

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: 34/23

Date to Members: 24/08/2023

Member's Deadline: 31/08/2023 (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 list 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 24 August 2023

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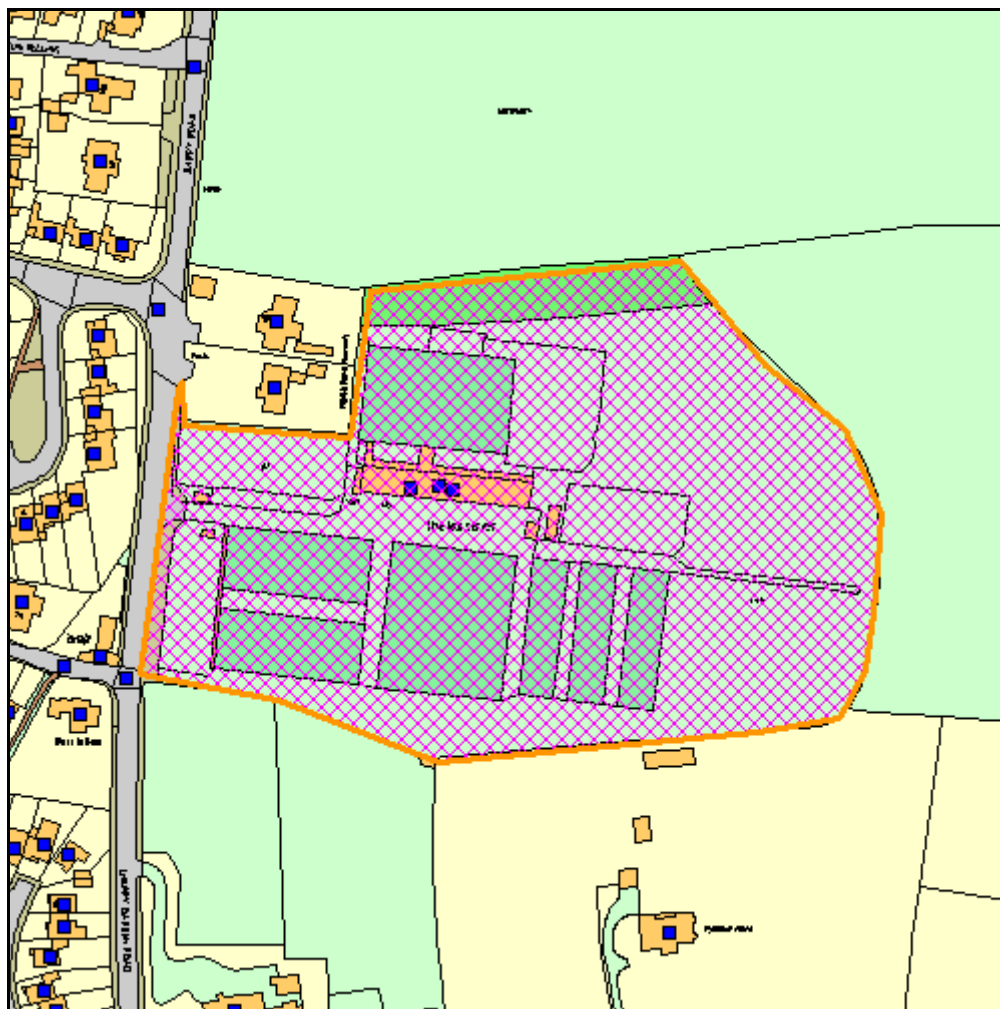
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P23/01577/RVC	Approve with Conditions	Land At Chief Trading Post Barry Road Oldland Common South Gloucestershire BS30 6QY	Bitton And Oldland Common	Bitton Parish Council
2	P23/01672/F	Approve with Conditions	30 Warren Road Filton South Gloucestershire BS34 7EJ	Filton	Filton Town Council

Schedule Number	Officers Deadline reports to support	Date to Members	Members deadline	Decisions issued from
34	Tuesday 22 August 23 5pm	Thursday 24 August 2023 9am	Thursday 31 August 2023	1 September 2023

Dates and officer deadlines for Circulated Schedule August Bank Holidays 2023

CIRCULATED SCHEDULE NO. 34/22 -24th August 2023

App No.:	P23/01577/RVC	Applicant:	Stroudwater Redevelopment Partnership Ltd
Site:	Land At Chief Trading Post Barry Road Oldland Common South Gloucestershire BS30 6QY	Date Reg:	16th May 2023
Proposal:	Variation to condition 34 (listed plans) attached to planning permission P21/05366/F - Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.	Parish:	Bitton Parish Council
Map Ref:	367361 170715	Ward:	Bitton And Oldland Common
Application Category:	Major	Target Date:	1st September 2023



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 100023410, 2008. N.T.S. P23/01577/RVC

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 APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following over 3no local objection comments being received contrary of the officer recommendation detailed below.

