HSE policy not to advise against the granting of planning permission for workplace developments within the middle or outer zones, regardless of the number of occupants or number of occupied storeys in each building. However, we will advise against the granting of planning permission for a workplace development within the inner zone if any building within that zone will have 100 or more occupants, or 3 or more occupied storeys.

HSE would therefore not advise against the granting of planning permission for the proposed development if the following condition were to be attached to the permission: *All of the buildings proposed in planning application P21/06880/F, shall have no more than two storeys occupied by workers and/or visitors (ground and first floor) and be limited to less than 100 occupants per building.*

Lower Severn Drainage Board

No formal comments on application but correspondence with applicant provided to LPA.

National Grid

No comment

National Highways

No objection subject to conditions.

National Planning Casework Unit

No comment

Natural England

Initial queries raised regarding both construction noise and operational noise levels. No further comments provided following submission of final applicant response.

NHS

No comment

Wessex Water

No comment

Western Power Distribution

No comment

Other Representations

4.4 Local Residents

A total of four representations were received over the course of the application. Three representations raised objections to the proposals, with one representation remaining neutral. The main concerns raised within objection comments are summarised below. Full copies of comments are available to view on the Council website:

- Land raising is unnecessary, worsens flood risk to other land.
- Land raising will result in loss of flood storage.
- LPA should seek removal of land raising feature as proposed use is low vulnerability commercial use.
- EA have failed to comment on increase in flood depths elsewhere.
- LPA should give great weight to expert evidence contained in the SFRA and to adhere to the requirements of the NPPF and the NPPG.
- Money wasted on flood defences.
- Principle of development acceptable as within designated Enterprise Area.
- Full archaeological condition must be imposed.
- Opportunity should be taken to re-establish off-road through or around site.
- Buildings far too large leaving inadequate space for landscaping and habitat retention.

The main points raised within the neutral comment are summarised below:

- If access to site is off Central Park roads, these roads are in private ownership and applicant will require express consent from owner of roads.
- S106 agreement dated 7 June 1995 requires cost sharing approach to implementation of highway infrastructure.

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

The application seeks outline consent for the erection of strategic employment development comprising of industrial (Class B2) and/or storage and distribution (Class B8) with ancillary office space, external yards, parking and associated works. The application also seeks full planning permission for the undertaking of land-raising works to create a pre-development plateau; thus enabling the re-development of the site.

- 5.2 In terms of Development Plan policies, the site falls within the Severnside safeguarded area for economic development. As such, under Policies CS11 and CS12 of Core Strategy (CS), the development of the site to provide 'B' uses is supported. Policy CS35 of the CS relates specifically to Severnside, with Figure 13A identifying the site as falling within the relevant geographical area. CS35 states that land at Severnside will be safeguarded and developed for distribution and other extensive employment uses. The site also falls within the Severnside Enterprise Area as defined in Policy PSP26 of the Policies, Sites and Places Plan (PSP); which further supports the development of the area for economic purposes. Policy PSP27 also specifically supports the provision of B8 storage and distribution uses of any size at the site as a matter of principle.
- 5.3 Notwithstanding the location of the site within a designated employment area, it is acknowledged that the site is located within EA Floodzone 3. In accordance with the requirements of the NPPF, Policy CS5 of the CS outlines that the sequential and exception tests will be applied to direct development to areas with the lowest probability of flooding, taking account of the vulnerability of the type of development proposed and its contribution to creating sustainable communities. Policy CS9 also outlines that new development will be expected to be located away from areas of flood risk, and avoid the coastal area.
- 5.4 The entire site also falls within the area covered by the extant 1957 and 1958 planning permissions. The permissions cover an area of approximately 260ha at Severnside, and allow for the construction of B2/B8 development in the area. In the case of the application site, the central and western parts of the site have however previously been developed for use as a pharmaceutical works. As such, the previously developed areas are not considered to benefit from the extant permissions. However the northern and eastern portions of the site have not previously been developed, and could therefore be used to provide B2/B8 development without further permission. This is a material consideration in the assessment of the application.
- 5.5 A conflict between the economic-related policies set out above and the policies relating to flood risk therefore exists. However officers are mindful that the site falls within an established and designated employment area, where similar development has been approved and constructed on various adjacent sites. Given the specific designation, the proposals to re-develop the site to provide B2/B8 uses are considered acceptable in principle. The acceptability of the proposals in terms of flood risk is considered in more detail below, together with analysis of all other relevant matters. Given that the proposed land-raising works are proposed specifically to enable the development, these works are also considered acceptable in principle. However, the impact of these works, particularly in relation to flood risk, is considered in full below.

5.6 **Amount and Use**

The hybrid application seeks outline consent for the provision of B2 and B8 development together with ancillary office space and associated works. The only matter to be determined at this stage is access, with layout, scale, appearance and landscaping to be determined at reserved matters stage. Notwithstanding, an illustrative Masterplan and Parameters Plan have been submitted in support of the application.

5.7 Whilst layout is not to be fixed through this application, the illustrative Masterplan provides an indication of a potential future layout. The illustrative layout shows 1no. larger unit occupying the northern portion of the site, with 3no. smaller units occupying the southern portion of the site. A buffer comprising landscaped areas and attenuation ponds is shown at the northern and eastern edges of the site. 4no. access points onto Central Avenue are shown at the southern boundary of the site.

5.8 The Parameters Plan shows the total application site area as 40.94ha. The developable area shown on the plan (excluding the buffers at the edge of the site) is shown as 32.14ha. The proposed use as shown on the Parameters Plan is B2 and/or B8, with ancillary office space, with the maximum built development floorspace shown as 186,000 sq.m (2,002,088 sq.ft). The maximum building height as shown on the Parameters Plan is 38m AOD to top of building (ridge). Whilst scale, layout, appearance and landscaping are to be agreed at reserved matters stage, the maximum parameters for the development as shown on the Parameters Plan are factored into the assessment set out below.

5.9 **Transportation**

The impact of the development in transportation terms was scoped into the ES submitted in support of the application. Upon original review of the ES and other supporting documents including a Transport Assessment, the council's highways officers raised a number of queries relating to transport movements to and from the site, site access arrangements, proposed parking arrangements, public transport connections, and pedestrian and cycle links; amongst other matters.

5.10 Following various rounds of discussion over the course of the application and the submission of additional and updated documents relating to the overall highway impacts of the development, the key issues raised by highway officers upon original consultation have been addressed. Highways officers are now satisfied that the development would be provided with safe and suitable access for all modes of travel and the impact of traffic generated by the proposal on the surrounding highway network can be mitigated subject to a package of measures secured by a combination of S106 obligations and conditions. The comments made regarding the ownership of the adjacent highway and potential contributions have been considered, however this is considered a civil matter to be agreed outside of the planning process and highway officers satisfied that a suitable and safe access can be provided.

- 5.11 In terms of conditions, it is recommended that in the event of an approval, conditions be applied to any consent to secure the following:
- Adherence to Construction Environmental Management Plan (CEMP) approved by the LPA.
 - Erection of narrow road signs at either end of narrow section of Central Avenue prior to commencement of development.
 - Submission of site-specific Access and Egress Management Plan (AEMP).
 - Restriction to the minimum size of any unit to no less than 10,000sq.m (GFA).
 - Restriction to the maximum amount of ancillary floor space for each unit to no more than 10%.
 - Submission of full Travel Plans prior to construction of units on-site.
 - Provision of vehicle accesses prior to occupation.
 - Submission of site-wide Movement Parameters Plan (MPP).
 - Provision of a temporary bus stop.
 - Submission of details of car and cycle parking including electric vehicle charging points as part of reserved matters applications.
 - Submission of details of internal access roads, footpaths, street lighting, surface water drainage, service areas and land reserved for two shelters adjacent to Central Avenue as part reserved matters applications.
 - Provision of footpath link to either temporary or permanent bus stops prior to occupation of buildings.
- 5.12 In order to address previously identified issues and ensure the development would be provided with safe and suitable access for all modes of travel and the impact of traffic generated by the proposal on the surrounding highway network would be mitigated, a number of contributions have been agreed which are to be secured through a S106 legal agreement in the event of an approval. The contributions would be towards the following (full figures listed in paragraph 7.2):
- Pedestrian and cycle infrastructure serving the site.
 - Goldcrest Way capacity improvements.
 - Bus stop provision.
 - Bus stop services serving the site or provision of private bus service for lifetime of development.
 - Travel Plan monitoring fee.
- 5.13 Following significant additional transport work being carried out over the course of the application, subject to the conditions and obligations set out above, the outline proposals are considered acceptable in transportation terms. It is not considered that the full element of the scheme would lead to any specific transport-related issues; albeit any environmental issues will be mitigated through the agreement of the CEMP.
- 5.14 **Landscape and Arboricultural Impact**
In terms of context, the application site is situated within an established employment area, with the surrounding landscape defined by large industrial units, similar to those shown on indicative plans.

- 5.15 In terms of the site, the western and central portions of the site (approximately two thirds of the site area) have been previously developed, and accommodated the built form associated with the former pharmaceutical works. Whilst the buildings have now been demolished, this part of the site is largely devoid of landscaping due to its previously developed nature. The eastern third of the site and areas along the northern perimeter have not (with the exception of an attenuation pond to the south) previously been developed. As highlighted by the landscape officer, this existing landscape constitutes one of the last remnants of the original agricultural field pattern in the area, with several small fields enclosed by dense outgrown native hedgerows with hedgerow trees.
- 5.16 The application seeks outline consent for the redevelopment of the site to provide B2 and B8 development. Whilst detailed matters are to be agreed at reserved matters stage (with the exception of land-raising for which full permission is sought), the submitted Masterplan and Parameters Plan indicate that it is proposed for the developable site to extend onto the undeveloped areas to the east. A buffer would be retained at the northern and eastern boundaries to accommodate perimeter landscaping and attenuation basins, with narrow landscaping buffers also retained at the northern and western boundaries. However large areas of existing vegetation within the eastern part of the site would be lost.
- 5.17 The landscape officer has reviewed the proposals and has raised significant concerns with the extent of vegetation removal as proposed. As part of the submitted ES, a landscape and visual impact assessment (LVIA) was submitted by the applicant, with viewpoints previously agreed with the Council. The overall conclusions of the LVIA are judged as minor to moderate adverse and within the wider area as minor adverse, with residual significance as not significant. Overall, it is judged that with the proposed planting implemented on the build plateau, and the scheme completed, by year 5 the general landscape and visual impact is anticipated as minor adverse to neutral.
- 5.18 The landscape officer has reviewed the results of the LVIA, and has concluded that the judgements made underplay the landscape impacts of the development, particularly in relation to the loss of landscape covering the northern and eastern parts of the site. There is also concern that the LVIA has only been used to assess the potential impact of the development, rather than influence the site layout based on the report findings and to establish the best solution for the site and propose landscape mitigation to minimise landscape and visual impact. On this basis, the landscape officer has advised that a reduced-unit scheme which would preserve the landscape areas to the east of the site be considered.
- 5.19 The concerns have been discussed with the applicant, and whilst some additional landscaping has been indicated on updated plans, it has not been possible to secure a reduced-unit scheme.
- 5.20 The principal concerns of the landscape officer relating to the loss of existing landscape therefore remain unresolved. Officers concur with these concerns. Whilst the site is situated within a designated and established employment area where development of this nature is directed through the Local Plan, the

undeveloped portion of the site does comprise one of the last remaining significant landscaping buffers within the Severnside Area. Furthermore the results of the LVIA indicate that the loss of existing landscaping and development of the site in accordance with the parameters proposed would result in moderate harm to immediate landscape setting as well as minor harm to the wider area. Whilst the agreement and then implementation of a detailed landscaping scheme through the reserved matters would off-set the landscape impact to a degree, when accounting for the scale and nature of the landscape area to be lost, it is officers' view that the development would result in a moderate to significant landscape harm.

- 5.21 However officers remain mindful of the 1957/58 consent, which would effectively allow for the applicant to develop the majority of the landscape area to provide B2/B8 development without further consent. As the remainder of the site was previously developed as a pharmaceutical works (which is considered to fall outside of the scope of the 57/58 permission), this part of the site would require a new permission. However as part of the submission, the applicant has set out a fall-back position, whereby a layout has been presented which shows development for which further consent would be required on the western/central parts of the site, alongside with development which could be implemented through the 1957/58 consent on the eastern part of the site. This material consideration is considered in greater detail in the overall planning balance.
- 5.22 Within the original consultation response, the landscape officer also raised concerns regarding the adjacent development site to the west. Upon initial review, it appeared that areas of the eastern (undeveloped) part of the site had been earmarked as Great Crested Newt (GCN) mitigation areas within the S106 agreement associated with the outline consent at the adjacent site. However following further consideration, it is acknowledged that this position changed through the discharge of ecological conditions associated with the adjacent outline, with the mitigation area re-located. The landscape officer has accepted this position.
- 5.23 A potential conflict with the S106 associated with the adjacent site to the north (Western Approach) was also identified, with parts of the application site indicated within the S106 as an 'off-site Landscape Zone'. The applicant has responded on this matter, and outlined that the area in question falls outside of the red line boundary shown within the respective S106 agreement, with the obligation therefore unlawful.
- 5.24 The matter has been discussed with the council's legal department, and given that the S106 agreement in question dates from 1995, the submitted plans do not provide full clarity. However the application site for the current hybrid application does appear to fall outside of the red edge boundary as shown in the S106 agreement. Furthermore, it is not considered that the labelling of an area as a 'Landscape Zone' within a S106 Agreement would prevent any further proposals coming forward for that area, and for the land to remain in its current form in perpetuity. As such, subject to the full assessment set out within this report, this issue is not considered a reason for objection.

- 5.25 Within their January 2023 comments, the landscape officer also raised a number of apparent discrepancies between plans. However the applicant has clarified that the discrepancies are a result of some plans relating only to the proposed land-raising (which does not affect certain areas of the northern, eastern and southern boundaries), and some relating to the outline element which relates to the whole site. The applicant response has sufficiently addressed this issue.
- 5.26 In terms of arboriculture, the tree officer is mindful that the majority of trees at the site are contained within the undeveloped areas to the east, and could be removed without further consent. It should also be noted that no tree preservation orders are in place at the site. The tree officer has therefore raised no objection to the scheme, subject to a condition requiring any trees that are to be retained to be protected in accordance with the submitted arboricultural method statement. A condition to this effect is recommended for any decision.
- 5.27 On the basis of the assessment set out above, whilst the landscape is not designated or protected, it is concluded that the loss of the existing landscape area at the site would result in a moderate to significant harm. This harm is to weighed against the benefits of the scheme in the overall planning balance, whilst also accounting for other material considerations such as works permissible under the 57/58 consent.
- 5.28 **Ecology**
The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it lies opposite the foreshore of the Severn Estuary, designated as a Site of Special Scientific Interest (SSSI) under the Wildlife & Countryside Act 1981 (as amended) and a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive'). The Estuary is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'); and a Ramsar Site under the Ramsar Convention on the Conservation of Wetlands of Importance.
- 5.29 Whilst the ecological value of the previously developed parts of the site is limited, the undeveloped parts of the site are considered suitable for supporting a variety of habitats. On this basis, the ecological impact of the development was scoped into the ES. However, upon original submission of submitted documents, a number of concerns were raised by the ecology officer regarding potential impact on local biodiversity.
- 5.30 **Mitigation Strategies**
Specifically, it was highlighted that a Great Crested Newt (GCN) Strategy needed to be submitted, with off-site mitigation/compensation shown. Further bat survey work for tree roosts in the landscape buffer area was also requested, with this information required to inform the bat mitigation strategy. Amended mitigation strategies relating to water voles were also requested by the ecology officer.

- 5.31 Over the course of the application, several iterations of the requested mitigation strategies were submitted by the applicant. The final versions of each mitigation strategy have taken into account all recommendations made by the ecology officer, and are considered acceptable. As such, whilst the redevelopment of the site would impact upon local biodiversity and habitats, adequate mitigation is proposed which would off-set this impact. In the event of approval, conditions are recommended for any decision requiring the development to be carried out in full accordance with the agreed mitigation strategies.
- 5.32 Biodiversity Net Gain (BNG)
As part of their submission, the applicant has recognised that the scheme will lead to a loss of biodiversity. As such, Biodiversity Net Gain calculations have been undertaken by the applicant. The applicant is offering a 1% net gain in biodiversity as part of the scheme, and the calculations indicate that this would equate to approximately 39 biodiversity units.
- 5.33 In order to off-set the impact of the development on biodiversity, the applicant originally offered £9,000 per unit towards off-site habitat enhancement and creation as a financial contribution to be secured through the Section 106 Legal Agreement. This would equate to a total contribution of approximately £350,000.
- 5.34 The ecology officer has reviewed this offer, and given the current policy position which does not make BNG mandatory at this current time, has welcomed the proposed 1% net gain.
- 5.35 It was however highlighted that the £9,000 per unit offer is based on previous advice from DEFRA; albeit this advice was in place at the point of the application being submitted. Discussions were held with the applicant regarding a potential increase in per unit offer, and it was possible to agree an increase in the contribution to £12,000 per unit. This would equate to a total contribution of approximately £467,000.
- 5.36 Given the current policy position in that BNG is voluntary, the contribution offered by the applicant is welcomed and whilst being below the current standard, the increased per unit figure offered is not considered to sustain a reason for objection. However officers should highlight that BNG is assessed on a case by case basis, with a lower per unit offer accepted in this instance due to the specifics of the case and the timing of the submission. This should not be considered to set a precedent for other development proposals.
- 5.37 Habitats Regulations Assessment (HRA)
Due to the scale of the development and the location of the site in the proximity of the Severn Estuary European Site (SAC/SPA/Ramsar) and Avon Gorge Woodlands European Site (SAC), a HRA was undertaken by ecology officers to assess the significance of any potential effects of the development on European Sites. Having assessed the proposals against a number of criteria, the assessment concluded that the development would be unlikely to have any significant adverse effect on the European Sites. As such, no further action is required in respect of HRA.

- 5.38 As such, subject to the conditions referenced above and a planning obligation relating to BNG (with full details set out in paragraph 7.3 of this report), the application is considered accepted from an ecological perspective.
- 5.39 **Design and Visual Amenity**
The outline element of the hybrid application seeks only to determine access; with layout, scale, appearance and landscaping to be determined at reserved matters stage. As such, urban design officers have reviewed the proposals, but have been unable to provide detailed comment at this stage. No in-principle objections to the proposed redevelopment have been raised in respect of the general visual amenity of the area. It is acknowledged that the majority of the site has been previously developed, with the immediate surrounding area comprising an established commercial area containing similar buildings to those indicated on plans.
- 5.40 However, it has been highlighted that securing a robust scheme of landscaping will be critical to the impact of the scheme in visual terms, and that the choice and application of materials will be significant. One suggested approach is that a clean and simple approach is used, with highlights of colour perhaps utilised for access door openings. These matters will be considered in greater detail at reserved matters stage. No concerns relating to the visual impact of the land-raising exercise have been raised, and it is acknowledged that similar levels of land-raising have previously been undertaken at the adjacent site to the west.
- 5.41 In terms of public art, the public art officer has reviewed the proposals and advised that given the scale of the development, a scheme of public art should be sought in accordance with Policy CS23, which states schemes that will attract a large number of visitors will be required to demonstrate how their proposals contribute to, amongst other things, the objectives of arts strategies.
- 5.42 Whilst the site would once operational be visited by a substantial workforce, public access/views into the site would be limited. As such, it is considered that securing a site-specific scheme of public art via a planning condition would be of limited benefit. As such, a more appropriate approach in this case is the agreement of a financial contributions towards public art strategies in the locality. The applicant has agreed to a contribution, details of which are set out in greater detail in paragraph 7.4 of this report.
- 5.43 **Drainage and Flood Risk**
The site is situated in close proximity to the River Severn and within EA Floodzone 3. As such the resilience of the development to flooding events is of paramount importance in assessing the planning proposals.
- 5.44 As the application risk is located in an area of flood risk, the application is subject to both the sequential and exception tests under paragraphs 161-164 of the NPPF. In terms of the sequential test, it should be noted that the site forms part of an employment area designated for economic development under policy CS12 of the CS. Notwithstanding the designation, the sequential test stipulates that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. In this respect, given the scale of the development, there are not considered

- any other safeguarded employment areas in the district which could accommodate the scale of development proposed. As such the development is considered to pass the sequential test.
- 5.45 As set out in the NPPF, in order to pass the exception test, it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.46 In terms of clause (a), the development would result in a vacant site being brought back into use; thus resulting in substantial economic benefits (as set out in greater detail in paragraph 5.84). The location of the site within a designated and established employment area represents the most sustainable location for this type of development within the district.
- 5.47 In terms of clause (b), the proposals have been reviewed in detail by the Lead Local Flood Authority, the Environment Agency (EA) and the Lower Severn Drainage Board (LSDB). These bodies, which are responsible for ensuring the development will be safe from flood risk and will not increase flood risk elsewhere, have raised no objections to the proposals subject to conditions. Whilst the LSDB comments were not submitted formally to the Council, confirmation of LSDB confirmation of acceptance of the proposals has been provided to the LPA.
- 5.48 It should also be noted that in terms of Annex 3 of the NPPF, industrial buildings are considered a 'less vulnerable' use in terms of flood risk. On the basis of the above, the application is considered to pass the sequential and exception tests, and as such there are no in-principle objections to the scheme in terms of flood risk.
- 5.49 On more detailed matters, the Lead Local Flood Authority have reviewed the surface water drainage proposals and consider the strategy acceptable, subject to a condition ensuring appropriate final designs are agreed at a later stage.
- 5.50 The concerns raised by both the parish council and through local representations relating to the land-raising proposals and the possibility of this exercise increasing flood risk elsewhere, as well as the potential loss of flood storage resulting from the redevelopment, have been considered.
- 5.51 Whilst not explicitly set out within final comments, the potential impact of development in terms of flood risk on the immediate surrounding area falls within the remit of the Environment Agency's assessment of this application. This approach has been confirmed by the Council's drainage officers. In the event that an application failed to demonstrate that it would not increase flood risk elsewhere, concerns would be raised by the EA. In this case the EA have considered the proposals in detail and have engaged with the applicant/LPA throughout the application process, and have raised no objections subject to conditions. As such, whilst the concerns raised have been considered, it has

- been adequately demonstrated by the applicant that the development would not lead to increased flood risk elsewhere in the district.
- 5.52 On the matter of flood storage, the guidance set out within paragraph 049 of the National Planning Practice Guidance (NPPG) 'Flood Risk and Coastal Change', has been considered. The applicant has confirmed that this matter has been factored into their overall drainage strategy, which has been hydraulically modelled and verified by the LSDB. The strategy includes an on-site storm water system which includes storage in the form of estate ponds, which are connected directly or indirectly into the rhine system and allows water to flow in either direction. As such this provides the additional storage capacity required to accommodate the developments storm water run-off, with the on-site ponds assisting in maintaining the water levels in the overall system. The LSDB's independent hydraulic modelling has confirmed that when utilising a direct comparison for a 1 in 100year + 50%, the peak water levels were not significantly increased.
- 5.53 The concerns raised regarding the requirement for land raising given the presence of existing flood defences have been considered. Whilst it is acknowledged that flood defences would provide the primary form of defence to the development, the land raising to 7.2m AOD would provide additional protection to the development in the long-term. This is also consistent with the land raising that has previously been carried out at the adjacent site to the west.
- 5.54 Overall, through the drainage and flood risk mitigation strategies submitted in support of the application, it is not considered that the development would lead to an increased risk of flooding either at the application site or elsewhere within the district. As such, subject to the more detailed drainage strategies being agreed at reserved matters stage, the proposals are considered acceptable in this regard.
- 5.55 **Residential Amenity**
The site is located away from existing residential properties. The nearest dwelling is situated to the north of the site and is separated by a distance of approximately 500m. The village of Severn Beach is located approximately 1km to the northwest. Furthermore, the development is within an established employment and manufacturing area that has been operational since the mid 20th Century; and has become part of the wider Severnside Enterprise Area where substantial industrial warehousing development is well under way.
- 5.56 Furthermore, the impact of the development in terms of noise generation has also been considered within the submitted ES. The acoustic assessment contained within the ES has been reviewed by environmental health officers, and it is considered that the assessment meets the appropriate British Standard BS4142.
- 5.57 Whilst local residents may be subject to some disruption during construction through increased traffic and construction noise, given the distance to the nearest residential properties it is considered that any disturbance would be minimal. Furthermore, the impact can be controlled and mitigated through the

agreement of a Construction Environmental Management Plan (CEMP), as well as conditions restricting the hours of operation during the construction period and other processes such as piling.

5.58 Given the nature and location of the development proposals within an established employment area, whilst noting that there is potential for units at the site to be operational 24 hours a day and 7 days a week, it is not considered that either the presence or operation of the proposed development would materially impact upon the amenity of local residents.

5.59 **Conservation and Archaeology**

In terms of built heritage, the proposals have been reviewed by the conservation officer. Whilst the submitted LVIA does indicate that the development would be seen in a limited number of views together with designated heritage assets, the development would be seen within the context of surrounding commercial development. As such, it is not considered that the proposals would harm the setting or significance of designated heritage assets.

5.60 In respect of archaeology, extensive archaeological work was undertaken both prior to the submission of the application and over the course of the application process. The archaeology officer has continued to review archaeological information, and has raised no fundamental concerns to the works; albeit archaeological features have been identified through initial works. As such, subject to conditions requiring a programme of archaeological investigation and recording for the site to be submitted to the LPA and agreed prior to commencement, and a post investigation assessment being submitted and agreed prior to the occupation of the development, it is considered that any archaeological features would be adequately protected, and the archaeological significance of the site preserved. Overall, both the full and outline elements of the application are considered acceptable in heritage terms.

5.61 **Contamination**

Over the course of the application, the Council's contaminated land officer has requested various documents and information relating to potential ground contamination. All information requested has been provided by the applicant. This primarily comprises a Geoenvironmental Site Assessment, and two Remediation and Enabling Works Strategies relating to both the brownfield and greenfield parts of the site.

5.62 The documents have been reviewed by the contaminated land officer and the findings of the submitted reports/assessments accepted. As such, there are no objections to the scheme from a contaminated land perspective, subject to conditions requiring both enabling and future construction works to proceed in accordance with the agreed documents. Conditions are also recommended requiring a report providing details of verification undertaken to be provided, and also a scheme of ground gas monitoring to be submitted and agreed.

5.63 **Environmental Policy/Sustainability**

Environmental policy officers have reviewed the proposals, and have raised no fundamental concerns with the Sustainable Energy Statement submitted in support of the application. However due to the outline nature of the proposals,

this is a high level document which does not set out detailed strategies for the future sustainable energy requirements of the site. These strategies will come forwards with the detailed design of buildings at reserved matters stage. However, the broad principles contained within the outline Energy Statement are considered acceptable. In the event of approval, a condition will be recommended for any decision requiring a Sustainable Energy Statement to be submitted with each reserved matters application. The environmental policy officer has made no observations regarding the proposed land-raising, for which full permission is sought.

5.64 **Health and Safety**

In respect of the overall health and safety of future occupants of the development, the proposals have been reviewed by the Health and Safety Executive (HSE). Within their comments on the application, it has been highlighted that the four indicative buildings shown on the Masterplan lie wholly or partly within the inner consultation zones for the following sites with hazardous substance consents (HSC's):

- Terra Nitrogen (UK) Ltd and J & H Bunn Ltd sites (HSE refs H0385 and H3877)
- Avara Avlon Pharma Services Ltd site (HSE ref H3627)

5.65 Whilst the outline element of the application does not seek to determine scale, given the indicative size of buildings shown on submitted plans, it would appear that the buildings would be designed to accommodate over 100 employees and contain 3 or more occupied stories. The HSE have therefore identified that the proposed development would correspond to Sensitivity Level 2. On the basis that the site falls within the inner consultation zone of a major hazard, HSE have therefore advised that there are sufficient reasons, on safety grounds, to advise against the granting of planning permission.

5.66 However, within their comments the HSE have also highlighted that, should the buildings be restricted to no more than 100 occupants and less than 3 occupied stories, they would not advise against the granting of permission.

5.67 Having reviewed the planning history of adjacent sites and discussed with the applicant, officers understand that the Terra Nitrogen (UK) Ltd/J & H Bunn Ltd and Avara Avlon Pharma Services Ltd sites are no longer operational, and no longer require the HSC's identified above. In fact, the HSC ref. H3672 relates to the application itself and the previous use as a pharmaceutical works. Notwithstanding a change in use, the HSC's remain extant, and could therefore be utilised again in the future to store hazardous substances at the relevant sites. As such, HSE have advised that despite the changes to the situation on the ground, the HSC's remain extant and they must therefore comment on the proposals accordingly.

5.68 It is possible for the HSC's to be revoked by the Hazardous Substance Authority (South Gloucestershire Council) in accordance with Sections 14 or 17 of The Planning (Hazardous Substances) Act 1990. The Council have worked closely with the applicant on this matter. The applicant has provided justification as to why the Hazardous Substance Consents should be revoked, and this has

been considered by the Council. There is a shared understanding that the adjacent sites are no longer operational, and that there are grounds for the hazardous substance consents to be revoked. Whilst this process has been initiated, at the time of writing the revocation of the consents has not been formally presented before Members or determined by the Council. As such, whilst the consents are likely to be formally revoked in the near future, this process has not been formally completed.

5.69 The applicant has therefore agreed to a restriction on any permission granted, which would prevent any of the proposed buildings from being occupied by more than 100 people with no more than 2 occupied floors. This restriction would only be removed once the HSC's at adjacent sites have been formally revoked and the application site subsequently removed from the HSE's inner consultation zone. A condition is therefore recommended which restricts the occupation of the buildings, until such a time that the site is longer situated within the inner consultation zone (through the revocation of the consents). Applying a condition to this effect would accord with the recommendations of the HSE, and would ensure the future safety of the development.

5.70 **Planning Obligations**

Under previous CIL regulations the Council was required to maintain an infrastructure list to which its CIL receipts would be applied, known as the Regulation 123 list. These regulations prevented S106 obligations from making provision for any financial contributions towards infrastructure on the Regulation 123 list. There was also a limit of 5 S106 obligations making contribution towards infrastructure which was not on the Council's list.

5.71 In September 2019 these restrictions were removed through the Community Infrastructure Levy (Amendment) Regulations 2019 ('CIL Regulations'). There is no longer any limit on the number of S106 obligations that can be used for any particular infrastructure, provided the Regulation 122 tests are met. The Council subsequently adopted a CIL and S106 SPD in March 2021. The SPD sets out that the Council will seek site-specific obligations on various measures including towards education, health, and community facilities. Regulation 122 of the CIL Regulations provides three statutory tests to be applied to all planning obligations. It sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

*“(a)necessary to make the development acceptable in planning terms;
(b)directly related to the development; and
(c)fairly and reasonably related in scale and kind to the development”*

5.72 In the case of this application, the planning obligations are summarised as follows.

- Transportation
- Biodiversity
- Public Art

5.73 It is considered that these planning obligations form appropriate mitigation, are necessary to make the development acceptable in planning terms, are directly related to the development, and are in scale and kind to the development. As such, the planning obligations are considered to pass the CIL Regulations, Regulation 122 tests.

5.74 **CIL**

The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015, alongside a CIL Charging Schedule. The SPD was subsequently be amended in March 2021 but the CIL Charging Schedule remains Adopted. This development, if approved, would be liable to CIL charging. The CIL Regulations require any funds from CIL to be spent on provision, improvement, replacement, operation, or maintenance of 'infrastructure'. Infrastructure is defined at Section 216 (2) of the Planning Act 2008, as including (but not exclusively), roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, open spaces.

5.75 **Parish Council Comments**

The concerns raised by Pilning & Severn Beach Parish Council regarding flood risk have been considered, and factored into the flood risk and drainage section of this assessment. In terms of concerns regarding vegetation and habitat retention, these concerns have also been considered and are factored into the overall landscape assessment as well as the overall planning balance.

5.76 In terms of the comments regarding archaeology, conditions are recommended for any decision requiring the full archaeological significance of the site to be investigated. Concerns regarding potential piling at the site have been considered, and this matter is covered in the amenity section. The comments made regarding internal road layout will be considered as part of the detailed design of the proposals at reserved matters stage.

5.77 **Equalities**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.78 With regards to the above this planning application is considered to have a neutral impact on equality.

5.79 **Environmental Impact Assessment**

The submitted Environmental Statement is considered adequate in terms of the level of detail provided, and the key areas of assessment set out within the Statement.

5.80 The ES concludes that the majority of residual environmental impacts of the development identified in the ES, having accounted for the mitigation measures set out within the Statement, are of negligible or minor significance.

5.81 The ES moves on to state that the limited number of impacts which are of greater than minor significance are found in the effects on local landscape character and on the those viewpoints with the clearest views towards the site. These effects are considered to be an unavoidable consequence of the type and scale of development proposed and should be considered in the context of the site being allocated for employment use and that the design of the proposed development responds directly to the requirements of this allocation.

5.82 Officers concur with the conclusions of the ES, in that the majority of environmental effects can be mitigated through a number of measures. Officer also concur that the most significant environmental impact of the development would be on local landscape character; albeit, the impact in this respect is considered to be moderate to significant by officers. Notwithstanding, the submitted Statement is considered adequate and officers are satisfied that the EIA Regulations have been met. The identified residual harm is a matter to be weighed up in the overall planning balance.

5.83 **Overall Planning Balance**

Through the assessment set out above, the impacts of the scheme have been considered in detail, with the identified harm set out within the report

5.84 **Public Benefits**

The NPPG identifies that Public Benefits can be anything that deliver economic, social or environmental progress and be of a nature or scale to benefit the public at large.

5.85 As part of their submission, the applicant has outlined that the development would result in the following benefits:

- The development would bring the vacant site back into active employment use and deliver a range of substantial economic benefits, as noted below:
- 1,481 temporary construction workers, equivalent to 329 full-time equivalent (FTE) direct construction jobs.
- An additional 365 indirect and induced FTE jobs (in addition to the 329 FTE jobs set out above) would be created during the construction period.
- A contribution of £234.3 million in total GVA to the South-West economy from direct and indirect/induced jobs during the construction period.
- Following completion, the creation of 2,941 jobs (equivalent to 2,722 FTE jobs).
- The creation of 1,198 indirect and induced FTE jobs in the South-West, of which 789 FTE jobs would be based in South Gloucestershire.

- A contribution of £126.4 million in direct GVA per annum to the regional economy from direct and indirect/induced job.
- An estimated £55.6 million in indirect and induced GVA per annum, contributed to from the non-residential floorspace. Together with the direct GVA, this equates to a total economic output of £182.0 million per annum – a 1.1% increase in current GVA levels for South Gloucestershire.
- The generation of £5.1 million per annum in additional business rates revenue.

5.86 The economic benefits as set out by the applicant have been appraised by the Council's economic development officers. Officers concur with the above summary of economic benefits resulting from the development, and on this basis have set out their support of the application. Other benefits would also arise from the financial contributions and obligations agreed through the S106 legal agreement, and the generation of financial contributions through CIL payments.

5.87 When considered together, these benefits are considered to hold substantial weight in favour of the proposal.

5.88 Other Material Considerations

The application site is covered by the historic permissions dating from 1957/58, which allow for wholesale commercial development in the Severnside area. As set out earlier in the report, it has been established that this consent would not apply to the previously developed parts of the site. However, the undeveloped parts of the site to the east would benefit from the permission. In theory therefore, the applicant could redevelop the eastern portion of the site without further consent. This is material in that the main harm arising from the development would be as a result of the loss of this area.

5.89 In this respect, the applicant has submitted an alternative potential layout which shows the eastern and western parts of the site developed out separately. Overall, the comprehensive redevelopment of the site through one single permission, as opposed through the hybrid application, would allow for a preferable layout to be achieved, with the full impacts of the development to be considered jointly. The ability of the applicant to develop parts of the site without further consent is therefore a significant material consideration in the assessment of the application.

5.90 Overall Balance

Having carefully considered the weight attached to public benefits, it is officer's judgement that in this particular case, the benefits of the scheme would outweigh the identified harm in relation to the impacts on landscape setting.

5.91 Overall, the public benefits of the scheme resulting from the redevelopment of the substantial vacant site to provide employment uses, together with the planning obligations agreed; whilst also considering the works that could be carried out without further consent, would justify the granting of permission.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to **grant** planning permission, subject to the conditions set out below and the applicant first voluntarily entering into a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- 7.2 Transportation
- Contribution of £436,652 towards pedestrian and cycle infrastructure serving the site.
 - Contribution of £33,856 towards Goldcrest Way capacity improvements.
 - Contribution of £40,000 towards bus stop provision.
 - Contribution of £300,000 towards bus stop services servicing the site **or** provision of a private bus service for the lifetime of the development with details of the size of bus, frequency, and route to be agreed prior to determination of the first Reserved matters Application submitted on the site.
 - Contribution of £1,000 Travel Plan monitoring fee per year for 5 years for each Reserved Matters Planning Application, or each separately occupied building over 10,000sq. m. I.e., if a RM planning application includes more than one building over 10,000sq.m. and they are occupied by separate organisations each building will require its own Travel Plan.
- 7.3 Biodiversity
- Contribution of £467,400 towards Biodiversity Net Gain (BNG).
- 7.4 Public Art
- Contribution of £10,000 to be applied to a public art programme for the Severn beach area to be developed in line with the South Gloucestershire Council Public art and design advice note.

CONDITIONS

1. Outline Details

Details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called the reserved matters) shall be submitted to

and approved in writing by the Local Planning Authority before development on land to which the reserved matters relate commences. Development thereafter shall be carried out in accordance with the approved details.

Reason

To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. RM Submission

Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

3. RM Implementation

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

4. Full Element Implementation

The proposed works for which full permission is sought, comprising land-raising works as shown on submitted plans, shall commence before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

5. Plans

The development shall be implemented in accordance with the approved plans and documents, as set out within the following drawing list:

Site Access Junction 1 - 3282.04E (received 20th January 2023)

Site Access Junction 2 - 3282.05E (received 20th January 2023)

Site Access Junction 3 - 3282.06C (received 20th January 2023)

Site Access Junction 4 - 3282.07C (received 20th January 2023)

Earthworks Layout - 22-8419-SK0001-P5 (received 9th January 2023)

Parameters Plan - 20-055-SGP-ZZ-00-DR-A-111002-P17 (received 15th November 2023)

Reason

For the avoidance of doubt and to ensure that the scheme is implemented in full accordance with the plans submitted and assessed.

6. RM Applications

The details submitted with the reserved matters shall be in accordance with the parameter plans and design principles contained in the Design and Access Statement (October 2021).

Reason

To ensure compliance between the reserved matters details and the outline proposals assessed.

7. Approved CEMP

The approved CEMP 'Construction Environmental Management Plan - Project AXIS, Avonmouth' dated January 2023 shall be fully complied with at all times.

Reason

In the interests of highway safety and the amenities of the area, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP11 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. Narrow Road Signs

Prior to the commencement of development, narrow road signs shall be erected at both ends of the narrow section on Central Avenue in accordance with PEP drawing 3282.31A.

The signs shall be visible to all approaching drivers and any vegetation/fences in front of the signs shall be removed.

The signs shall be retained as such until the narrow section of road is widened to accommodate two-way traffic.

Reason

In the interests of highway safety, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

This is required to be agreed prior to the commencement of development, as the narrow road signs are required in the interests of highway safety during initial earthworks.