1. THE PROPOSAL

- 1.1 This planning application is made under Section 73 ("s73") of the Town and Country Planning Act 1990 (as amended) ("the Act"). Applications made under this section of the Act seek to develop land without compliance with conditions previously attached to the relevant planning permission.
- 1.2 The applicant is seeking to vary condition 34, so to amend the approved plans attached to permission P21/05366/F, which granted permission for the redevelopment of site, including 50 dwellings, 1no retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, site infrastructure, access and associated works and the erection of 1no. building for community and health services.
- 1.3 The main changes sought through this S73 application is for the re-design of the retail/café building. Since the point of submission, revisions to the design have been submitted following officer discussions.

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
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing Environment and Heritage

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

PSP1	Local Distinctiveness
PSP2	Landscape Protection and Enhancement
PSP3	Trees and Woodland
PSP11	Transport Impact Management

- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 P21/05366/F. Permission Granted, 9/11/2022
Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.
- 3.2 P23/01635/RM. Pending Determination
Erection of 50no dwellings, internal roads, landscaping and associated works (Phase E only). (Approval of reserved matters to be read in conjunction with P21/05366/F).
- 3.3 P23/01916/NMA. Approved, 24/7/2023
Non-material amendment to amend the approved plans list (condition 34) attached to planning permission P21/05366/F - Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.
- (Additional Plan Ref: Phase A Detail Plan dwg no: 1011 Rev P2 (Received 20th June 2023))*
- 3.4 DOC23/00174. Pending Determination.
Discharge of conditions 8 (arboricultural method statement), 9 (surface water drainage), 12 (public art), 13 (energy and sustainability), 17 (boundary treatment and hard landscaping), 19 (landscape and ecological management plan), 20 (lighting design) and 31 (travel plan) attached to P21/05366/F. Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.
- 3.5 DOC23/00099. Condition Discharged, 28/4/2023
Discharge of condition 19 (landscape and ecological management plan - Phase A) attached to planning permission P21/05366/F. Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.

- 3.6 DOC22/00444. Condition Discharged, 9/11/2022
Discharge of Condition 7 (Archaeology) Condition 8 (Arboricultural method statement) Condition 9 - Part Phase A only (Drainage) Condition 10 (CEMP) Condition 11 - Part B only (Site investigation - Contamination) and Condition 19 - Part enabling works only (Landscape and ecological management plan) attached to planning permission P21/05366/F Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.
- 3.7 DOC23/00002. Condition Discharged, 19/4/023
Discharge of condition 6 (Demolition and Construction Management Plan) attached to planning permission P21/05366/F. Hybrid planning application seeking full planning permission for the demolition of existing buildings; erection of 1 no. retail/cafe building (Class E); 6 no. supported living dwellings and 1 no. associated management building, and site infrastructure, access and associated works. Erection of 1no. building for community and health services, 50 no. dwellings with associated works (Outline) with access to be determined, all other matters reserved.
- 3.8 Further planning history exists, however it is not relevant for the determination of this application.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council - No objection
- 4.2 Conservation Officer – No objection
- 4.3 Lead Local Flood Authority – No objection
- 4.4 Highway Structures – No objection
- 4.5 Tree Team - No objection
- 4.6 Urban Design – Objection (comment based on superseded design)
- 4.7 Avon and Somerset Police – No objection
- 4.8 Ecology – No comment
- 4.9 Archaeology – No comment
- 4.10 Transport – No comment

Other Representations

4.11 Local Residents

7 comments from local residents have been received objecting to the proposal. These are summarised below:

- Out of character [Officer Comment]: Discussed Below
- Insufficient parking [Officer Comment]: Discussed Below
- Hard to remove if not successful [Officer Comment]: Not a planning consideration.
- Existing traffic problems [Officer Comment]: This is not a material planning consideration for this assessment.
- Inaccuracies in travel plan [Officer Comment]: This does not form part of this assessment.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.2 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused
- 5.3 This application seeks to vary condition no.34 (plans), so to allow a new design for the farm/ retail unit.

Analysis

- 5.4 In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for South Gloucestershire includes that of the adopted Policies, Sites and Places Plan (2017) (PSPP) and the adopted Core Strategy (2013) (CS).
- 5.5 The principle of the farm shop/ retail until has been established through previous applications. Nonetheless, due to the design change and location within the Green Belt, the impact must be reassessed.
- 5.6 With regards to the new proposed design, the floor area has been reduced, with the overall mass considerably less than the previously approved scheme. As

such, the revised design represents an improvement to the openness of the Green Belt and would not represent inappropriate development.

- 5.7 Turning to the design, the council expects the highest possible standards of design to be delivered. Further consideration is afforded to the NPPF, specifically with regards to ensuring design standards are not diminished through changes to the permitted scheme (para. 135).
- 5.8 With regards to the original proposal, this was influenced by many of the dual pitched barns seen throughout South Gloucestershire – albeit whilst these barns exist in the area, they are not seen within the immediate vicinity for which impacts the character of development. As such incorporating a new form of design is not harmful, provided that such design is high quality and respectful of its surroundings.
- 5.9 Since the point of submission officers have worked with the appointed architect so to improve the quality of design for which is now considered to meet the required standards. The front approach has been redesigned so to remove the porched-like entrance, resulting in a twin-gabled structure. The gables have then been designed to improve the solid to void ratio, with the end elevations now providing larger front openings with glazed gables finished with timber louvers. This provides a high quality appearance, allowing customers on approach to experience glimpses of the oak framed roof structure, in addition to the goods to be sold within the premises. Within the courtyard, external timber sliding shutters have been added to the shop front windows so to add an increased level of interest in support of a more traditional agricultural theme. The timber bollards previously to the front have also been replaced with seated planters, thus providing an increased level of landscaping to soften the overall appearance, whilst also providing an additional element of security which has been central to the applicant's interests. Concerns were also previously raised to the lengthy blank elevation which faced the highway, however subject to the new proposed hedgerow being planted, effective screening would be provided.
- 5.10 In conclusion, the design submitted as part of the s73 application is high quality for which would represent the functional intentions of a farm shop, successfully incorporating both traditional and modern elements of rural architecture. Whilst the design is a substantial variation from that originally granted, it is high quality in its own right and is not considered as diminished with regards to paragraph 135 of the NPPF.
- 5.11 With regards to parking, the proposed changes to the replacement building on site would not affect the site access previously approved nor would it affect the parking area on site. The changes of design would have no bearing on existing traffic problems.

Other Conditions

- 5.12 As a decision under s73 has the effect of granting a new (revised) planning permission, the other conditions attached to P21/05366/F must be reviewed and carried forward where necessary.

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
1	Time Limit for Phases A, B and C	Still applicable	Keep
2	Required details for RM (Phases D and E)	Still applicable	Keep
3	No condition	n/a	n/a
4	Time limit for submitting RM (Phase D and E)	Still applicable	Keep
5	Overall time limit for RM (Phase D and E)	Still applicable	Keep
6	Management Plan Demolition and Construction (all phases)	Condition Discharged under app ref. DOC23/00002	Remove
7	Archaeological Works (all phases)	Condition Discharged under app ref. DOC22/00444	Remove
8	Arboricultural Method Statement (all phases)	Condition Discharged under app ref. DOC22/00444	Remove
9	Drainage (all phases)	Condition Discharged under app ref. DOC22/00444	Remove
10	CEMP (Biodiversity)	Still applicable	Keep
11	Site Investigations (Contamination)	Part A Discharged via application ref. DOC22/00444	Keep and Amend
12	Public Art Programme	Still applicable	Keep
13	Energy and Sustainability Statement	Still applicable	Keep
14	Materials Phases B and C	Still applicable	Keep
15	Green Roofs	Still applicable	Keep
16	Planting Scheme Phases B and C	Still applicable	Keep
17	Boundary Hard Landscaping (all phases)	Still applicable	Keep
18	Ecology Mitigation Measures	Still applicable	Keep
19	LEMP (all phases)	Phase A discharged under application ref. DOC23/00099. Still applicable for remaining phases.	Keep and amend
20	Lighting Design (all phases)	Still applicable	Keep
21	Opening Hours Retail/ Cafe	Still applicable	Keep
22	Delivery Hours Retail/Cafe	Still applicable	Keep
23	Vehicle Access (Phases B,C,D and E)	Still applicable	Keep