9. AEMP

Prior to the commencement of development (with the exception of proposed land-raising works), a site specific Access and Egress Management Plan (AEMP) shall be

submitted to and agreed in writing with the Local Planning Authority. The AEMP as approved by the LPA shall be fully complied with at all times.

The AEMP shall be appended to the Framework Travel Plan and shall include but not necessarily be limited to:

- (i) A methodology for the monitoring of traffic queues on Central Avenue.
- (ii) Provide an annual monitoring report to the Council on the congestion, queuing and any reported road traffic collisions on Central Avenue.
- (iii) Measures to be implemented to manage the departure of vehicles from the site to minimise the traffic using Central Avenue east of the site.
- (iv) Measures to be implemented to address any safety or congestion problems that arise on Central Avenue, which could include physical amendments to the site access junctions and entry/exit arrangements, or re-routing vehicles within the site.
- (v) Temporary measures to be implemented in the event that Central Avenue east of the site is impassable for vehicles.
- (vi) Details of an appropriate contact with responsibility for the monitoring and implementation of measures related to the queuing and safety on Central Avenue.

Reason

In the interests of highway safety, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

10. Ancillary Office Space

The maximum amount of ancillary office space for each unit shall not exceed 10% of the total GFA of that unit.

Reason

In the interests of highway safety, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017). Any proposed variation of these limitations will require further consideration.

11. Travel Plan

Prior to the construction of any building with a GFA of over 5,000sq. m above damp course level, a Full Travel Plan (FTP) relating to the building in question shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan agreed for each building shall then be implemented on first occupation of the respective building.

The FTP shall include but not necessarily be limited to all matters set out in the Approved Framework Travel Plan dated December 2022 and be fully implemented in accordance with the details therein.

Reason

To promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

12. Access

Prior to the occupation of each reserved matters building, the respective vehicle accesses providing access from Central Avenue to the building shall be completed in accordance with the submitted drawings 3282.04E, 3282.05E, 3282.06C and 3282.07C.

Reason

In the interests of highway safety, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

13. MPP

Prior to the approval of any reserved matters application other than for infrastructure (drainage) works, a site-wide Movement Parameters Plan (MPP) shall be submitted to and approved in writing by the Local Planning Authority. The MPP shall include the following details.

- A 3m wide shared foot / cycle path across the Central Avenue site frontage and eastern boundary linking the existing footway on Central Avenue in the west to the permissible path alongside of the rhine in the east.
- A 3m wide shared foot / cycle path link from the internal road network to the Ableton Lane Emergency route connection to the neighbouring site to the west.
- Informal footpaths providing access to the public right of way path to the north of the site.

The MPP shall be completed in accordance with a phasing plan to be submitted to and agreed in writing by the Local Planning Authority with the first Reserved Matters Planning Application.

Reason

In the interests of highway safety and to promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

14. Temporary Bus Stop

Prior to the occupation of the development, a temporary bus stop with a bus turning area shall be provided within the site in accordance with details to be submitted to and approved in writing by The Local Planning Authority.

Reason

To promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

15. Parking Details

Other than for infrastructure (drainage) works, the reserved matters applications shall include details of car (including Electric Vehicle Charging Points) and cycle parking facilities for each unit. The facilities shall then be provided in accordance with approved details prior to occupation of the relative unit.

Reason

In the interests of highway safety and to promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

16. RM Details

Other than for infrastructure (drainage) works, the reserved matters applications shall include details of internal access roads, footpaths, street lighting, surface water drainage, service areas and land reserved for two shelters adjacent to Central Avenue. The approved details shall be provided on-site, so that as each building is occupied, it is provided with access by all modes of travel.

Reason

In the interests of highway safety and to promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

17. Footpath Link

Prior to the occupation of any building, the respective building shall be provided with a footpath link to either the temporary bus stop or one of the permanent bus stops once they are operational.

Reason

In the interests of highway safety and to promote sustainable travel patterns, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

18. Landscape - LEMP

Prior to the commencement development of development, other than land-raising and infrastructure (drainage works), a comprehensive Landscape and Ecological Management Plan (LEMP), covering the operations/period and a subsequent 10 year management period, identifying existing and proposed landscape and ecology, related

site assets, associated management objectives, schedules of annual maintenance works together with longer term management operations shall be submitted to an approved in writing by the Local Planning Authority. The LEMP shall thereafter be adhered to both in terms of the construction of the development, as well as the future management and maintenance of the site.

Reason

In the interests of the visual amenity of the site, surrounding landscape and site-wide biodiversity, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the requirements of the National Planning Policy Framework.

19. Hard and Soft Landscaping

As part of the reserved matters submissions, full details of hard and soft landscaping features shall be submitted to the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. The works shall thereafter be carried out in accordance with agreed details within the first planting season prior to the first occupation of the building or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason

In the interests of the visual amenity of the site, surrounding landscape and site-wide biodiversity, in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies PSP2 and PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), and the requirements of the National Planning Policy Framework.

20. Tree Report

The development shall be carried out in strict compliance with the recommendations set out within the approved Arboricultural Impact Assessment (undertaken by Tyler Grange, Report no. 13215_R06a_JP_CW dated 19th October 2021).

Full Element - the development shall proceed in accordance with the approved Arboricultural Method Statement 3215_P50a (October 2022).

Outline Element - Prior to the commencement of development, other than land-raising and infrastructure (drainage) works, an Arboricultural Method Statement covering the areas not included within the approved AMS shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the long-term health and overall protection of trees, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted

December 2013) and Policies PSP2 and PS3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

21. Mitigation Strategies

The development shall proceed in strict accordance with all recommendations set out within the following ecology reports/mitigation strategies:

- Bat Mitigation Strategy (Report No. 13215_R016b_SRC_CW Rev B, dated 14th December 2022) - Tyler Grange.
- Great Crested Newt Mitigation Strategy (Report No. 13215_R15a_AM_TW Rev A, dated 14th December 2022) - Tyler Grange.
- Water Vole Mitigation Strategy (Report No. 13215_R20b_AM_RR Rev B, dated 15th December 2022) - Tyler Grange.
- Eel Mitigation and Enhancement Plan (Report No. 13215_R018a_SRC_CW Rev A, dated 14th December 2022) - Tyler Grange.

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

22. Bird Nesting Season

Works that involve removing vegetation such as scrub (bramble and shrubs) and trees are to be done outside of nesting bird season (generally March to August inclusive), if this is not possible a suitably qualified ecologist is to undertake a nesting bird check on the vegetation. If nesting birds are present works can commence once all young have fledged. A suitable buffer of a minimum of 5m radius is to be installed if works are required in the surrounding vegetation.

Reason

To protect local wildlife and the ecological interests of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

23. Working Hours

The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the application site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

24. Archaeological Watching Brief

Prior to the commencement of development, including land-raising works within the two key areas of archaeological significance (Severn Farm (Vimpennys Common) and Hook Farm as referred to in supporting archaeological reports), a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

To ensure the protection and proper recording of potential archaeological deposits on the site, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

25. Post Investigation Assessment

Prior to the occupation of all buildings on-site:

(i) A post investigation assessment shall be completed in accordance with a Written Scheme of Investigation to be submitted to and approved by the Local Planning Authority, and

(ii) It shall be confirmed to, and approved in writing by the Local Planning Authority that provision shall be made for analysis, publication and dissemination of results, and archive deposition.

Reason

To ensure the protection and proper recording of potential archaeological deposits on the site, to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

26. Remediation Works Compliance

Excepting remediation works required to be installed within the construction phase (e.g. gas protection measures/clean cover to landscaped areas), the land-raising works shall proceed in accordance with the approved E3P remediation and enabling works strategies for the Brownfield (Report Ref: 14-231-R5-2) and Greenfield (Report Ref: 14-231-R4-2) sectors dated January 2023. Any deviation from the agreed documents would require further submission to and approval by the Local Planning Authority.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

27. Verification of Enabling Works

Prior to the commencement of development, other than land-raising works and infrastructure (drainage) works, a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

28. Ground Gas Monitoring

Prior to the commencement of development, other than land-raising works and infrastructure (drainage) works, a scheme of ground gas monitoring shall be carried out in line with current best practice and guidance and a risk assessment undertaken to identify whether there will be any potential risks to the proposed development. A report setting out findings shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of construction works.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

29. Remediation Strategy

Where potential risks are identified in the report submitted under condition 25, prior to commencement of the construction phase, a remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The programme of the works to be undertaken shall be described in detail. The strategy shall also include details of the methodology that will be applied to verify the works have been satisfactorily completed (verification strategy). The approved remediation scheme shall then be carried out prior to the first occupation of the development.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

30. Verification of Construction

Prior to the first occupation of the development, where works have been required to mitigate contaminants in relation to the proposed construction works, a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

31. Unexpected Contamination

Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, additional remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason

To ensure that any risks posed to the development through historic contamination are identified and mitigated, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

32. Detailed Drainage Strategy

Prior to the submission of any reserved matters applications, a detailed surface water drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority. The detailed strategy shall accord with the outline surface water drainage strategy for the site, as detailed in 'Environmental Statement Appendix 9.2:SuDS Strategy (October 2021).

Reason

To ensure that the overall drainage strategy for the site is acceptable, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017). The development shall be carried out in accordance with the agreed details.

33. Flood Protection

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref Appendix 9.1 FRA dated October 2021) and the following mitigation measures it details:

- Section 5.2 - Finished floor levels shall be set no lower than 7.20 metres above Ordnance Datum (AOD).
- Flood resistance and resilience measures will be implemented as described in Section 5.3.
- Occupants of the site shall sign up to receive flood warnings as per Section 5.4.
- A flood action plan to be prepared as described in Section 5.5.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants and the surrounding area, to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013); Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the provisions of the National Planning Policy Framework.

34. Piling

Piling using penetrative methods shall not be carried out other than with the written consent of the LPA. The development shall be carried out in accordance with the approved details.

Reason

To protect the water environment and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013); and Policies PSP20 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

35. Drainage Systems

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013); and Policies PSP20 and PSP21 of

the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

36. Acoustic Report

The development shall proceed in strict accordance with the submitted Noise Impact Assessment, Ref. 50-267-R1-3 dated September 2021 - produced by e3p.

Reason

To mitigate the impacts of environmental pollution and in the interests of amenity, to accord with Policies PSP8 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

37. Energy Statements

No reserved matters applications comprising buildings shall be approved until a Sustainable Energy Statement for the building(s) in question has been submitted to and approved in writing by the Local Planning Authority. It shall commit to requiring developers to build to Building Regulations and local planning policy compliant renewable energy measures current at the at the time of the commencement of construction of that phase.

The submitted Energy Statements shall accord with the principles set out within the Energy Statement Report (Avlon Works - Rev B - 28th September 2021 - produced by Mainer Associates). The development shall be carried out in accordance with the agreed details.

Reason

To ensure that the development incorporates measures which will minimise CO2 emissions, and can adapt to a changing climate, in accordance with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and Policy PSP6 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

38. HSE Building Occupation

No buildings on-site shall have more than two stories occupied by workers and/or visitors (ground and first floor), and shall be limited to less than 100 occupants per building, until such a time that all buildings fall outside of the HSE's inner consultation zones for major hazard sites.

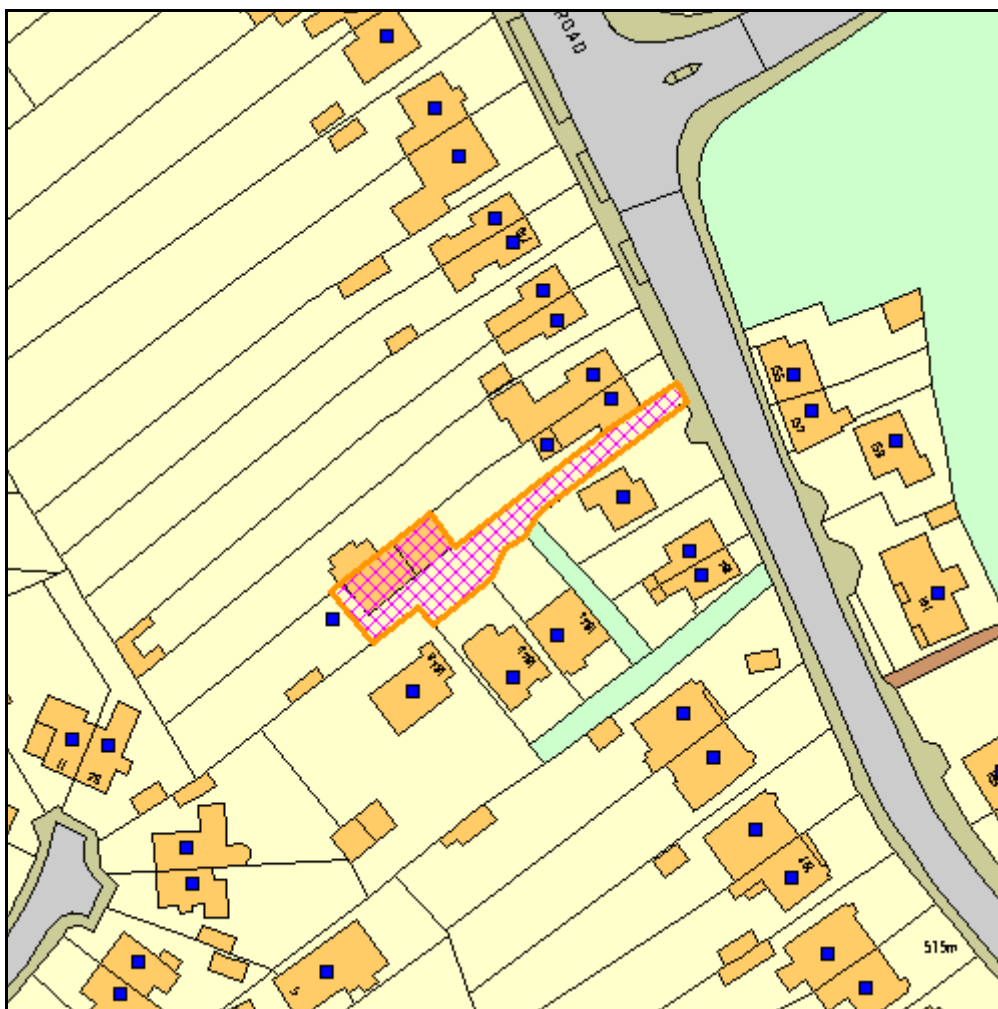
Reason

To ensure the safety of the development and future occupants, to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013); Policy PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and the National Planning Policy Framework.

Case Officer: Patrick Jackson
Authorising Officer: Jonathan Ryan

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P22/05634/F	Applicant:	MR ADAM COMLEY
Site:	178 Bath Road Longwell Green South Gloucestershire BS30 9DB	Date Reg:	3rd October 2022
Proposal:	Conversion of existing garage to form 2no. holiday lets with associated works (retrospective) Re submission of P22/01893/F	Parish:	Hanham Abbots Parish Council
Map Ref:	365961 170848	Ward:	Longwell Green
Application Category:	Minor	Target Date:	17th February 2023



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P22/05634/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council contrary to the officer opinion.

1 THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing garage to form 2 no. holiday lets with associated work.
- 1.2 The application is a re-submission of 2 recently refused schemes reference, P21/06762/F and P22/01893/F. The previous two applications both sought consent for 2 dwellings rather than two holiday lets and were both refused for the same reasons:

Refusal reasons:

- 1. The proposed garage conversion by virtue of its, form, layout, and design is considered to result in a poor quality, cramped development which fails to respect its immediate surroundings. As such, the proposal does not achieve the highest possible standards of design and site planning required and is therefore contrary to Policies CS1 and CS16 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.*
- 2. The provision of limited and impractical private outdoor amenity space results in sub-standard living conditions for future occupiers, to the detriment of their residential amenity. The proposal is therefore contrary to Policies PSP8 and PSP43 of the Policies Sites and Places Plan (Adopted) 2017; and the provisions of the National Planning Policy Framework.*
- 3. Due to the constraints of the site and the proximity of the building to existing neighbours to the southeast and southwest it would result in unacceptable inter-visibility causing harm to the amenity of the current and future occupiers. Furthermore, the proposed rooflights would result in unacceptable overlooking onto the neighbouring property to the north. The proposal is therefore contrary to policies PSP8 and PSP38 of the Policies, Sites and Places plan (Adopted) November 2017; and the provisions of the National Planning Policy Framework.*
- 4. Insufficient information and lack of clarity regarding ecological matters, particularly with reference to bats and birds, is contrary to Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core*

Strategy (Adopted) December 2013; and the National Planning Policy Framework.

- 1.3 The new proposal is almost identical to that previously refused but recognising that an application for a market home will not be supported by the Council, this application seeks permission for two holiday lets instead. The proposed block plan has also been updated so that it matches the site location plan.
- 1.4 The application site relates to an existing garage located within the residential curtilage of 178 Bath Road, Longwell Green. The site is located within the defined east fringe of Bristol urban area.
- 1.5 No. 178 comprises a large, semi-detached property, set towards the front of a substantial plot which extends to a depth of approximately 100m. The erection of a detached dwelling was approved towards the rear of the site (ref: P20/00814/F) and has been constructed. The existing garage proposed for conversion sits between the recently constructed dwelling and the original property.
- 1.6 Application P22/01893/F is currently the subject of a planning appeal. In the Council's statement of case for the appeal, it is conceded that refusal reason 4 has fallen away.
- 1.7 During the course of this application amended elevation plans have been received to accurately and correctly show the position of the rooflights.

2 POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
National Design Guide

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS2 Green infrastructure
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Policies, Sites and Places Plan (Adopted)
November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection SPD (Adopted) 2015 (Updated 2017)

Householder Design Guide SPD (adopted) March 2021

3 RELEVANT PLANNING HISTORY

3.0 **P22/01893/F**

Conversion of existing garage to form 2no. dwellings with associated works.

Refusal: 16/06/2022. This refusal is currently the subject of a planning appeal.

3.1 **P21/06762/F**

Conversion of existing garage to form 2no. dwellings with associated works.

Refusal: 19/01/2022

3.2 **PK16/4032/F**

Conversion of existing garage into 1no dwelling and erection of 1no detached dwelling and associated works.

Refusal: 26/08/2016

3.3 **PK17/2175/F**

Erection of 1no detached dwelling with parking and associated works
(resubmission of PK16/4032/F)

Approve with conditions: 15/11/2017

3.4 **P20/00814/F**

Erection of 1 no. dwelling and associated works.

Approve with conditions: 25/03/2020

4 CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

Object on the basis of poor design, substandard construction and over development

4.2 Sustainable Transport

No objection

4.3 Lead Local Flood Authority

No objection

4.4 Ecology

Ecological enhancements are suggested.

Other Representations

4.5 Local Residents

6 letters of support have been received from local residents expressing the following views -

- Would like to buy one
- Generally happy with the proposal
- An improvement to the eyesore that was there previously
- The work has been undertaken with care
- Has enhanced the outlook from neighbours

1 letter has been received stating neither objection nor support but expressing the following views:

- Planning permission has been refused previously
- The work is unauthorised
- Yellow lines in the area should be extended
- The site is now much tidier

5 ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for a change of use of the outbuilding to form 2 individual holiday lets with associated works. The site is located within the East Fringe of Bristol Urban Area and is contained within an existing residential curtilage. This development seeks to convert an existing garage into 2 separate, 2-bed holiday lets. As such, based solely on the location of the site, the principle of development is acceptable.

However, the impacts of the development proposal must be further assessed to

identify any potential harm. The further areas of assessment are discussed below.

5.2 **Design and Visual Amenity**

As per section 3 above, the site has a long history. Externally, the design of the building is the same as that considered in the most recently refused application subject to appeal. It is noted that the design did not feature as a specific reason for refusal. Rather, the main issue was the resulting development would be cramped and of poor quality due to the layout.

5.3 The constrained nature of the plot does not allow for material alterations to the proposed layout and the previous refusal reason is therefore still relevant.

5.4 The narrow shape and restrictive size of the plot, due to the existing siting of the garage and surrounding built form, leaves the rear elevation of the proposed holiday lets abutting the boundary with the neighbouring property. There would also be a separation distance between the proposed principal elevations and the opposite boundary of just 4m at its nearest point. Furthermore, the area between the principal elevation of the holiday lets and the nearest boundary would be entirely occupied by an access road to the dwelling at the rear of the plot.

5.5 As part of the assessment of this application, a site visit has been undertaken which has allowed the officer to see the site in context. The site does have a somewhat 'intense' feel and in many situations, it is agreed that the development would constitute overdevelopment of the site. That said, this proposal is now for holiday lets rather than dwellings. Holiday lets are likely to be occupied in a much less intensive manner than a dwelling (for example being vacant for periods). Occupants of a holiday let are clearly only at the property for a short period rather than being occupied on a permanent basis. This influences the external paraphernalia that is usually found at a dwelling - the lets are likely to remain simple and un-cluttered rather than personalised. The change from dwelling to holiday let is modest but on balance, just sufficient to tip the balance. Given the different way that holiday lets are occupied and used compared to dwellings, on balance, it is accepted that the site can accommodate the works.

5.6 **Residential Amenity**

Policies PSP8 and PSP38 of the PSP Plan (November 2017) state that development proposals will be acceptable provided they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties.

5.7 The application states that the rooflights are 1.7m above floor level but the elevations as submitted did not show this to be the case. This was queried during the course of the application and it was identified that the elevation plans were incorrectly drawn – they showed the roof lights at a much lower level. As

shown on the originally submitted plans (and as per the plans subject to appeal), the low level rooflights would have been a cause of concern. To remedy this, a revised elevation drawing was submitted that shows the rooflights in their correct position. The case officer undertook a site visit to a) check the height of the roof lights above floor level and b) look out of the rooflights to see the extent of the overlooking of neighbours. Due to the height of the rooflights, there is a very limited possibility of overlooking from the rooflights. This is corroborated by the case officer who stood in the rooms and tried to look out of the rooflights. As such, concerns over unacceptable inter-visibility and overlooking have been successfully (though this doesn't affect the current appeal which seeks to consider the impact of the roof lights set much lower in the roof slope).

- 5.8 The outlook from the proposed living space for both units is restricted. The distance from the living room window to the boundary opposite is approximately 4m, and the side doors would be just 2m from the boundary serving the proposed side amenity space. To enable adequate privacy levels the boundaries are 1.8m, however in turn this significantly limits the outlook from openings and restrict natural light.
- 5.9 Furthermore, Policy PSP43 of the PSP Plan states that private amenity space should be of a sufficient size, safe and of a functional shape to meet the needs of the likely number of occupiers; a 2 bedroom dwelling should meet or exceed 50m². The proposed private amenity space, located to the side of each dwelling, consists of a small rectangular shaped area approximately 9.2m² in area. However, this application is for occupation as a holiday let only. Holiday lets are occupied in a very different manner to dwellings and the outdoor space requirements are very different. A holiday let for example may require space for outdoor seating and a BBQ, but would not reasonably require washing lines, sheds, play equipment etc. Subject to a condition to ensure that the units are used only as holiday lets and not for permanent residential occupation, on balance the level of amenity afforded is acceptable.
- 5.10 For the avoidance of doubt, permitted development rights will be removed to ensure that the impact on future holiday makers and existing neighbouring residents remains acceptable.
- 5.11 Overall, the proposed conversion of the garage to 2 x holiday lets is considered to have an acceptable impact on the living conditions of the neighbours and future occupiers
- 5.12 Ecology
The work has already been undertaken and thus it is not possible to undertake ecological surveys. In lieu of this, a condition securing ecological enhancements will be attached.

5.13 Transport

4 parking spaces are proposed which is sufficient to meet the needs of the holiday lets. There is enough space within the layout for cars to turn within the site and access Bath Road in a forward gear. Subject to the attachment of a condition requiring electric vehicle charging points, there is no objection from a transportation perspective.

5.14 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.15 With regards to the above this planning application is considered to have a neutral impact on equality as it does not impact on any protected characteristics.

6 CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7 RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions on the decision notice.

CONDITIONS

1. The use hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended). Though the physical works have already commenced, the use has not yet started hence the need for the time limit condition.

2. The residential units hereby approved as for holiday lets shall not be occupied other than for purposes of holiday accommodation and shall not be let to the same person(s) for more than 28 days in any calendar year, in accordance with written records of letting and occupier's home address details which are to be kept and made available for inspection by the Local Planning Authority if requested

Reason

The development has been found to be acceptable on the basis of holiday accommodation only due to the constrained nature of the site and limited outdoor space. Unrestricted C3 dwelling may otherwise be unacceptable due to conflict with planning policy.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In light of the sensitive location and constrained nature of the site, this condition is necessary to ensure any impacts on neighbouring residents and future occupiers are able to be carefully considered by the local planning authority and so that control over such development can be retained.

4. Prior to the first occupation of either unit as a holiday let, a plan detailing the location and specifications of ecological enhancements shall be submitted to the local authority for written approval. This includes, but is not limited to, bat and bird boxes. Development will be carried out exactly in accordance with the agreed details within 6 months of first occupation.

Reason

As this is a retrospective application, pre-commencement surveys cannot be undertaken. Rather, mitigation measures shall be implemented to comply with the requirements of policy PSP19 of the Policies Sites and Places Plan (Adopted)

5. The holiday lets shall not be occupied until the car and cycle parking arrangements have been provided in accordance with the submitted details.

Reason

In the interest of highway safety, to promote sustainable travel and to accord with policies PSP11 and PSP16 of the Policies Sites and Places Plan (Adopted)

6. The holiday lets shall not be occupied until two covered and secure cycle parking spaces have been provided for the existing dwelling and 7Kw 32 Amp Electric Vehicle Charging Points have been provided for each holiday let.

Reason

To promote sustainable travel and to accord with policy CS8 of the Core Strategy (Adopted)

7. The development hereby permitted shall take place in accordance with the following plans:

Received by the Council on 26th Jan 2023:
Rev E - Proposed Elevations

Received by the Council on 30th Dec 2022:
Rev C - Existing and Proposed Block Plan

Received by the Council on 23rd September 2022:
Site Location Plan
Proposed Floor Plans
Existing Plans

Reason

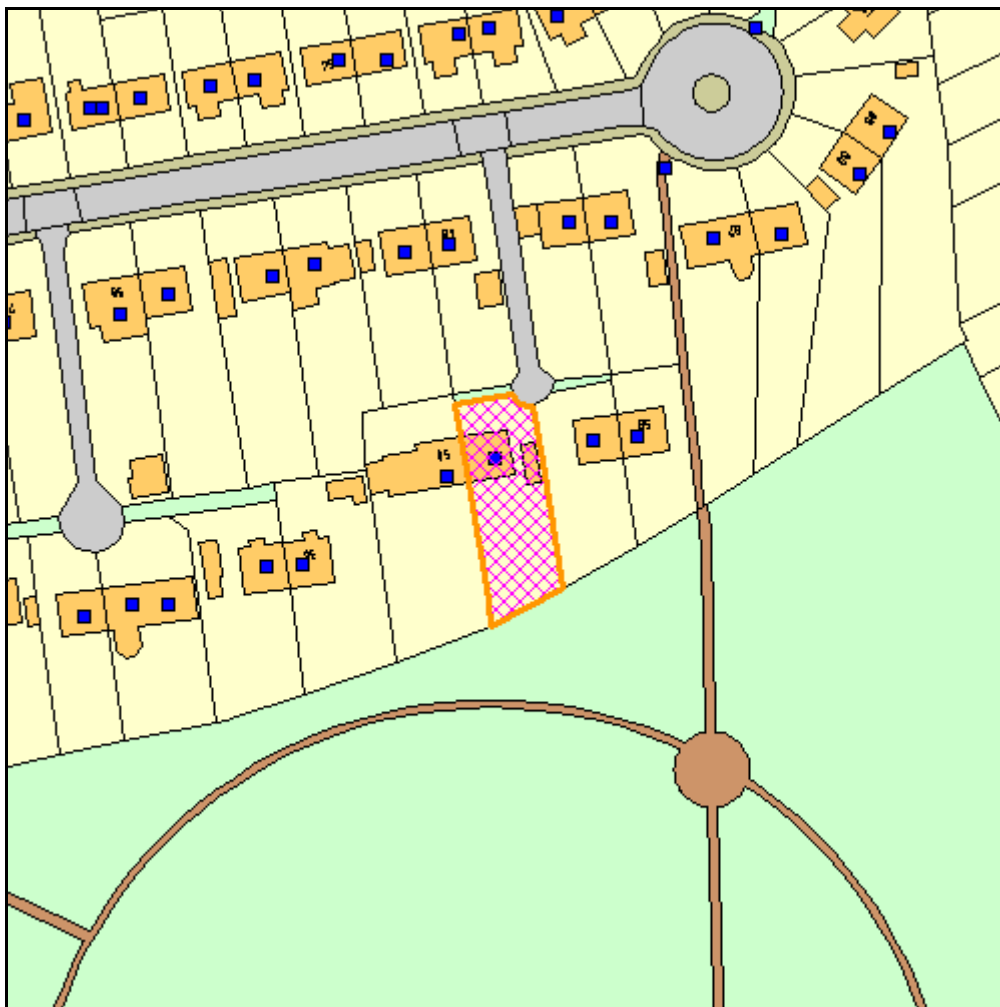
To define the terms and extent of the permission.

Case Officer: Marie Bath

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 05/22 -3rd February 2023

App No.:	P22/06611/F	Applicant:	Andrews Capital Ltd Andrews Capital Ltd
Site:	52 Gayner Road Filton South Gloucestershire BS7 0SW	Date Reg:	24th November 2022
Proposal:	Erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (resubmission of P21/06303/F) (Part retrospective).	Parish:	Filton Town Council
Map Ref:	360196 178458	Ward:	Filton
Application Category:	Minor	Target Date:	13th February 2023



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P22/06611/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule due to over 3 representations and the Town Council comments contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Originally this application sought permission for the installation of a hip to gable roof extension and 1 no. rear dormer, and erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 At the applicant's request however the application has now been amended to omit the roof extension and dormer, so the proposal is for the erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis).
- 1.3 The application is part retrospective as the extension works have largely been carried out already under permitted development. Also since the application was submitted, revised cycle and car parking details have been submitted. No reconsultation was carried out as these matters would not have materially changed the objections received.
- 1.4 Two off- street parking spaces would be provided, one to the front and one to the side of the dwelling. Cycle and bin stores would be provided to the rear of the property. The application includes a parking survey.
- 1.5 The application is a resubmission following the dismissal at appeal of two previous applications for HMOs at this property, no.52. The differences between the current application and the two appeals are as follows:
 - New parking survey submitted
 - No longer parking spaces proposed in the rear garden
 - Total of 2 parking spaces now proposed to the front and side (previously 4 spaces proposed to the rear)

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

Householder Design SPD (Adopted 2021)

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: Guidance for new developments SPD (Adopted) 2015

Houses in Multiple Occupation SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

52 Gayner Rd

P21/06303/F - Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to **8** people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

52 Gayner Rd

P21/06543/F-Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to **9** people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

54 Gayner Road

P21/05867/F -Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to a **9** bedroom house in multiple occupation (HMO) for up to 9 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

54 Gayner Road

P21/05761/F- Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to an 8 bedroom house in multiple occupation (HMO) for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

54 Gayner Rd P22/06662/F – As above 8 people- CURRENT.

54 Gayner Rd P22/06657/F– As above 9 people- CURRENT.

29 Gayner Road

P21/04408/F- Erection of single/two storey rear extension and hip to gable roof extension with rear dormer, to facilitate change of use from residential dwelling (Class C3) to 8no. bedroom HMO for up to 8no. people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), Extension of existing vehicular access with parking, erection of bin and cycle store and associated works. Permission GRANTED September 2021.

11 Gayner Rd

P21/02729/F &-Bed HMO, approved 2021.

4. CONSULTATION RESPONSES

4.1 Filton Town Council – Objection.

Contrary to the recently adopted SPD which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has a 11.2% concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.

Concerns of the accuracy and detail in the parking survey highlighting the timings the photographs were taken and a disabled bay being used as a public space.

The new cadets build going on behind these properties are highlighting Gayner Road available parking to their users, so will already be overused at their opening times.

Access to emergency vehicles and refuse lorries have very limited access to these properties. There will be a lack of privacy to the neighbouring houses and the additional traffic between the houses will causes distress on the residents.

Overdevelopment. Concerns of the pressure on the sewage system.

Transportation DC –

Original Comments:

Parking

The proposed 8 person HMO requires 0.5 car parking spaces per bedroom. I.e. a total of 4 parking spaces to be provided either on-site or on-street. The proposal includes 2 on-site car parking spaces. The remaining 2 spaces would need to be accommodated on Gayner Road within 200m of the site to accord with the Council's HMO Parking Technical Advice Note (TAN). Parking surveys have been submitted in support of this Application and two other applications submitted at the same time. One for an 8 bedroom HMO at 54 Gayner Road and another for a 9 bedroom HMO at 54 Gayner Road. The surveys indicate that 15 car spaces were available in the evening between 20:00 and 20:12 on Tuesday 8th November and a minimum of 16 spaces were available between 11:00 and 12:37 on Saturday 19th November. **The timing of the surveys accords with the TAN, however only the Saturday surveys have been supported with the photographic evidence and a plan required by the TAN. I am therefore unable to verify the weekday evening survey.**

Access

The site is accessed via a narrow 2.5 m wide backway some 40m long. It is straight and you can see from one end to the other. Street lighting is provided. There is a small turning area outside of nos. 52 and 54 suitable for a car or small van. Waste and recycling is currently collected from the four dwellings at the end of the back way with one of the Council's smaller vehicles. Use of this access by all modes of travel including the waste collection vehicle for the two 8/9 bedroom HMO's was considered acceptable by the Appeal Inspector.

Cycle parking.

The stands in the cycle store should be located 1m apart with 0.5m between the end stands and the outside wall. Revised details should be submitted or alternatively covered by a suitable condition. Electric Vehicle Charging Point. This should be 7Kw 32 Amp. Again, this could be covered by a condition.

Final Comments

I refer to the revised details posted on the 17th January and the revised parking survey submitted on the 20th January.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

I recommend no Transport objections subject to conditions requiring cycle parking for 8 cycles , and the provision of car parking spaces (including a 7Kw 32 Amp Electric Vehicle Charging Point) have been provided in accordance with the submitted details.

Other Representations

Local Residents

Letters have been received from 9 local residents, objecting to the application on the following grounds, in three main categories:

Density of HMOs

-No 11 can be considered inside the 100m radius which means there would be 6 HMOs (11, 15, 29, 52 and 54) without accounting for the high number of multiple occupancy houses not officially named HMOs. With 42 total dwellings in total within that zone, this would easily surpass the maximum guidance.

-With regards to sandwiching: if No 52 and No 54 are converted into HMOs, then No 46 and No 48 would be sandwiched between No 52, 54, 29 and 31. No 50 and No 56 would be sandwiched by No 52 and 54 as they would box them in and would require them to pass those HMOs to and from their house.

-This development and the co-development of 54 Gayner Road will mean that it will be a road in which 50% of the houses are houses in multiple occupation and that is in breach of local planning policy.

-My property is being sandwiched between 4 HMOs; 9 and 6 beds from the front and 8 at No52 and then 8 others at No54 from the back

-The lane is a sub street of Gayner Road. It consists of four houses down a lane. If planning is granted in respect of 52 Gayner Road that will mean that 25% of the houses in the road will be HMO's if planning is also granted in respect of 54 Gayner Road that will mean that 50% of the properties in that road are HMO's. This is contrary to the Council's HMO SPD.

Highway Safety and Parking

-The lane is not suitable for 8 people trying to drive up it (as opposed to 1 car with 1 family

-Parking survey takes into account spaces that are over 100m away.

-Increase of vehicles on single track lane

-Difficulties for emergency vehicles to access the property down the lane

-Omissions in the traffic survey as only Saturday morning is evidenced

-Additional traffic in the area will be detrimental to the area

-The width of Gayner Road is 5.5 meters. It is not wide enough for cars to be parked on each side.

-There are 74.4 cars in the ownership of householders in Gayner Road, but only 31 on street car parking spaces

-The inspector did not acknowledge unreported accidents

-Overspill parking from St Theresa church

-Increased traffic on the lane would be a highway danger

-Even though there are 2 parking spaces, this will not prevent more cars tuning into the lane to seek a car parking space

-Parking survey is not independent

-The Inspector concluded that the lane was safe, however I have seen numerous incidents on it, albeit it not resulting in physical harm

-Vehicles will need to reverse onto Gayner Rd

Residential Amenity

- The area has a strong community spirit, which would be diluted
- It will be more noisy than a family and could be up to 16 people are double beds are shown
- Increased smell from refuse
- I do not accept that the appealed decision established that the proposal was acceptable in all regards except the impact on the living conditions of neighbouring properties, due to the provision of parking within the rear garden. What the appeal decision states is that the inspector was not convinced on the other factors
- The appeal decision only deals with the reasons for refusal, and not other issues that might be pertinent
- Overshadowing and lack of privacy - all bedrooms at the rear of the property will have a direct view into our property.
- Loss of privacy from occupants walking down the lane and looking into properties- up to 17 people if include no. 54
- Backland development
- Covenant on the property preventing anything that would harm house values
- No party wall agreement
- Detrimental impact on the quality of the life of the residents
- Increase in number of transient residents
- Increase in sewage – system is already at capacity

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues to consider are whether the reasons for the appeals being dismissed have been satisfactorily dealt with by this resubmitted application. It is noted that some local residents consider that other issues could still be relevant, however officers are satisfied that the previous refusal reasons covered all issues thoroughly and therefore there is no need to reopen issues that were previously considered acceptable. To do so would put the Council at risks of costs. However it is important to also consider whether there have been any changes in circumstances since the previous Council decision and Inspector's decision. This is particularly relevant in the consideration of residential amenity and the density of HMOs.

5.2 Inspector's Main Findings

- Previously it was proposed to provide four car parking spaces in the rear garden of the property. The Inspector agreed with the Council that occupants of the adjacent dwellings could reasonably expect a degree of peace and tranquillity within their rear garden. The creation and use of the parking area, would result in noise and disturbance, including from doors closing, engine noises, radios and tyre squealing, including from manoeuvring. Driveways and garages beyond a rear elevation may not be uncommon, but it is not usual for vehicle parking to take place over much of the depth of a rear garden.
- The inspector agreed with the Council that the parking survey was inadequate.
- The Inspector disagreed with the Council regarding the safety of using the long and narrow accessway from the main part of Gayner Road. The

accessway is not wide enough for vehicles to pass pedestrians, cyclists or one another, with no publicly available refuge points along its length. The Inspector concluded that whilst any conflicting movements within the accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.

- The Inspector disagreed with the Council regarding the difficulties of waste collection

Hence the main issues to consider are whether the new parking survey is satisfactory, and whether the on- site parking provision is sufficient and suitably located.

5.3

Transportation

Parking

The proposed 8 person HMO requires 0.5 car parking spaces per bedroom. i.e. a total of 4 parking spaces to be provided either on-site or on-street. The proposal includes 2 on-site car parking spaces. The proposed two on – site car parking spaces are to the front and side of the dwelling, therefore there is no harm to residential amenity that would have arisen from the previous proposal to locate the parking spaces in the rear garden.