<i>No.</i>	<i>Brief Description</i>	<i>Discussion</i>	<i>Action</i>
24	Internal Access Construction (Phases A,B,C,D and E)	Still applicable	Keep
25	Landscape Scheme Phases D and E	Still applicable	Keep
26	Building Heights for Phases D and E	Still applicable	Keep
27	Updated Tree and Hedgerow Protection Plan (Phases D and E)	Still applicable	Keep
28	Restricted Use of Proposed Health / Community Centre	Still applicable	Keep
29	Opening Hours for Health/Community Centre	Still applicable	Keep
30	Off-Street Parking (Phases D and E)	Still applicable	Keep
31	Travel Plan (Phase E)	Still applicable	Keep
32	Design Children's Play Area	Still applicable	Keep
33	Part M	Still applicable	Keep
34	Approved Plans	Still applicable	Update (including addition plan insert via application ref. P23/01916/NMA) and Amend

Impact on Equalities

5.12 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.

5.13 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 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 It is recommended that planning permission be GRANTED.

CONDITIONS

1. Time Limit for full application (Phases A, B and C)

The development within Phases A, B and C (as shown on drawing ref: 1201 rev 3 Parameter Plan - Phasing) hereby permitted in full 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. Required details in Reserved Matters application (Phases D and E)

For development within Phases D and E (as shown on drawing ref: 1201 rev 3 Parameter Plan - Phasing), approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced save for Enabling Works. The development shall be carried out in accordance with the approved details.

In this condition, "Enabling Works" means demolition of buildings on the site, site clearance, investigations for assessing ground conditions, remedial work in respect of any land contamination, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements, ecological mitigation measures, offsite highway works and such other enabling works as the Local Planning Authority shall agree in writing ("Enabling Works").

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Time limit for submitting reserved matters application

Application for approval of the reserved matters (Phases D and E) shall be made to the Local Planning Authority 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).

4. Overall time limit for implementing reserved matters application (Phases D and E)

The development (Phases D and E) hereby permitted in outline 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).

5. Construction environmental management plan (CEMP: Biodiversity) for all phases (pre-commencement condition)

No development shall take place in any development phase approved in both full and outline (including demolition, ground works, vegetation clearance) until a construction environmental management plan for that phase (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall be written in accordance with BS42020, including mitigation details on birds, reptiles, badger and any other wildlife that may be impacted by the proposal, as well as any pollution prevention measures. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of protected species and the biodiversity of the location, to accord with Policy PSP19 of The South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) Nov. 2017 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. This is a pre-commencement condition to ensure that appropriate precautionary measures in place prior to any works start on site.

6. Contamination Investigation / Remediation Strategy for all phases

B) Post demolition Site Investigation/Remediation Strategy - Where land affected by contamination is found which could pose unacceptable risks, no construction shall take place until the results of the said site investigations of the areas affected have been submitted to and approved in writing by the Local Planning Authority. A report shall include a conceptual model of the potential risks to human health; property/buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems. Where unacceptable risks are identified, the report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed. The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under Part B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) 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 adequate measures have been taken to mitigate against contaminated land 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.

7. Public Art Programme (pre-commencement condition)

Prior to the commencement of any development phase hereby approved in full (excluding enabling works), a detailed public art programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall be relevant and specific to the development, and its locality and commensurate with its size and importance. In addition, it shall be integrated into the site and its phasing plan.

Reason

To safeguard the visual amenity of the locality and a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

8. Sustainability and Energy Statement for all phases

Notwithstanding the submitted Energy & Sustainability Statement (Darren Evans, January 2022), prior to the commencement of the relevant stage of the development hereby approved, a revised energy statement for all phases shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include where relevant (but limit to):

- i. unregulated energy use and unregulated emission,
- ii the increase in emissions of the air source heat pumps,
- iii. details on the heating and hot water systems,
- iv. refrigerant leak detection and monitoring,
- v. specification of the PV systems,

- vi, overheating and
- v. the power output of the EV charging points.

Development shall be carried out in accordance with the approved details.

Reason: To ensure the development incorporates measures to minimise the effects of, 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 PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

9. External materials for Phases B and C

For each phase of development approved in full (Phase B and C), prior to the relevant works commencing, details and samples of the roofing, external facing materials and windows to be used on the proposed buildings in that phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

10. Green roofs for supported living dwellings

Detailed construction and planting details for the green roofs in any relevant phase of development approved in full shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing. Development shall be carried out in accordance with the approved details.