The remaining 2 spaces would need to be accommodated on Gayner Road within 200m of the site to accord with the Council's HMO Parking Technical Advice Note (TAN). A fresh parking survey has been submitted in support of this application (and the two other applications at No. 54 submitted at the same time - an 8 bedroom HMO at 54 Gayner Road and another for a 9 bedroom HMO at 54 Gayner Road). The parking surveys indicate that 15 car spaces were available in the evening between 20:00 and 20:12 on Tuesday 8th November and a minimum of 16 spaces were available between 11:00 and 12:37 on Saturday 19th November.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

5.4

Access

The site is accessed via a narrow 2.5 m wide backway some 40m long. It is straight and you can see from one end to the other. Street lighting is provided. There is a small turning area outside of nos. 52 and 54 suitable for a car or small van. Waste and recycling is currently collected from the four dwellings at the end of the back way with one of the Council's smaller vehicles. Use of this access by all modes of travel including the waste collection vehicle for the two 8/9 bedroom HMO's was considered acceptable by the Appeal Inspector. The appeal decision noted that whilst any conflicting movements within the

accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.

Cycle parking.

Revised plans have been submitted indicating the stands in the cycle store located 1m apart with 0.5m between the end stands and the outside wall. An electric vehicle charging point is required- a 7Kw 32 Amp. This could be covered by a condition.

5.5

Transport Conclusion

The recent appeal decision relating to this property concluded that the parking survey was inadequate. The new parking survey submitted with the current application now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces. There were no other transport issues that the appeal was dismissed on, therefore there is no transport objection to the current application. It is noted that a number of local residents are concerned about the other transport issues, however the very recent appeal decision on the application property is a significant material consideration for the decision maker. Subject to conditions requiring the provision of car and cycle parking on site, together with an electric vehicle charging point therefore, there are no highway objections to the application.

Residential Amenity

- 5.6 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.7 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.8 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. Additional Explanatory Guidance 1 of the recently adopted Houses in Multiple Occupation SPD (Adopted) 2021 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:

- *Whether any dwelling house would be ‘sandwiched’ between two licensed HMOS, or,*
- *Result in three or more adjacent licensed HMO properties. **This is complied with as there are only two adjacent to each other should planning permission be granted for No. 54.***

5.9 *Sandwiching*

It is noted that a number of residents have stated that the proposal will result in sandwiching, when taking into account the other current applications for an 8 and a 9- bed HMO at No.54, which is next door to the current application at 52.

To clarify the definition of sandwiching, the SPD states:

For the purposes of the SPD, an ‘adjacent property’ is therefore considered to be any property that shares one or more boundaries with the application boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining. ‘Sandwiching’ situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. ‘Sandwiching’ is unlikely to occur across separating roads.

Whilst the two HMO application sites are next door to each other, they do not both share a boundary with another (non- HMO) dwelling. There is therefore no sandwiching of any other properties.

Some local residents have stated that because Nos 29 and 31 Gayner Rd are licenced HMO,s then this would mean that Nos 46 and 48 would be sandwiched between these properties and the current proposals at Nos 52 and 54. This is incorrect however as 29 and 31 are across the road- an adopted highway- from 46 and 48, therefore they do not share a boundary.

Concentration of HMO’s in the locality

- 5.10 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.11 Policy CS17 does not define what is meant by ‘mixed communities’ in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council’s housing delivery targets.
- 5.12 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already

experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.

- 5.13 SPD Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where **licensed HMO** properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.

- 5.14 **For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.**

- 5.15 In the case of 52 Gayner Road, HMO properties currently represent: **3.6%** of households within the Census Output Area, (it was 2.9% at the time of the previous application and appeal on this site); and

4.9% of properties within 100m radius (it was 2.7% at the time of the previous application and appeal at this site). There are 41 properties, 2 of which are licenced HMOs – Nos 29 and 31 Gayner Road.

It is noted that Filton Town Council have stated that this 'area' of Filton has an 11.2% concentration of HMOs. This however is a fundamental misunderstanding of the Council's SPD which relates only to **licenced HMOs within a census output area.**

HMOs rented to 4 or less people from more than one household do not need a licence. These are not included in the SPD calculations because it is more akin to a single family household size, and hence why are excluded from the Governments licencing requirement.

The principle of change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.

- 5.16 In regards to the proposed extensions, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Impact on the character of the area.

- 5.17 The application is proposing two storey and single storey rear extension to facilitate the change of use to a 8no. person HMO. The extensions have been

included in the description of development (to show how additional living space is achieved) however it is of significance that the extension falls within the permitted development rights and does not need consent in its own right.

It is considered that the proposed two storey flat roofed extension to the rear would fail to integrate with the existing character of the dwelling, contrary to good design principles, and the Council's Householder Design SPD. Notwithstanding these officer concerns, these aspects of the proposal are permitted development.

Other Residential amenity issues

- 5.18 As already set out, the principle of the change of use is not considered to significantly impact upon residential amenity.
- 5.19 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m² amenity space. Using this standard, 8 x 1bed. flats would require 40m² amenity space. The rear garden would be able to accommodate this, and as such is considered that sufficient private amenity space would be provided for future occupants.
- 5.20 The physical alterations to the property stated in the applicant's supporting information, which include a two storey and single storey rear extension are all permitted development. Hence these aspects are not part of the current planning application and cannot be considered by the local Planning Authority, although it is noted that at 3m in depth, and set in from the boundary with the adjoining dwelling by 2.0, the two storey rear extension would be unlikely to cause a significant overbearing effect on the neighbouring occupants.

It is noted that some local residents have raised loss of privacy as a concern, however there are no side windows to habitable rooms on the proposed extensions, and it is not considered that there would be any significant concerns in respect of privacy arising from an intensified use of the property. Local residents have also raised concern over new occupants looking into their gardens whilst walking down the lane, and looking out their windows. Occupants/previous occupants of Number 52 and 54 would have been able to do this, therefore there are no material planning considerations in this.

The application is therefore acceptable in terms of residential amenity.

- 5.21 Waste and Recycling
Despite the LPA's concerns the Inspector did not agree that this would be a problem. The constraints of the accessway and its small turning area mean that waste and recycling from the existing dwellings cannot be undertaken by standard collection vehicles. Instead, collection is made by a smaller vehicle with restricted capacity, the availability of which is limited. Each proposal (52 and 54) would increase the amount of waste generated compared to existing, but there was no substantive evidence that this increase would require a larger vehicle to be used, for which there would be insufficient space here. Instead, the increase would be likely to require greater use of the existing smaller

collection vehicle, for instance requiring it to make additional trips to the waste and recycling centre.

The reduction in its availability, and the addition to carbon emissions from additional movements to the centre, would in the Inspector's view be relatively small, and would take place in a road where smaller vehicles are already used. As such, collections would not be significantly affected, and highway safety would not be compromised. The proposal would therefore not be harmful to waste and recycling collections locally. On this basis the requirements of South Gloucestershire Core Strategy Policy CS1 would be met, that sufficient waste provision is designed-in for recyclable materials, for the collection of these and other waste, subject to a condition requiring the provision of bin storage facilities as shown on the submitted plans. The similar requirements of the Framework would also be met, as would that of the Waste SPD, that vehicle access is suitable for the Council's collection.

5.22 Other matters

Other matters raised regarding students and transient residents changing the community feel are not material to the determination of this application.

The restrictive covenants, and party wall issues, whilst they may be valid, are legal issues and not material to the planning process.

Capacity of the sewage system similarly is not material considering that 6 unrelated people could live together without needing planning permission.

Consideration of likely impact on Equalities

- 5.23 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be **GRANTED**.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall not be occupied as an 8no. bedroom (for 8no. people) HMO (Sui Generis) until the 2 off street car parking spaces, and cycle parking arrangements for 8 cycles, have been provided in accordance with the submitted details, and shall be retained as such thereafter.

Reason:

In the interest of highway safety, the provision of satisfactory levels of parking and in the interests of promoting sustainable travel options, in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The development shall not be occupied as an 8no. bedroom large HMO (Sui Generis) until a minimum of one 7Kw 32 Amp Electric Vehicle Charging Point has been provided. This shall be retained as such thereafter.

Reason:

In the interest of promoting sustainable travel options and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The development shall not be occupied as an 8no. bedroom large HMO (Sui Generis) until the bin storage area, as shown on the submitted details, has been provided. This shall be retained as such thereafter.

Reason:

In the interests of the amenity of the area, South Gloucestershire Core Strategy Policy CS1 and Waste Collection: Guidance for new developments SPD (Adopted) 2015

5. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Existing and Proposed Block plans 3955.PL2.02 Rev G. Received 1.2.23

Proposed plans and Elevations PL2.04 Rev F. Received 17.1.23

Existing plans and Elevations PL.03. Received 22.11.22

Reason:

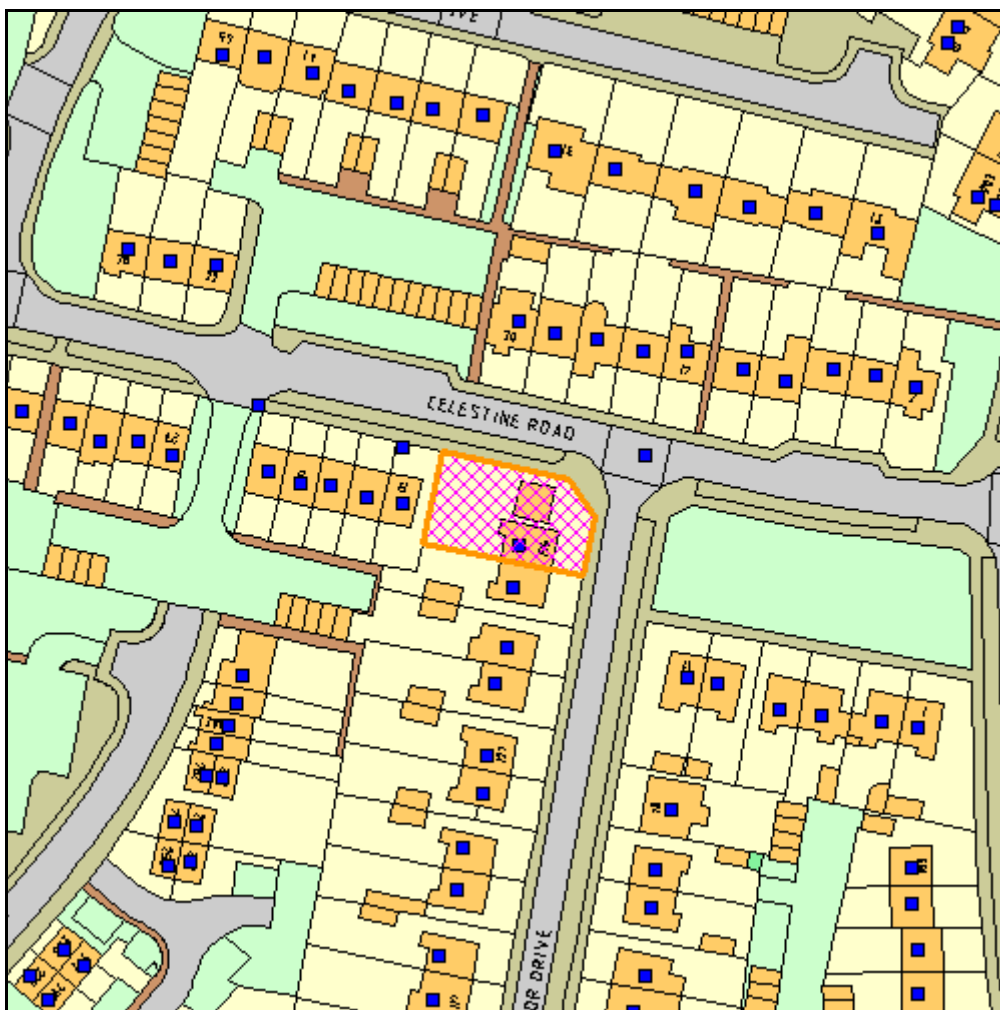
To define the terms and extent of the permission.

Case Officer: Helen Ainsley

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P22/06644/F	Applicant:	Mr M Taylor
Site:	135 Windsor Drive Yate South Gloucestershire BS37 5DX	Date Reg:	25th November 2022
Proposal:	Demolition of garage. Erection of 1 no. detached dwelling, 1 no. detached garage and associated works (Resubmission of P22/01605/F).	Parish:	Yate Town Council
Map Ref:	370543 183187	Ward:	Yate North
Application Category:	Minor	Target Date:	3rd February 2023



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100023410, 2008.

N.T.S.

P22/06644/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR REFERRING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of a representation from Yate Town Council objecting to the proposal, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the demolition of the existing garage and erection of 1 no. detached dwelling with associated works. This application is a resubmission of a previously withdrawn planning application under reference P22/01605/F).
- 1.2 The proposed site for the new dwelling is sited within the residential curtilage of 135 Windsor Drive and is situated in the settlement boundary within Yate. The site comprises the existing residential dwelling, detached double garage and associated gardens.
- 1.3 Throughout the course of the application process, amended plans have been submitted to the Council following concerns regarding the proposed finishing materials of the new dwelling. This assessment is therefore made on the basis of these revised plans and will be discussed further within this report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance

- 2.2 Development Plans
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

- | | |
|-------|--|
| PSP1 | Local Distinctiveness |
| PSP8 | Residential Amenity |
| PSP11 | Transport Impact Management |
| PSP16 | Parking Standards |
| PSP37 | Internal Space Standards |
| PSP38 | Development within Existing Residential Curtilages |
| PSP43 | Private Amenity Space Standards |

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Householder Design Guide SPD (Adopted) March 2021
Residential Parking Standard SPD (Adopted) December 2013
CIL and S106 SPD (Adopted) March 2015
Waste Collection SPD (Adopted) January 2015 (updated March 2017)

3. **RELEVANT PLANNING HISTORY**

- 3.1 **P22/01605/F (Withdrawn – 05 November 2022)**
Demolition of garage. Erection of 1 no. detached dwelling with associated works.
- 3.2 **PK04/0357/F (Approved – 03 March 2004)**
Erection of rear conservatory
- 3.3 **P93/1781 (Approved - 16 August 1993)**
Erection of double detached garage (in accordance with amended plans received by the council on 27 July 1993 and 11 August 1993)
- 3.4 **P87/1992 (Approved - 05 August 1987)**
Erection of boundary wall approximately 2 metres in height.

4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council
We are concerned about the scale of this development and the tightness of the corner site, the design which provides for a loft conversion in due course. The tightness of the parking for the two dwellings.
- 4.2 Coal Authority
The Coal Authority notes that this application represents a resubmission of P22/01605/F but that the Coal Mining Risk Assessment (dated 8 September 2022) from T&P Regen Ltd has not been resubmitted, which did enable us to withdraw our objection to that planning application. The Coal Authority does therefore not wish to raise any specific observations and would reiterate our comments of 22 September 2022 in response to that planning application, which remain valid in respect of this application (i.e. no objections).
- 4.3 Sustainable Transport
The applicant is seeking to demolish an existing double garage and to replace it with a new dwelling together with other associated works including parking. The application is resubmission of the previous application P22/01605/F to which no highway objection was raised.

The main transportation issue is the provision of parking for both the existing and for the new house. Based on PSP16, parking requirements for 1-bed dwelling is one space, 1.5 spaces for 2-bed and 2 spaces are required for 3 and 4-bed dwellings. On the basis that the existing house is 3-bed and the proposed new house is a two-bed then, total of three spaces are required for

the development. Plans submitted with this application show three parking spaces being in the front of the properties - two parking spaces to be allocated for the existing house and one space for the new house. The proposed level of parking being provided meets the Council's parking standards and as such, it is considered acceptable. Notwithstanding this, it is recommended that orientation of the parking space for the new house to be reviewed so that the parking spaces are perpendicular to the road.

The applicant further intends to construct new accesses creating additional parking area for both properties from Celestine Road. The new access from Celestine Road would affect the existing grass verge. In this content, the applicant is advised that removal of a large area of grass verge (to create vehicular access) may not be supported by the Council's Street-care department on ecological ground and as such, the applicant should first consult with the Council's StreetCare department in this respect.

In view of all the above-mentioned, there is no highway safety or transportation objection to this application although we recommend the following condition, 1) The development shall not be occupied until the access and parking (plus one 7Kw 32 Amp electric vehicle charging point per dwelling, and cycle store) arrangements from Windsor Drive have been completed in accordance with the approved details. 2) No vehicular access from Celestine Road shall be constructed until the applicant has first agreed the details of such access with the Council's Street-Care department.

4.4 Lead Local Flood Authority

No objection.

4.5 Residents

No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission is sought for the demolition of the existing garage within the curtilage of the site at 135 Windsor Drive, and the erection of 1no. detached two storey dwelling with associated works. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within defined settlement boundaries. The application site is situated within the settlement boundary of Yate and the principle of development is therefore considered acceptable based on location.

5.2 The impacts of the development proposal must be further assessed (against the relevant policy) in order to identify any potential harm. For this type of development, the assessment includes the effects on; design, residential amenity, and the parking/transport network.

5.3 The proposal itself seeks to demolish the existing detached double garage on site, in replacement for a 3no. bedroom two storey dwelling on the plot in approximately the same siting at the existing garage. The existing garage is

approximately 36sqm in footprint, whilst the proposed dwelling would have a ground floor footprint of approximately 70sqm and would comprise 3no. bedrooms, kitchen and living space and bathroom and utility.

5.4 Design & Visual Amenity

Policy CS1 of the Core Strategy states that development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Furthermore, policy PSP38 of the Policies, Sites and Places Plan expresses that development within existing residential curtilages, including extensions and new dwellings, will be acceptable where they respect the character and appearance of the host dwelling and existing street scene by taking into account building line, form, scale, proportions, architectural style, landscaping and use of materials. The policy also underlines the importance of development within residential curtilages and the impact that this has on residential amenity, and that development should not prejudice the private amenity space or the amenity of neighbours.

5.5 The proposed dwelling would be located adjacent to the existing dwelling at No. 135, similar to the positioning of the existing detached garage and would be in line with the building line of the street scene. The proposal would seek to utilise an existing underused structure for the use of accommodation within a built-up residential area. The proposed unit would be smaller in scale than its surrounding neighbours on Windsor Drive with regards to its frontage, but similar to properties sited on the adjoining Celestine Road. The proposed dwelling is found to be proportionate to the plot that it would sit within as well as the surrounding context. The design itself is found to present an element of integration between existing and proposed built form and would be sympathetic to the host property and its surroundings and would also be similar to that of the existing garage, meaning that impact to visual amenity is mitigated in this respect.

5.6 In terms of materials, revised plans have been submitted which present a facing brick and render finish. This type of finish and appearance is found to be similar to that of the properties on Windsor Drive, and also Celestine Road. Given the visibility of the proposed dwelling on the corner plot, the case officer is of the view that these materials would therefore integrate well with the host dwelling at No. 135, as well as the neighbours which sit perpendicular on Celestine Road. This would also have a similar appearance to that of the garage which is currently in situ and presents a facing brick and render finish, therefore reducing any harsh or significant change to the existing street scape.

5.7 Concerns from the Town Council are noted with regards to the tightness of the proposed dwelling on this plot. Whilst appreciated that the development would result in an increase of built form on the plot, the plans show that the building has been designed in such a way which demonstrates the dwelling is proportionate and subservient to the plot it sits upon and its setting. Whilst the dwelling would sit on a rather prominent corner plot, the site is currently occupied by built form by way of the existing garage. There is unlikely to be any impact to visual amenity in this respect. Its siting on this generous corner plot is also believed to assist in the new dwelling having sufficient curtilage to ensure

that it is not cramped or contrived, thus creating an element of integration within the wider street scene.

- 5.8 In terms of boundary treatments, it is proposed to retain the existing blockwork boundary wall around the site, and this will aid integration of the new dwelling with the street scene.
- 5.9 For these reasons, the dwelling is found to be in accordance with the relevant policies within the development plan and accompanying supplementary guidance.
- 5.10 Residential Amenity
PSP8 permits development where it does not prejudice the residential amenity of both occupiers of the development and of neighbouring dwellings through the creation of unacceptable impacts. Such unacceptable impacts include loss of privacy, overlooking, loss of light, loss of outlook and overbearing/dominant impacts. Similarly, policy PSP43 reinstates the requirement for the provision of sufficient private amenity space standards and that private and communal external amenity space should be; functional, safe, accessible, of sufficient size and should take into account the context of the development and, including the character of the surrounding area.
- 5.11 The proposed dwelling would sit next to the existing property at No. 135 to the south, with no immediate neighbour to the north or east. There is a neighbour sited perpendicular to the proposed dwelling at No. 13 Celestine Road, however there is a sufficient separation distance between the properties so that residential amenity is protected. The siting of the dwelling and its relationship with neighbouring dwellings are such that there would be no material overbearing or overshadowing issues should the development proceed.
- 5.12 The proposed dwelling also offers a functional and usable layout internally, meaning that residential amenity of any future occupiers is also protected. There are also no concerns with regards to amenity of future occupiers as all internal accommodation will benefit from sufficient light and outlook and adequate private amenity space within the rear garden. On that basis, the proposal is found compliant with PSP8 and PSP43 of the development plan.
- 5.13 Coal Mining & Groundworks Assessment
Throughout the course of the previously withdrawn application process, a Coal Mining Risk Assessment, accompanied by a groundworks report, was submitted to support the application at the request of the Coal Authority. Concerns were initially raised that, whilst the garage structure has remained on site without compromise, new development and construction may trigger new ground movement. As such, previous objections from the Coal Authority were withdrawn following receipt of the CMRA and groundworks report, and there are no groundworks concerns regarding proposed development on site as part of this application.

5.14 Parking Standards & Transportation

The application site is within a designated settlement and therefore broadly accords with the locational requirements of PSP11, in terms of distance from and accessibility of key services and facilities.

5.15 The new dwelling would need to provide sufficient parking provision for the proposed dwelling, as well as the existing property at No. 135 to accord with PSP16. Plans submitted with this application show adequate amount of off-street parking in front of the existing house and proposed dwelling, offering 2no. parking spaces for each which conform to the required dimensional standards.

5.16 Comments from the transport officer have been duly noted within this assessment and will be discussed in turn. It is acknowledged that a small section of grass verge on Celestine Road will need to be removed to allow for rear access to the garage of No. 135 and 1no. rear parking space for the new dwelling. The applicant is therefore reminded that works to the footpath and highway must be carried out in accordance with the Council's standards of construction, with all details and methods of construction to be agreed by the Council's StreetCare Team. It remains the applicant's responsibility to ensure the appropriate and relevant consents are obtained to allow the works to proceed. As the case officer understands, consent for these works is currently being sought.

5.17 The recommendation of a condition attached to any grant of permission requiring the installation of an EV charging point is considered reasonable in this instance, given that the proposal is providing a new residential unit, and this will be required in line with updated policy and building regulations. An appropriately worded compliance condition will therefore be attached to any grant of permission.

5.18 Overall, it can be determined that the development would not result in an unacceptable increase in parking demand or traffic generation and that both the proposed new dwelling and the existing dwelling would be able to offer the required level of parking in line with PSP16 of the development plan. As such, no further objections regarding parking and transportation are raised.

5.19 Consideration of likely impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services. With regards to the above this planning application is considered to have a neutral impact on equality.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **GRANT** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 It is recommended that permission is **APPROVED**.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the following plans:

Received by the Local Authority on 24 November 2022:

Proposed Block Plan and Ground Floor Plan (Drawing No. 4183/P3 - Revision B)
Design and Access Statement

Received by the Local Authority on 27 January 2023:

Existing and Proposed Front and Side Elevations (Drawing No. 4183/P1 - Revision B)
Existing Elevations and Block Plan, Proposed Rear Elevation and First Floor Plan (Drawing No. 4183/P2 - Revision A)
Proposed Garage and Site Location Plan (Drawing No. 4183/P4 - Revision B)

Reason

To define the terms and extent of the permission.

3. Prior to first occupation, the new dwelling hereby approved shall be provided with a minimum of 1no. 7Kw 32Amp Electric Vehicle Charging Point, which is to be retained thereafter in working order.

Reason

To promote sustainable travel and to accord with policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013 and PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017.

4. The existing blockwork boundary wall around the site shall be retained as shown on the proposed Block Plan 4183/P3 Rev B, and no other boundary treatments erected.

Reason

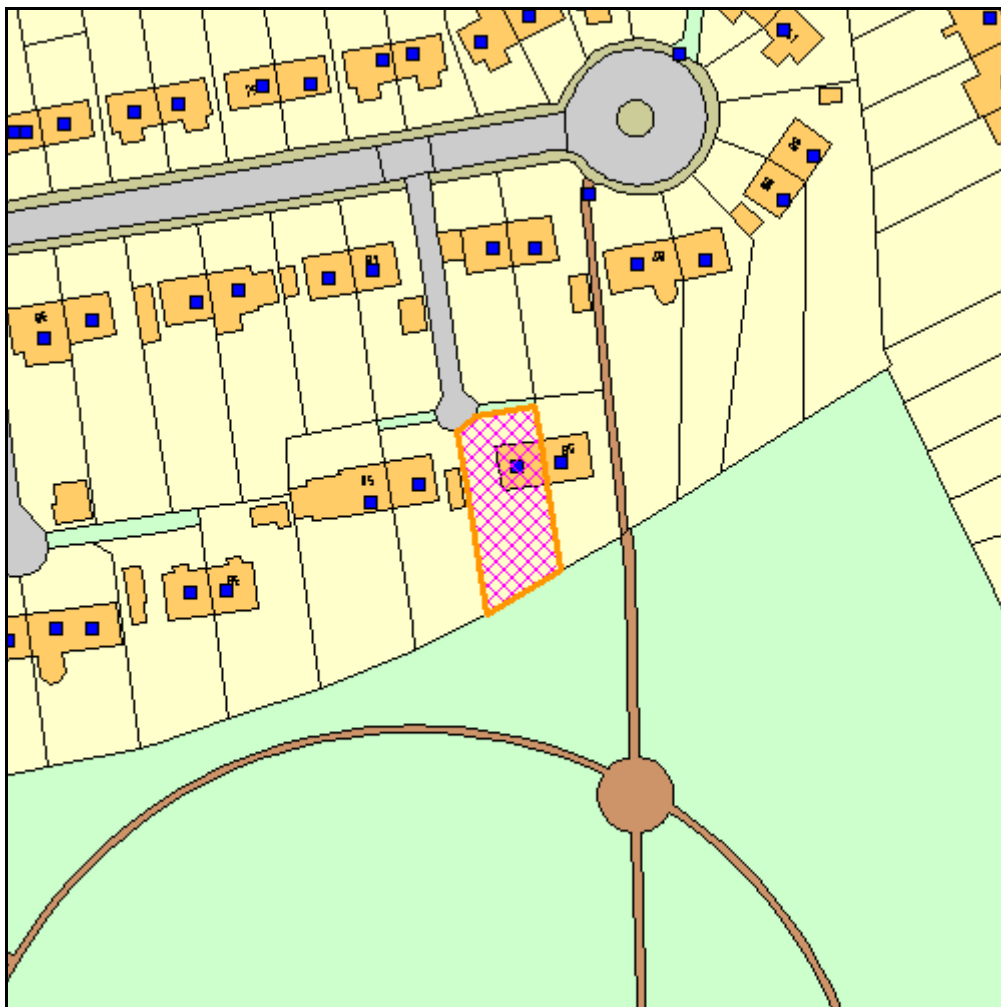
In the interests of the visual amenity of the area, and Policy C1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

Case Officer: Lucie Rozsos

Authorising Officer: Helen Ainsley

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P22/06657/F	Applicant:	Mr Sam Andrews Andrews Capital Ltd
Site:	54 Gayner Road Filton South Gloucestershire BS7 0SW	Date Reg:	29th November 2022
Proposal:	Erection of two storey and single storey rear extension and installation of rear dormer and hip to gable roof extension to facilitate change of use from a residential dwelling (Class C3) to a house in multiple occupation (HMO) for up to 9 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Filton Town Council
Map Ref:	360212 178461	Ward:	Filton
Application Category:	Minor	Target Date:	13th February 2023



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N.T.S.

P22/06657/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule due to more than 3 local resident comments and the Town Council objection contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 Permission is sought for the installation of a hip to gable roof extension and 1 no. rear dormer, and erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 9 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application is part retrospective as the extension works have largely been carried out already under permitted development. Also since the application was submitted, revised cycle and car parking details have been submitted. No reconsultation was carried out as these matters would not have materially changed the objections received.
- 1.3 Three off- street parking spaces would be provided, one to the front and two to the side of the dwelling. Cycle and bin stores would be provided to the rear of the property. The application includes a parking survey.
- 1.4 The application is a resubmission following the dismissal at appeal of two previous applications for HMOs at this property, no.54. The differences between the current application and the two appeals are as follows:
 - New parking survey submitted

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

*South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted
November 2017*

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP39 Residential Conversions, Subdivision, and HMOs
PSP43 Private Amenity Standards

2.3 *Supplementary Planning Guidance*

Householder Design SPD (Adopted 2021)
Residential Parking Standards SPD (Adopted) 2013
Waste Collection: Guidance for new developments SPD (Adopted) 2015
Houses in Multiple Occupation SPD (Adopted) 2021

3. **RELEVANT PLANNING HISTORY**

52 Gayner Rd

P21/06303/F - Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

52 Gayner Rd

P21/06543/F-Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 9 people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

54 Gayner Road

P21/05867/F -Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to a 9 bedroom house in multiple occupation (HMO) for up to 9 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

54 Gayner Road

P21/05761/F- Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to an 8 bedroom house in multiple occupation (HMO) for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

52 Gayner Rd P22/06611/F – As above 8 people- CURRENT.

54 Gayner Rd P22/06662/F– As above 8 people- CURRENT.

29 Gayner Road

P21/04408/F- Erection of single/two storey rear extension and hip to gable roof extension with rear dormer, to facilitate change of use from residential dwelling (Class C3) to 8no. bedroom HMO for up to 8no. people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), Extension of existing vehicular access with parking, erection of bin and cycle store and associated works. Permission GRANTED September 2021.

11 Gayner Rd

P21/02729/F &-Bed HMO, approved 2021.

4. CONSULTATION RESPONSES

4.1 Filton Town Council – Objection.

Contrary to the recently adopted SPD which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has a 11.2% concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.

Concerns of the accuracy and detail in the parking survey highlighting the timings the photographs were taken and a disabled bay being used as a public space.

The new cadets build going on behind these properties are highlighting Gayner Road available parking to their users, so will already be overused at their opening times.

Access to emergency vehicles and refuse lorries have very limited access to these properties. There will be a lack of privacy to the neighbouring houses and the additional traffic between the houses will causes distress on the residents.

Overdevelopment. Concerns of the pressure on the sewage system.

Transportation DC

Original Comments:

The 9 bed / person HMO is required to provide 5 car parking spaces either on or off site. The proposed site layout shows 3 on-site spaces. 2 spaces therefore need to found on-street and evidenced with a parking survey carried out in accordance with the Council's adopted Technical Advice Note on parking surveys of residential streets. A car parking survey of available spaces on Gayner Road has been submitted. Unfortunately it only includes photographs, a summary and plan showing free spaces for the Saturday surveys and not the survey carried out on the weekday evening. As such I am unable to verify the results of the weekday survey.

The same survey information has been submitted for an 8 bed / person HMO at the same address and an 8 bed / person HMO at 52 Gayner Road.

To comply with the Council's Technical Advice Note on parking surveys details of a weekday evening survey should include photographic evidence of the spaces, a plan

indication where the spaces are and a summary, all as provided for the Saturday daytime surveys.

The cycle store with hoop type stand can only properly accommodate 4 cycles. Details should be provided showing a storage system for 9 cycles. This could however be secure with a suitable condition.

A 7Kw 32 Amp Electric Vehicle Charging Point should also be provided. Again this could be secured with a suitable condition.

I note that there are some comments posted about the narrowness of the access from Gayner Road. The Planning Inspector's Appeal Decision report on the earlier refused planning application for the same concluded that it would be unlikely that the low increase in vehicle movements would result in any harm to users of the access.

Final Comments

I refer to the revised parking survey submitted on the 20th January.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

I recommend no Transport objections subject to conditions requiring cycle parking for 8 cycles, and the provision of car parking spaces (including a 7Kw 32 Amp Electric Vehicle Charging Point) have been provided in accordance with the submitted details.

Other Representations

Local Residents

Letters have been received from 4 local residents, objecting to the application on the following grounds, in three main categories:

Density of HMOs

- No 11 can be considered inside the 100m radius which means there would be 6 HMOs (11, 15, 29, 52 and 54) without accounting for the high number of multiple occupancy houses not officially named HMOs. With 42 total dwellings in total within that zone, this would easily surpass the maximum guidance.
- With regards to sandwiching: if No 52 and No 54 are converted into HMOs, then No 46 and No 48 would be sandwiched between No 52, 54, 29 and 31. No 50 and No 56 would be sandwiched by No 52 and 54 as they would box them in and would require them to pass those HMOs to and from their house.
- This development and the co-development of 52 Gayner Road will mean that it will be a road in which 50% of the houses are houses in multiple occupation and that is in breach of local planning policy.
- My property is being sandwiched between 4 HMOs; 9 and 6 beds from the front and 8 at No52 and then 8 others at No54 from the back

- The lane is a sub street of Gayner Road. It consists of four houses down a lane. If planning is granted in respect of 52 Gayner Road that will mean that 25% of the houses in the road will be HMO's if planning is also granted in respect of 54 Gayner Road that will mean that 50% of the properties in that road are HMO's. This is contrary to the Council's HMO SPD.

Highway Safety and Parking

- The lane is not suitable for 8 people trying to drive up it (as opposed to 1 car with 1 family)
- Parking survey takes into account spaces that are over 100m away.
- Increase of vehicles on single track lane
- Difficulties for emergency vehicles to access the property down the lane
- Omissions in the traffic survey as only Saturday morning is evidenced
- Additional traffic in the area will be detrimental to the area
- The width of Gayner Road is 5.5 meters. It is not wide enough for cars to be parked on each side.
- There are 74.4 cars in the ownership of householders in Gayner Road, but only 31 on street car parking spaces
- The inspector did not acknowledge unreported accidents
- Overspill parking from St Theresa church
- Increased traffic on the lane would be a highway danger
- Even though there are 2 parking spaces, this will not prevent more cars tuning into the lane to seek a car parking space
- Parking survey is not independent
- The Inspector concluded that the lane was safe, however I have seen numerous incidents on it, albeit it not resulting in physical harm
- Vehicles will need to reverse onto Gayner Rd
- We still feel the same, as we did in the previous appeals. We are still using the same small parking space more frequently as my Father still needs carers and constant help on a daily basis

Residential Amenity

- The area has a strong community spirit, which would be diluted
- It will be more noisy than a family and could be up to 16 people are double beds are shown
- Increased smell from refuse
- I do not accept that the appealed decision established that the proposal was acceptable in all regards accept the impact on the living conditions of neighbouring properties, due to the provision of parking within the rear garden. What the appeal decision states is that the inspector was not convinced on the other factors
- The appeal decision only deals with the reasons for refusal, and not other issues that might be pertinent
- Overshadowing and lack of privacy - all bedrooms at the rear of The property will have a direct view into our property.
- Loss of privacy from occupants walking down the lane and looking into properties- up to 17 people if include no. 52
- Backland development
- Covenant on the property preventing anything that would harm house values
- No party wall agreement

- Detrimental impact on the quality of the life of the residents
- Increase in number of transient residents
- Increase in sewage – system is already at capacity

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues to consider are whether the reasons for the appeals being dismissed have been satisfactorily dealt with by this resubmitted application. It is noted that some local residents consider that other issues could still be relevant, however officers are satisfied that the previous refusal reasons covered all issues thoroughly and therefore there is no need to reopen issues that were previously considered acceptable. To do so would put the Council at risks of costs. However it is important to also consider whether there have been any changes in circumstances since the previous Council decision and Inspector's decision. This is particularly relevant in the consideration of residential amenity and the density of HMOs.

5.2 *Inspector's Main Findings*

- The inspector agreed with the Council that the parking survey was inadequate.
- The Inspector disagreed with the Council regarding the safety of using the long and narrow accessway from the main part of Gayner Road. The accessway is not wide enough for vehicles to pass pedestrians, cyclists or one another, with no publicly available refuge points along its length. The Inspector concluded that whilst any conflicting movements within the accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.
- The Inspector disagreed with the Council regarding the difficulties of waste collection

Hence the main issues to consider are whether the new parking survey is satisfactory, and whether the on- site parking provision is sufficient and suitably located.

5.3 Transportation

Parking

The proposed 9 person HMO requires 0.5 car parking spaces per bedroom. i.e. a total of 5 parking spaces to be provided either on-site or on-street. The proposal includes 3 on-site car parking spaces. The proposed 3 on – site car parking spaces are to the front and side of the dwelling

The remaining 2 spaces would need to be accommodated on Gayner Road within 200m of the site to accord with the Council's HMO Parking Technical Advice Note (TAN). A fresh parking survey has been submitted in support of this application (and the two other applications at No. 54 and 52 submitted at the same time - an 8 bedroom HMO at 54 Gayner Road and another for an 8 bedroom HMO at 52 Gayner Road). The parking surveys indicate that 15 car spaces were available in the evening between 20:00 and 20:12 on Tuesday 8th November and a minimum of 16 spaces were available between 11:00 and 12:37 on Saturday 19th November.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

5.4 Access

The site is accessed via a narrow 2.5 m wide backway some 40m long. It is straight and you can see from one end to the other. Street lighting is provided. There is a small turning area outside of nos. 52 and 54 suitable for a car or small van. Waste and recycling is currently collected from the four dwellings at the end of the back way with one of the Council's smaller vehicles. Use of this access by all modes of travel including the waste collection vehicle for the two 8/9 bedroom HMO's was considered acceptable by the Appeal Inspector. The appeal decision noted that whilst any conflicting movements within the accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.

Cycle parking.

Revised plans have been submitted indicating the stands in the cycle store located 1m apart with 0.5m between the end stands and the outside wall. An electric vehicle charging point is required- a 7Kw 32 Amp. This could be covered by a condition.

5.5 Transport Conclusion

The recent appeal decision relating to this property concluded that the parking survey was inadequate. The new parking survey submitted with the current application now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for one space. There were no other transport issues that the appeal was dismissed on, therefore there is no transport objection to the current application. It is noted that a number of local residents are concerned about the other transport issues, however the very recent appeal decision on the application property is a significant material consideration for the decision maker. Subject to conditions requiring the provision of car and cycle parking on site, together with an electric vehicle charging point therefore, there are no highway objections to the application.

Residential Amenity

5.6 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).

5.7 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.

5.8 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. Additional Explanatory Guidance 1 of the recently adopted Houses in Multiple Occupation SPD (Adopted) 2021 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:

- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
- Result in three or more adjacent licensed HMO properties. This is complied with as there are only two adjacent to each other should planning permission be granted for No. 52.

Sandwiching

It is noted that a number of residents have stated that the proposal will result in sandwiching, when taking into account the other current application for an 8 - bed HMO at No.52, which is next door to the current application at 54.

To clarify the definition of sandwiching, the SPD states:

For the purposes of the SPD, an 'adjacent property' is therefore considered to be any property that shares one or more boundaries with the application boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining. 'Sandwiching' situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. 'Sandwiching' is unlikely to occur across separating roads.