Reason

To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

11. Planting Scheme for Phases B and C

For each relevant phase of development approved in full (Phases B and C), detailed planting plans specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting for that phase (to be implemented in the first season following completion of construction works), supported by an implementation specification including tree pit details, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that phase (excluding enabling works). Development shall be carried out in accordance with the approved details.

Reason

To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

12. Boundary Treatment and Hard Landscape for all phases

For each phase of development approved in both full and outline, details of all proposed boundary and hard landscape surface treatments for that phase (including POS area), including proposed levels and any soil retention/retaining walls that may be required, together with supporting schedule of proposed manufacturer hard landscape materials and site furniture products shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works commencing. Development shall be carried out in accordance with the approved details.

Reason

To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

13. Implementation of Ecological Mitigation Measures

The development approved in both full and outline shall proceed in strict accordance with the Mitigation Measures provided in the Ecological Assessment (Ethos, July 2021).

Reason: To protect wildlife habitats, 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.

14. Landscape and ecological management plan (LEMP)

For each phase (excluding phase A) of development approved in both full and outline, a landscape and ecological management plan for that phase covering the enabling works operations/period and a subsequent 20 Year management period, identifying existing and proposed landscape and ecology related site assets, associated management objectives, schedules of annual maintenance work together with longer term management operations shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The LEMP shall include all ecological enhancements including specifications and locations to ensure that positive biodiversity net can be obtained. Development shall be carried out in accordance with the approved details.

Reason: To protect wildlife habitats, 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.

15. Lighting design

For each phase of development approved in both full and outline, prior to the commencement of relevant works, a detailed lighting design for that phase (including POS area) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To minimise light pollution, protect the wildlife habitats and landscape character, and safeguard the amenity of neighbouring occupiers, and to accord with Policy PSP1, PSP2, PSP8, PSP19 and PSP21 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) and Policy CS1, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

16. Opening hours for retail / cafe unit

The retail/cafe unit hereby approved shall not open to customers outside the following hours 07:30 -19.30 Monday to Sunday (including Bank Holidays).

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

17. Delivery hours for retail / cafe unit

No deliveries pursuant to the retail and cafe building hereby approved shall occur at the site outside of the following hours: 07:00 - 20:00 Monday - Saturday and 09:00 - 18:00 Sunday and Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

18. Provision of vehicular access

The vehicular access shall be provided in accordance with the approved the vehicular access arrangements (as shown on plan reference 0971-006 A) prior to the first occupation of the development hereby approved in both full and outline (Phases B, C, D and E) and thereafter maintained.

Reason

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

19. Internal access construction

For each phase of development approved in both full and outline (Phases A, B, C, D and E), internal access roads including off-site turning area shall be constructed to the Council's adoptable standards.

Reason

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

20. Landscaping scheme for Phases D and E

The plans and particulars of the reserved matters for Phase D and Phase E, required by condition 2, shall include a scheme of landscaping for the relevant phase, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard surfacing. Development shall be carried out in accordance with the agreed details.

Reason

To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

21. Building Height for Phase D and E

The plans and particulars of the reserved matters for Phase D and Phase E shall accord with approved drawing ref: 1206 rev 5 Parameter Plan - Building Heights.

Reason

To ensure a satisfactory standard of external appearance, and the character of the locality and the openness of Bristol / Bath Green Belt, and to accord with Policy PSP1 and PSP7 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017), Policy CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

22. Updated Tree and Hedgerow Protection Plan (Phases D and E)

The development shall proceed in strict accordance with the Arboricultural Impact Assessment (Treework Environmental Practice, July 2021), including the Tree Protection Plan. The plans and particulars of the reserved matters for Phase D and Phase E shall include an updated tree/hedgerow protection plan as part of the landscaping, required to condition 2, to reflect the details of development comprised in Phase D and Phase E.

Reason: To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

23. Restricted Use of proposed health / community centre

The building to be developed as part of Phase D shall be used for medical services (Class E(e)), non-residential creche, day centre or nursery (Class E(f)) or learning and non-residential institutional uses (Class F1) and for no other purposes.

Reason: To define the approved development in planning terms.