Whilst the two HMO application sites are next door to each other, they do not both share a boundary with another (non- HMO) dwelling. **There is therefore no sandwiching of any other properties.**

Some local residents have stated that because Nos 29 and 31 Gayner Rd are licenced HMOs then this would mean that Nos 46 and 48 would be sandwiched between these properties and the current proposals at Nos 52 and 54. This is incorrect however as 29 and 31 are across the road- an adopted highway- from 46 and 48, therefore they do not share a boundary.

Concentration of HMOs in the locality

5.9 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.

5.10 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local

mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.

- 5.11 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.12 SPD Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.
- 5.13 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.14 In the case of 54 Gayner Road, HMO properties currently represent:

3.6% of households within the Census Output Area, (it was 2.9% at the time of the previous application and appeal on this site); and

4.9% of properties within 100m radius (it was 2.7% at the time of the previous application and appeal at this site). There are 41 properties, 2 of which are licenced HMOs – Nos 29 and 31 Gayner Road.

It is noted that Filton Town Council have stated that this 'area' of Filton has an 11.2% concentration of HMOs. This however is a fundamental misunderstanding of the Council's SPD which relates only to licenced HMOs within a census output area.

HMOs rented to 4 or less people from more than one household do not need a licence. These are not included in the SPD calculations because it is more akin to a single family household size, and hence why are excluded from the Governments licencing requirement.

The principle of change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.

- 5.15 In regards to the proposed extensions, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Impact on the character of the area.

- 5.16 The application is proposing two storey and single storey rear extension as well as large box dormer to facilitate the change of use to a 8no. person HMO. The extensions have been included in the description of development (to show how

additional living space is achieved) however it is of significance that the extension falls within the permitted development rights and does not need consent in its own right.

- 5.17 It is considered that the proposed two storey flat roofed extension and box dormer to the rear would fail to integrate with the existing character of the dwelling, contrary to good design principles, and the Council's Householder Design SPD. Notwithstanding these officer concerns, these aspects of the proposal are permitted development.

Other Residential amenity issues

- 5.18 As already set out, the principle of the change of use is not considered to significantly impact upon residential amenity.
- 5.19 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m² amenity space. Using this standard, 9 x 1bed. flats would require 45m² amenity space. The rear garden would be able to accommodate this, and as such is considered that sufficient private amenity space would be provided for future occupants.
- 5.20 The physical alterations to the property stated in the applicant's supporting information, which include a two storey and single storey rear extension and large box dormer are all permitted development. Hence these aspects are not part of the current planning application and cannot be considered by the local Planning Authority, although it is noted that at 3m in depth, and set in from the boundary with the adjoining dwelling by 2m, the two storey rear extension would be unlikely to cause a significant overbearing effect on the neighbouring occupants.

It is noted that some local residents have raised loss of privacy as a concern, however there are no side windows to habitable rooms on the proposed extensions, and it is not considered that there would be any significant concerns in respect of privacy arising from an intensified use of the property. Local residents have also raised concern over new occupants looking into their gardens whilst walking down the lane, and looking out their windows. Occupants/previous occupants of Number 52 and 54 would have been able to do this, therefore there are no material planning considerations in this.

The application is therefore acceptable in terms of residential amenity.

5.21 Waste and Recycling

Despite the LPA's concerns the Inspector did not agree that this would be a problem. The constraints of the accessway and its small turning area mean that waste and recycling from the existing dwellings cannot be undertaken by standard collection vehicles. Instead, collection is made by a smaller vehicle with restricted capacity, the availability of which is limited. Each proposal (52 and 54) would increase the amount of waste generated compared to existing, but there was no substantive evidence that this increase would require a larger vehicle to be used, for which there would be insufficient space here. Instead, the increase would be likely to require greater use of the existing smaller collection vehicle, for instance requiring it to make additional trips to the waste and recycling centre.

The reduction in its availability, and the addition to carbon emissions from additional movements to the centre, would in the Inspector's view be relatively small, and would take place in a road where smaller vehicles are already used. As such, collections would not be significantly affected, and highway safety would not be compromised. The proposal would therefore not be harmful to waste and recycling collections locally. On this basis the requirements of South Gloucestershire Core Strategy Policy CS1 would be met, that sufficient waste provision is designed-in for recyclable materials, for the collection of these and other waste, subject to a condition requiring the provision of bin storage facilities as shown on the submitted plans. The similar requirements of the Framework would also be met, as would that of the Waste SPD, that vehicle access is suitable for the Council's collection.

5.22 Other matters

Other matters raised regarding students and transient residents changing the community feel are not material to the determination of this application.

The restrictive covenants, and party wall issues, whilst they may be valid, are legal issues and not material to the planning process.

Capacity of the sewage system similarly is not material considering that 6 unrelated people could live together without needing planning permission.

Consideration of likely impact on Equalities

- 5.23 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That planning permission be GRANTED.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall not be occupied as an 9no. bedroom (for 9no. people) HMO (Sui Generis) until the 3 off street car parking spaces, and cycle parking arrangements for 8 cycles , have been provided in accordance with the submitted details, and shall be retained as such thereafter.

Reason

In the interest of highway safety, the provision of satisfactory levels of parking and in the interests of promoting sustainable travel options, in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The development shall not be occupied as 9no. bedroom large HMO (Sui Generis) until a minimum of one 7Kw 32 Amp Electric Vehicle Charging Point has been provided. This shall be retained as such thereafter.

Reason;

In the interest of promoting sustainable travel options and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The development shall not be occupied as an 9no. bedroom large HMO (Sui Generis) until the bin storage area, as shown on the submitted details, has been provided. This shall be retained as such thereafter.

Reason:

In the interests of the amenity of the area, South Gloucestershire Core Strategy Policy CS1 and Waste Collection: Guidance for new developments SPD (Adopted) 2015

5. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
Existing and Proposed Block plans 3950.PL.02 Rev F received 24.11.22
Proposed plans and Elevations PL1.04 Rev A Received 24.11.22
Existing plans and Elevations PL.03 REV A Rec'd 24.11.22

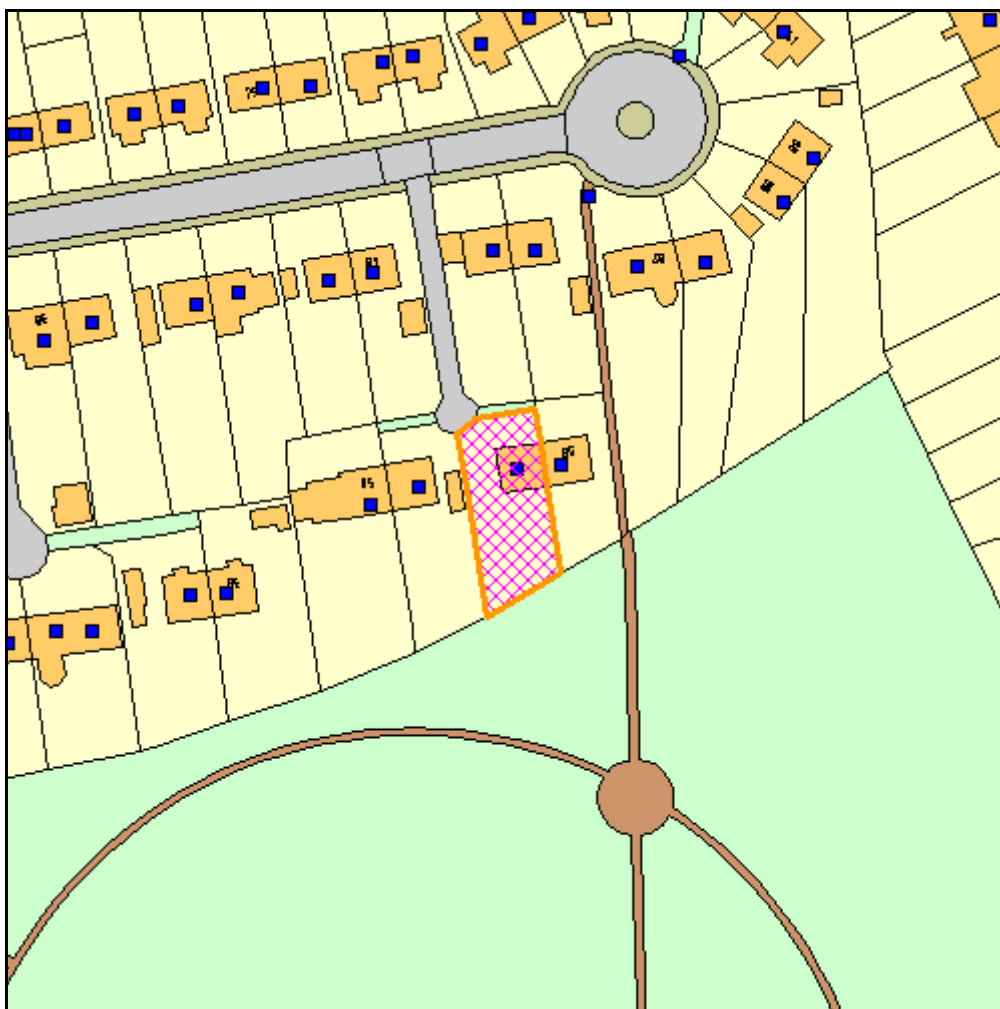
Reason:

To define the terms and extent of the permission.

Case Officer: Helen Ainsley
Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P22/06662/F	Applicant:	Andrews Capital Ltd
Site:	54 Gayner Road Filton South Gloucestershire BS7 0SW	Date Reg:	29th November 2022
Proposal:	Erection of two storey and single storey rear extension to facilitate change of use from a residential dwelling (Class C3) to a 8 bedroom house in multiple occupation (HMO) for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360212 178461	Ward:	Filton
Application Category:	Minor	Target Date:	13th February 2023



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 100023410, 2008. **N.T.S.** **P22/06662/F**

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application appears on the Circulated Schedule due to more than 3 local resident comments and the Town Council objection contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 Originally this application sought permission for the installation of a hip to gable roof extension and 1 no. rear dormer, and erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 At the applicant's request however the application has now been amended to omit the roof extension and dormer, so the proposal is for the erection of part single storey, part two storey rear extension to facilitate the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis).
- 1.3 The application is part retrospective as the extension works have largely been carried out already under permitted development. Also since the application was submitted, revised cycle and car parking details have been submitted. No reconsultation was carried out as these matters would not have materially changed the objections received.
- 1.4 Three off- street parking spaces would be provided, one to the front and two to the side of the dwelling. Cycle and bin stores would be provided to the rear of the property. The application includes a parking survey.
- 1.5 The application is a resubmission following the dismissal at appeal of two previous applications for HMOs at this property, no.54. The differences between the current application and the two appeals are as follows:
- New parking survey submitted
 - No longer a dormer and roof extension proposed

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013	
CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP11	Transport
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

Householder Design SPD (Adopted 2021)
 Residential Parking Standards SPD (Adopted) 2013
 Waste Collection: Guidance for new developments SPD (Adopted) 2015
 Houses in Multiple Occupation SPD (Adopted) 2021

3. RELEVANT PLANNING HISTORY

52 Gayner Rd

P21/06303/F - Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

52 Gayner Rd

P21/06543/F-Erection of a hip-to-gable and rear roof extension, a single and two-storey rear extension, and the change of use from a residential dwelling (C3) to a large house in multiple occupation for up to 9 people (sui generis). REFUSED permission 19th Nov 2021. DISMISSED at appeal.

54 Gayner Road

P21/05867/F -Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to a 9 bedroom house in multiple occupation (HMO) for up to 9 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

54 Gayner Road

P21/05761/F- Erection of two storey and single storey rear extension and installation of rear dormer to facilitate change of use from a residential dwelling (Class C3) to an 8 bedroom house in multiple occupation (HMO) for up to 8 people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). REFUSED permission October 2021. DISMISSED at appeal.

52 Gayner Rd P22/06611/F – As above 8 people- CURRENT.

54 Gayner Rd P22/06657/F– As above 9 people- CURRENT.

29 Gayner Road

P21/04408/F- Erection of single/two storey rear extension and hip to gable roof extension with rear dormer, to facilitate change of use from residential dwelling (Class C3) to 8no. bedroom HMO for up to 8no. people (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), Extension of existing vehicular access with parking, erection of bin and cycle store and associated works. Permission GRANTED September 2021.

11 Gayner Rd

P21/02729/F &-Bed HMO, approved 2021.

4. CONSULTATION RESPONSES

4.1 Filton Town Council – Objection.

Contrary to the recently adopted SPD which states that in localities where known HMO properties already represent more than 10% of households the introduction of additional HMOs will be unacceptable. This area of Filton has a 11.2% concentration of HMOs and as such the change of use into a large HMO fails to meet adopted Policy CS17 of the South Gloucestershire Local Plan: Cores Strategy (Adopted) 2013 and PSP39 of the Policy Sites and Places Plan (Adopted) 2017 and the adopted SPD Houses in Multiple Occupation (Adopted) 2021.

Concerns of the accuracy and detail in the parking survey highlighting the timings the photographs were taken and a disabled bay being used as a public space.

The new cadets build going on behind these properties are highlighting Gayner Road available parking to their users, so will already be overused at their opening times.

Access to emergency vehicles and refuse lorries have very limited access to these properties. There will be a lack of privacy to the neighbouring houses and the additional traffic between the houses will causes distress on the residents. Overdevelopment. Concerns of the pressure on the sewage system.

Transportation DC –
Original Comments:

The 8 bed / person HMO is required to provide 4 car parking spaces either on or off site.

The proposed site layout shows 4 on-site spaces, however the 2 spaces on the front garden are not achievable because there is insufficient depth of garden to enable pedestrian access to the front door of the property and the proximity of the boundary wall restricts access to a car parked in the outside space.

Therefore it is only possible to provide 3 car spaces. The 4th space needs to be found on-street. This would need to be evidenced with a parking survey carried out in accordance with the Council's adopted Technical Advice Note on parking surveys on residential streets.

A car parking survey of available spaces on Gayner Road has been submitted. Unfortunately it only includes photographs, a summary and plan showing free spaces for the Saturday surveys and not the survey carried out on the weekday evening. As such I am unable to verify the results of the weekday survey.

The same survey information has been submitted for a 9 bed / person HMO at the same address and an 8 bed / person HMO at 52 Gayner Road.

To comply with the Council's Technical Advice Note on parking surveys details of a weekday evening survey should include photographic evidence of the spaces, a plan indication where the spaces are and a summary, all as provided for the Saturday daytime surveys.

It would be good to see details of the cycle store rack for 8 cycles and the 7Kw 32 Amp Electric Vehicle Charging Point, but these could be secured with a suitable condition.

I note that there are some comments posted about the narrowness of the access from Gayner Road. The Planning Inspector's Appeal Decision report on the earlier refused planning application for the same concluded that it would be unlikely that the low increase in vehicle movements would result in any harm to users of the access.

Final Comments

I refer to the revised details posted on the 17th January and the revised parking survey submitted on the 20th January.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

I recommend no Transport objections subject to conditions requiring cycle parking for 8 cycles, and the provision of car parking spaces (including a 7Kw 32 Amp Electric Vehicle Charging Point) have been provided in accordance with the submitted details.

Other Representations

Local Residents

Letters have been received from 5 local residents, objecting to the application on the following grounds, in three main categories:

Density of HMOs

- No 11 can be considered inside the 100m radius which means there would be 6 HMOs (11, 15, 29, 52 and 54) without accounting for the high number of multiple occupancy houses not officially named HMOs. With 42 total dwellings in total within that zone, this would easily surpass the maximum guidance.
- With regards to sandwiching: if No 52 and No 54 are converted into HMOs, then No 46 and No 48 would be sandwiched between No 52, 54, 29 and 31. No 50 and No 56 would be sandwiched by No 52 and 54 as they would box them in and would require them to pass those HMOs to and from their house.
- This development and the co-development of 52 Gayner Road will mean that it will be a road in which 50% of the houses are houses in multiple occupation and that is in breach of local planning policy.
- My property is being sandwiched between 4 HMOs; 9 and 6 beds from the front and 8 at No52 and then 8 others at No54 from the back
- The lane is a sub street of Gayner Road. It consists of four houses down a lane. If planning is granted in respect of 52 Gayner Road that will mean that 25% of the houses in the road will be HMO's if planning is also granted in respect of 54 Gayner Road that will mean that 50% of the properties in that road are HMO's. This is contrary to the Council's HMO SPD.

Highway Safety and Parking

- The lane is not suitable for 8 people trying to drive up it (as opposed to 1 car with 1 family)
- Parking survey takes into account spaces that are over 100m away.
- Increase of vehicles on single track lane
- Difficulties for emergency vehicles to access the property down the lane
- Omissions in the traffic survey as only Saturday morning is evidenced
- Additional traffic in the area will be detrimental to the area
- The width of Gayner Road is 5.5 meters. It is not wide enough for cars to be parked on each side.
- There are 74.4 cars in the ownership of householders in Gayner Road, but only 31 on street car parking spaces
- The inspector did not acknowledge unreported accidents
- Overspill parking from St Theresa church
- Increased traffic on the lane would be a highway danger
- Even though there are 2 parking spaces, this will not prevent more cars tuning into the lane to seek a car parking space
- Parking survey is not independent
- The Inspector concluded that the lane was safe, however I have seen numerous incidents on it, albeit it not resulting in physical harm
- Vehicles will need to reverse onto Gayner Rd
- We still feel the same, as we did in the previous appeals. We are still using the same small parking space more frequently as my Father still needs carers and constant help on a daily basis

Residential Amenity

- The area has a strong community spirit, which would be diluted

- It will be more noisy than a family and could be up to 16 people are double beds are shown
- Increased smell from refuse
- I do not accept that the appealed decision established that the proposal was acceptable in all regards except the impact on the living conditions of neighbouring properties, due to the provision of parking within the rear garden. What the appeal decision states is that the inspector was not convinced on the other factors
- The appeal decision only deals with the reasons for refusal, and not other issues that might be pertinent
- Overshadowing and lack of privacy - all bedrooms at the rear of the property will have a direct view into our property.
- Loss of privacy from occupants walking down the lane and looking into properties- up to 17 people if include no. 52
- Backland development
- Covenant on the property preventing anything that would harm house values
- No party wall agreement
- Detrimental impact on the quality of the life of the residents
- Increase in number of transient residents
- Increase in sewage – system is already at capacity

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issues to consider are whether the reasons for the appeals being dismissed have been satisfactorily dealt with by this resubmitted application. It is noted that some local residents consider that other issues could still be relevant, however officers are satisfied that the previous refusal reasons covered all issues thoroughly and therefore there is no need to reopen issues that were previously considered acceptable. To do so would put the Council at risks of costs. However it is important to also consider whether there have been any changes in circumstances since the previous Council decision and Inspector's decision. This is particularly relevant in the consideration of residential amenity and the density of HMOs.

5.2 *Inspector's Main Findings*

- The inspector agreed with the Council that the parking survey was inadequate.
- The Inspector disagreed with the Council regarding the safety of using the long and narrow accessway from the main part of Gayner Road. The accessway is not wide enough for vehicles to pass pedestrians, cyclists or one another, with no publicly available refuge points along its length. The Inspector concluded that whilst any conflicting movements within the accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.
- The Inspector disagreed with the Council regarding the difficulties of waste collection

Hence the main issues to consider are whether the new parking survey is satisfactory, and whether the on-site parking provision is sufficient and suitably located.

5.3 Transportation

Parking

The proposed 8 person HMO requires 0.5 car parking spaces per bedroom. i.e. a total of 4 parking spaces to be provided either on-site or on-street. The proposal includes 3 on-site car parking spaces. The proposed 3 on – site car parking spaces are to the front and side of the dwelling

The remaining 1 space would need to be accommodated on Gayner Road within 200m of the site to accord with the Council's HMO Parking Technical Advice Note (TAN). A fresh parking survey has been submitted in support of this application (and the two other applications at No. 54 and 52 submitted at the same time - a 9 bedroom HMO at 54 Gayner Road and another for an 8 bedroom HMO at 52 Gayner Road). The parking surveys indicate that 15 car spaces were available in the evening between 20:00 and 20:12 on Tuesday 8th November and a minimum of 16 spaces were available between 11:00 and 12:37 on Saturday 19th November.

The weekday evening survey details including photographs, summary and a plan have been added to the survey details originally submitted.

The survey now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for two spaces.

5.4 Access

The site is accessed via a narrow 2.5 m wide backway some 40m long. It is straight and you can see from one end to the other. Street lighting is provided. There is a small turning area outside of nos. 52 and 54 suitable for a car or small van. Waste and recycling is currently collected from the four dwellings at the end of the back way with one of the Council's smaller vehicles. Use of this access by all modes of travel including the waste collection vehicle for the two 8/9 bedroom HMO's was considered acceptable by the Appeal Inspector. The appeal decision noted that whilst any conflicting movements within the accessway may require reversing and/or manoeuvring (including for pedestrians and cyclists), given the low key, suburban context of the area, it seems unlikely that such movements would result in harm to the safety of users.

Cycle parking.

Revised plans have been submitted indicating the stands in the cycle store located 1m apart with 0.5m between the end stands and the outside wall. An electric vehicle charging point is required- a 7Kw 32 Amp. This could be covered by a condition.

5.5 Transport Conclusion

The recent appeal decision relating to this property concluded that the parking survey was inadequate. The new parking survey submitted with the current

application now accords with the Council's Technical Advice Note and demonstrates that sufficient on-street parking space is available in the vicinity of the site to accommodate the additional on-street demand for one space. There were no other transport issues that the appeal was dismissed on, therefore there is no transport objection to the current application. It is noted that a number of local residents are concerned about the other transport issues, however the very recent appeal decision on the application property is a significant material consideration for the decision maker. Subject to conditions requiring the provision of car and cycle parking on site, together with an electric vehicle charging point therefore, there are no highway objections to the application.

Residential Amenity

- 5.6 Policy PSP39 within the adopted Policies, Sites and Places Plan (2017) states that where planning permission for an HMO is required, this will be acceptable, provided that this will not prejudice the amenity of neighbours. Supporting text states that the term "neighbours" should be taken to mean properties adjacent to, and surrounding, the application site which have a reasonable potential to be directly affected by harmful impacts arising from the proposal(s).
- 5.7 In addition, Policy PSP8 maintains that development proposals will only be acceptable provided that they do not 'have unacceptable impacts on residential amenity of occupiers of the development or of nearby properties'. Unacceptable impacts could result from noise or disturbance, amongst other factors, which could arise from HMOs functioning less like traditional single households on a day-to-day basis.
- 5.8 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become concentrated, particularly at an individual street level. Additional Explanatory Guidance 1 of the recently adopted Houses in Multiple Occupation SPD (Adopted) 2021 sets out that the following factors should be taken into account when determining if the proposal would prejudice the amenity of adjacent neighbours:
- Whether any dwelling house would be 'sandwiched' between two licensed HMOS, or,
 - Result in three or more adjacent licensed HMO properties. This is complied with as there are only two adjacent to each other should planning permission be granted for No. 52.

Sandwiching

It is noted that a number of residents have stated that the proposal will result in sandwiching, when taking into account the other current application for an 8 - bed HMO at No.52, which is next door to the current application at 54.

To clarify the definition of sandwiching, the SPD states:

For the purposes of the SPD, an 'adjacent property' is therefore considered to be any property that shares one or more boundaries with the application

boundary. For example, in any streets, this would include the immediate neighbouring property or those where the rear garden is adjoining. 'Sandwiching' situations can occur even where there are limited breaks in the building line, including across private or unadopted adjacent access tracks within the curtilage of properties. 'Sandwiching' is unlikely to occur across separating roads.

Whilst the two HMO application sites are next door to each other, they do not both share a boundary with another (non- HMO) dwelling. **There is therefore no sandwiching of any other properties.**

Some local residents have stated that because Nos 29 and 31 Gayner Rd are licenced HMO,s then this would mean that Nos 46 and 48 would be sandwiched between these properties and the current proposals at Nos 52 and 54. This is incorrect however as 29 and 31 are across the road- an adopted highway- from 46 and 48, therefore they do not share a boundary.

Concentration of HMO's in the locality

- 5.9 As set out in Policy CS17, providing a wide variety of housing type and sizes to accommodate a range of different households, will be essential to supporting mixed communities in all localities. Sub-division of existing dwellings and non-residential properties to form flats or HMOs can make a valuable contribution suitable for smaller households and single people as part of these mixed communities.
- 5.10 Policy CS17 does not define what is meant by 'mixed communities' in all localities. Instead, it acknowledges that implementation of this policy, and PSP39, will be made on a case basis through the development management process. Therefore, the HMO SPD aims to acknowledge that some intensification, if carried out sensitively, and where it would not adversely affect the character of an area, can contribute to the local mix and affordability of housing, viability of local services, vitality of local areas and contribute to the Council's housing delivery targets.
- 5.11 As there are localities which are already experiencing concentrations of HMOs, the SPD requires consideration of existing localities that are already experiencing levels of HMOs which harm the ability to support mixed communities and preventing impact on character and amenities, and applications which would result in a level of HMOs that could contribute towards harmful impacts.
- 5.12 SPD Additional Explanatory Guidance 2 sets out that the following factors should be taken into account when determining if the proposal would contribute to harmful impacts in respect of a mixed community and the character and amenity of an area:
- An additional HMO in localities where licensed HMO properties already represent more than 10% of households, or,
 - More than 20% of households within a 100m radius of the application property.

- 5.13 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area.
- 5.14 In the case of 54 Gayner Road, HMO properties currently represent: **3.6% of households within the Census Output Area**, (it was 2.9% at the time of the previous application and appeal on this site); and

4.9% of properties within 100m radius (it was 2.7% at the time of the previous application and appeal at this site). There are 41 properties, 2 of which are licenced HMOs – Nos 29 and 31 Gayner Road.

It is noted that Filton Town Council have stated that this 'area' of Filton has an 11.2% concentration of HMOs. This however is a fundamental misunderstanding of the Council's SPD which relates only to licenced HMOs within a census output area.

HMOs rented to 4 or less people from more than one household do not need a licence. These are not included in the SPD calculations because it is more akin to a single family household size, and hence why are excluded from the Governments licencing requirement.

The principle of change of use to an HMO is therefore considered to comply with policies PSP39, PSP8 and CS17 and the SPD.

- 5.15 In regards to the proposed extensions, Policy PSP38 of the PSP Plan allows the principle of development within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

Impact on the character of the area.

- 5.16 The application is proposing two storey and single storey rear extension to facilitate the change of use to a 8no. person HMO. The extensions have been included in the description of development (to show how additional living space is achieved) however it is of significance that the extension falls within the permitted development rights and does not need consent in its own right.
- 5.17 It is considered that the proposed two storey flat roofed extension to the rear would fail to integrate with the existing character of the dwelling, contrary to good design principles, and the Council's Householder Design SPD. Notwithstanding these officer concerns, these aspects of the proposal are permitted development.

Other Residential amenity issues

- 5.18 As already set out, the principle of the change of use is not considered to significantly impact upon residential amenity.

- 5.19 Policy PSP43 sets out minimum standards for private amenity space, however there is no set standards for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5m² amenity space. Using this standard, 8 x 1bed. flats would require 40m² amenity space. The rear garden would be able to accommodate this, and as such is considered that sufficient private amenity space would be provided for future occupants.
- 5.20 The physical alterations to the property stated in the applicant's supporting information, which include a two storey and single storey rear extension are all permitted development. Hence these aspects are not part of the current planning application and cannot be considered by the local Planning Authority, although it is noted that at 3m in depth, and set in from the boundary with the adjoining dwelling by 2m, the two storey rear extension would be unlikely to cause a significant overbearing effect on the neighbouring occupants.

It is noted that some local residents have raised loss of privacy as a concern, however there are no side windows to habitable rooms on the proposed extensions, and it is not considered that there would be any significant concerns in respect of privacy arising from an intensified use of the property. Local residents have also raised concern over new occupants looking into their gardens whilst walking down the lane, and looking out their windows. Occupants/previous occupants of Number 52 and 54 would have been able to do this, therefore there are no material planning considerations in this.

The application is therefore acceptable in terms of residential amenity.

5.21 Waste and Recycling

Despite the LPA's concerns the Inspector did not agree that this would be a problem. The constraints of the accessway and its small turning area mean that waste and recycling from the existing dwellings cannot be undertaken by standard collection vehicles. Instead, collection is made by a smaller vehicle with restricted capacity, the availability of which is limited. Each proposal (52 and 54) would increase the amount of waste generated compared to existing, but there was no substantive evidence that this increase would require a larger vehicle to be used, for which there would be insufficient space here. Instead, the increase would be likely to require greater use of the existing smaller collection vehicle, for instance requiring it to make additional trips to the waste and recycling centre.

The reduction in its availability, and the addition to carbon emissions from additional movements to the centre, would in the Inspector's view be relatively small, and would take place in a road where smaller vehicles are already used. As such, collections would not be significantly affected, and highway safety would not be compromised. The proposal would therefore not be harmful to waste and recycling collections locally. On this basis the requirements of South Gloucestershire Core Strategy Policy CS1 would be met, that sufficient waste provision is designed-in for recyclable materials, for the collection of these and other waste, subject to a condition requiring the provision of bin storage facilities as shown on the submitted plans. The similar requirements of the Framework would also be met, as would that of the Waste SPD, that vehicle access is suitable for the Council's collection.

5.22 Other matters

Other matters raised regarding students and transient residents changing the community feel are not material to the determination of this application.

The restrictive covenants, and party wall issues, whilst they may be valid, are legal issues and not material to the planning process.

Capacity of the sewage system similarly is not material considering that 6 unrelated people could live together without needing planning permission.

Consideration of likely impact on Equalities

- 5.23 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. This planning application is considered to have a neutral impact on equality.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development shall not be occupied as an 8no. bedroom (for 8no. people) HMO (Sui Generis) until the 3 off street car parking spaces, and cycle parking arrangements for 8 cycles, have been provided in accordance with the submitted details, and shall be retained as such thereafter.

Reason

In the interest of highway safety, the provision of satisfactory levels of parking and in the interests of promoting sustainable travel options, in accordance with PSP11 and PSP16 of the South Gloucestershire Local Plan: Policies Sites and Places Plan (Adopted) November 2017 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3. The development shall not be occupied as an 8no. bedroom large HMO (Sui Generis) until a minimum of one 7Kw 32 Amp Electric Vehicle Charging Point has been provided. This shall be retained as such thereafter.

Reason:

In the interest of promoting sustainable travel options and to accord with CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

4. The development shall not be occupied as an 8no. bedroom large HMO (Sui Generis) until the bin storage area, as shown on the submitted details, has been provided. This shall be retained as such thereafter.

Reason:

In the interests of the amenity of the area, South Gloucestershire Core Strategy Policy CS1 and Waste Collection: Guidance for new developments SPD (Adopted) 2015

5. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

Existing and Proposed Block plans 3950.PL1.02 Rev C received 17.1.23
Proposed plans and Elevations PL1.04 Rev C Received 17.1.23
Existing plans and Elevations PL.03 A Rec'd 24.11.22

Reason:

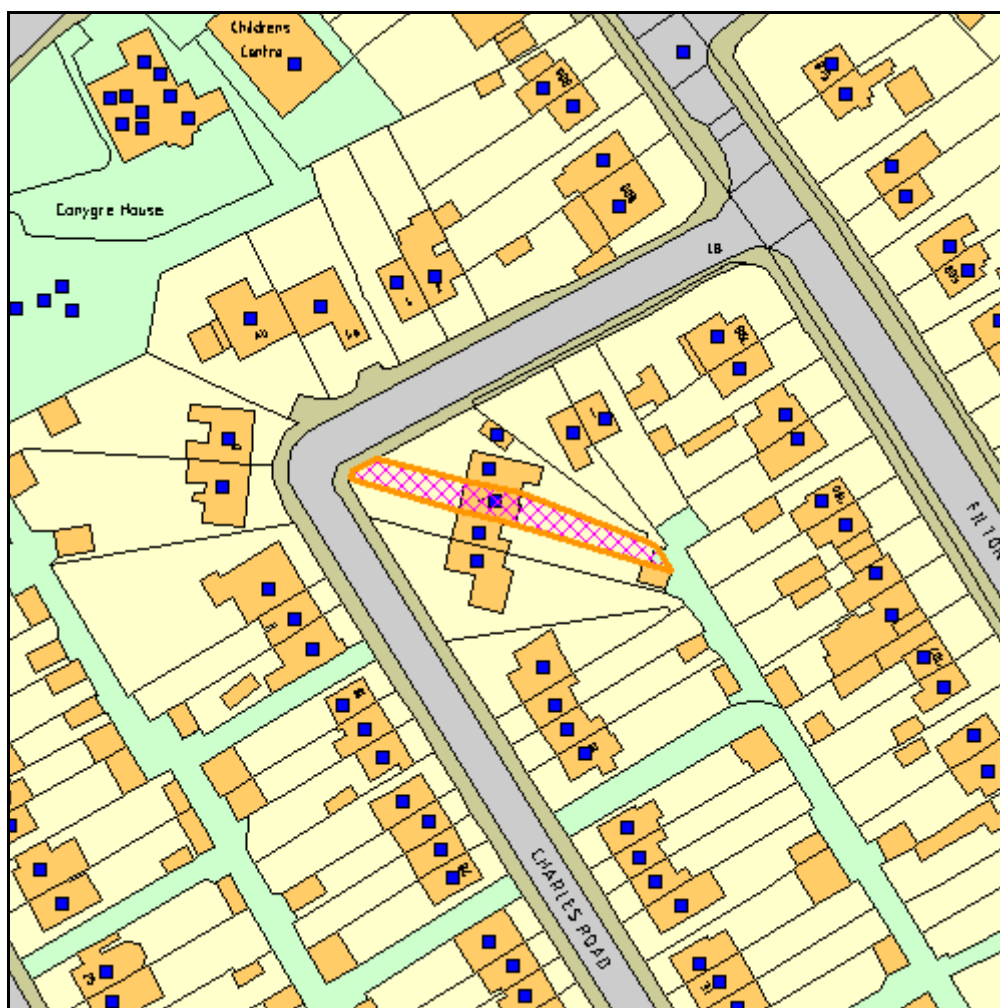
To define the terms and extent of the permission.

Case Officer: Helen Ainsley

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 05/23 -3rd February 2023

App No.:	P22/06774/HH	Applicant:	Dominik & Hannah Walkiewicz
Site:	7 Charles Road Filton South Gloucestershire BS34 7ES	Date Reg:	1st December 2022
Proposal:	Erection of single storey rear extension and first floor rear extension to form additional living accommodation with external rendering.	Parish:	Filton Town Council
Map Ref:	360812 179343	Ward:	Filton
Application Category:	Householder	Target Date:	13th February 2023



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P22/06774/HH

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASON FOR APPEARANCE ON CIRCULATED SCHEDULE

The application has been referred to the Circulated Schedule following the receipt of an objection from the Filton Town council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of single storey rear extension and first floor rear extension to form additional living accommodation with external rendering at 7 Charles Road, Filton
- 1.2 The application site is situated within a defined settlement boundary and comprises a mid-terrace two-storey dwellinghouse.
- 1.3 Revised plans have been submitted to reduce the scale and design of the proposal. Due to comments received from the Town Council, a period of re-consultation has been undertaken.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (July 2021)
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan: Policies, Sites, and Places Plan (Adopted November 2017)

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted August 2007)
Residential Parking Standards (Adopted December 2013)
Householder Design Guide (Adopted March 2021)

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/3489/PNH - Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 5.5 metres, for which the maximum height would be 3.9 metres and for which the height of the eaves would be 2.9 metres.
No objections 28.06.2016.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
1st comment 15.12.2022
OBJECTION
Overdevelopment.
Not in keeping with surrounding houses.
Not adhering to home building SPD.
- 2nd comment 18.01.2023
Windows need to be in keeping with neighbouring properties. Large pane glass not crittall glazing.
- 4.2 Local Residents
None.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 of the Core Strategy and policy PSP1 and PSP38 of the Policies, Sites, and Places Plan seek to ensure that development proposals are of the highest possible standards of design. This means that developments should be informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.2 The proposal seeks to erect a ground and first floor rear extension along with external rendering. The ground floor element projects 5m from the rear, spans an approximate width of 4.5m and features a contemporary dual pitched roof which is a maximum height of 3.9m. The first-floor section projects 3m from the rear elevation, spans a width of 3.9m and features a dual-pitched roof which is a maximum height of 6.6m which sits below the existing rear dormer. The proposal has been carefully revised to fully adhere to the design principles prescribed by the Householder Design Guide SPD, ensuring the proposal remains subservient and respectful to the character of the host dwelling. External materials are metal sheet cladding, grey render, and composite vertical grey cladding. The comments of the Town Council regarding the change to crittial windows are noted however this is not an issue that is considered sufficient to warrant a design refusal. Overall, the proposal is of an acceptable design which complies with the above policies.
- 5.3 Residential Amenity
Policy PSP8 of the Policies, Sites and Places Plan relates specifically to residential amenity in which it states development proposals are acceptable,

- provided that they do not create unacceptable living conditions or result in unacceptable impacts on the residential amenities of occupiers of the development or of neighbouring properties. These are outlined as follows (but not restricted to): loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and, odours, fumes or vibrations.
- 5.4 The primary impact of this development will be upon the occupiers of the adjoining dwellinghouse, No.5 and No.9. The single-storey enlargement will abut the boundary with No.9 though this will not cause a sufficient amenity concern due to its single storey nature. The first-floor extension is sited approx. 1.7m away from the boundary with No.9 so raises no amenity concern. Shifting to No.5, both ground floor and first floor extensions will be adjacent to the boundary. The nearest ground floor window of No.9 serves a ground floor bathroom so does not raise amenity concern. To the first floor, the extension will have some blocking impact on the nearest first floor window however as the extension follows the boundary it moves away from the window as it extends out, this helps to lessen the impact. Furthermore as No.5 is the end-of-terrace this window will still benefit from adequate outlook and natural light. As previously highlighted, the extensions meet the principles of the SPD which includes maximum extension length which are designed to ensure subservient extensions and protect the amenity of neighbours. Overall, the proposal has been carefully assessed and is in compliance with the above policy.
- 5.5 Private Amenity Space
Supplementary to this, policy PSP43 sets out that residential units, are expected to have access to private external amenity space that is: functional and safe; of a sufficient size in relation to number of occupants; and be easily accessible. The proposal does not increase the number of bedrooms in the property and over 60m² of private amenity space remains post development. Accordingly, the proposal has been carefully assessed and is in compliance with the above policy.
- 5.6 Transport (Access and Parking)
Policy PSP16 sets out the Council's criteria for parking specifications. It states that parking space provision per dwellinghouse is proportionate to bedroom number. The proposal has been carefully assessed and is in compliance with the above policy.
- 5.7 Consideration of likely impact on Equalities
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act, the public sector equality duty came into force. Among other things, those subject to the equality duty must have due regard to: eliminate unlawful discrimination; harassment and victimisation; advance equality of opportunity; and, foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

With regards to the above, this planning application is considered to have a neutral impact on equality.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The recommendation to **grant** permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

7.1 It is recommended that planning permission is **GRANTED**.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:

The location plan (SP 100)

Drawings as existing (EX 100)

Block plan (BP 100)

(above plans received 30/11/2022)

Drawings as proposed (SD 101 Rev E)

Side elevations (SD 102 Rev A)

(above plans received 13/01/2023)

Reason

To define the terms and extent of the permission.

Case Officer: Charlie Morris

Authorising Officer: David Stockdale