24. Opening hours for health / community centres

The health / community centre hereby approved shall not open to patients or customers outside the following hours:

07.30hrs to 21.00hrs Mon to Sat and 08.00hrs to 20.00 hrs on Sundays and Bank Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy PSP8 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017).

25. Off-street parking for Phases D and E

a) All off-street parking facilities for residential units developed as part of Phase E (residential development) shall be provided with electrical charging points and retained satisfactory for that purpose.

b) A minimum of 20% of all parking for the building to be developed as part of Phase D (health / community centre) shall be fitted with electrical charging points with the other spaces to be provided with passive facility for future connection to electrical charging point.

Reason: To promote sustainable travel and aid in the reduction of air pollution levels, and 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).

26. Travel Plan (Phase E)

Prior to the first occupation of the residential development (Phase E) hereby approved in outline, a residential travel plan shall be submitted and approved in writing by the Local Planning Authority. The revised travel plan shall include:

- i) The predicted opening date for the residential development;
- ii) The predicted date for appointment of Travel Plan Co-ordinator;
- iii) The predicted monthly build rate for the development;
- iv) The predicted Travel Plan Implementation Period;

v) The timing of other relevant facilities to be delivered and estimated completion dates (e.g. cycling links, play areas etc.); and vi) Details of a travel plan monitoring scheme for a 5 year period to check the effectiveness of the travel plan in achieving the aim of reducing the level of single occupancy travel by 10% from the first annual residents survey.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling, and to accord with 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).

27. Designs for informal children's play area

The plans and particulars of the reserved matters for Phase E, required by condition 2, shall include detailed designs for the informal children's play area and key viewpoint seating area. Development shall be carried out in accordance with the approved details.

Reason

To protect and enhance the landscape character of the area to accord with Policy PSP1, PSP2 and PSP3 of the South Gloucestershire Local Plan: Policies, Site and Places Plan (Adopted November 2017), Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

28. Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2).

8% of Affordable Homes to meet Part M of the Building Regulations accessibility standards M4(3)(2)(a).

Reason

To ensure inclusive design access for all in accordance with Policy PSP37 of the adopted South Gloucestershire Local Plan: Policies, Sites and Places Plan.

29. The development proposed shall be carried out in accordance with the following drawings:

The following drawings received by the Council on 5 August 2021

Site location plan, drawing no. 1001 L,
Proposed site layout (Chief Trading Post), drawing no. 1020 Rev 6
Proposed site layout (Supported Housing), drawing no. 1100 Rev 10
Parameter plan - land use, drawing no. 1202 Rev 4
Parameter plan - developable area, drawing no. 1203 Rev 3
Parameter plan - Habitat, drawing no. 1205 Rev 4

The following drawings received by the Council on 10 August 2021

Elim Housing Association - Proposed elevations for Staff and Residential Buildings, drawing no. 2235 2210 Rev 01

Elim Housing Association - Proposed site (floor) plan for Staff and Residential Buildings, drawing no. 2235 2110 Rev 01

The following drawing received by the Council on 12 August 2021
Parameter plan - building heights, drawing no. 1206 Rev 5.

The following drawings received by the Council on 2 August 2022
Parameter Plan - Phasing, drawing number 1201 Rev 4

The following drawings received by the Council on 20 June 2023 (P23/01916/NMA)
Phase A Detail Plan, drawing number. 1011 Rev P2

The following drawings received by the Council on 7 August 2023 (Retail and Cafe)
Site Layout, drawing number S23/841/001 Rev C
Proposed Plan and Section, drawing number S23/841/002 REv D
Proposed Elevations, drawing number S23/841/003

Reason:

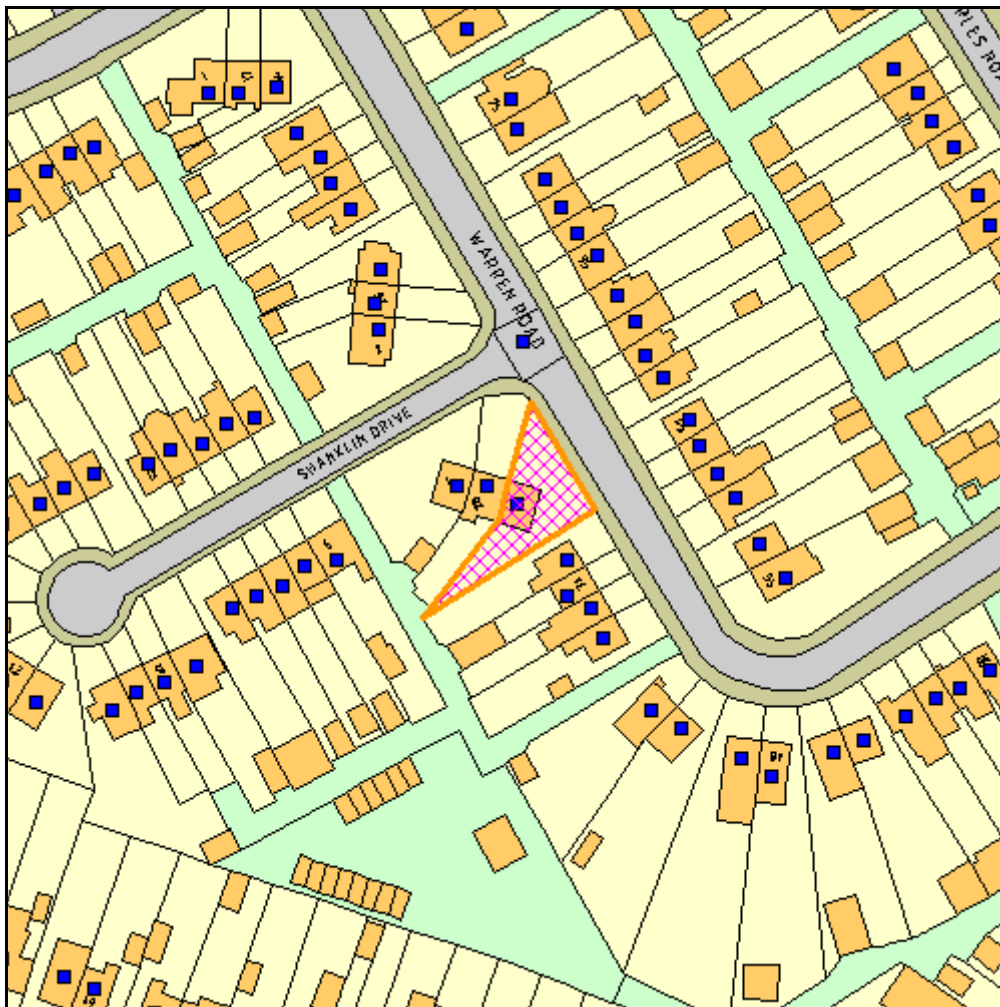
To define the approved development in planning terms.

Case Officer: Thomas Smith

Authorising Officer: David Stockdale

CIRCULATED SCHEDULE NO. 34/23 -24th August 2023

App No.:	P23/01672/F	Applicant:	Kasa Real Estate Ltd
Site:	30 Warren Road Filton South Gloucestershire BS34 7EJ	Date Reg:	24th May 2023
Proposal:	Change of use from small house of multiple occupancy (HMO) (Class C4) to a 7 bedroom large HMO for up to 7 people (Sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Filton Town Council
Map Ref:	360749 179198	Ward:	Filton
Application Category:	Minor	Target Date:	30th August 2023



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N.T.S.

P23/01672/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 more than 3no. (11no.) objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to an existing end of terrace, two-storey house at 30 Warren Road, Filton. The existing house was until recently in C3 residential use but is currently in use as a C4 small house of multiple occupation (HMO). The site is surrounded by other residential dwellings along both sides of Warren Road and Shanklin Drive to the West. Surrounding properties are all two-storey in height and of a similar architectural style. The site currently has a reasonable sized rear garden and existing parking at the front of the property
- 1.2 The proposed development is for the Change of use from a C4 residential dwelling (small HMO) to a seven-bedroom large house in multiple occupation HMO (Sui Generis) for up to seven people. The existing access would be widened to accommodate 4 parking spaces to the front of the house.
- 1.3 It should be noted that the loft conversion shown on the submitted plans is permitted development as was established under application P23/01414/CLP.

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
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
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
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PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP38	Development within Existing Residential Curtilages, including Extensions and New Dwellings
PSP39	Residential Conversions, Subdivision, and HMOs
PSP43	Private Amenity Space Standards

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.
 South Gloucestershire Design Checklist (Adopted) 2007)
 South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
 Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
 SPD – (Adopted) March 2015
 South Gloucestershire Council Waste Collection: guidance for new
 developments SPD (Adopted) Jan 2015
 Householder Design Guide SPD Adopted March 2021
 South Gloucestershire Council SPD : Houses in Multiple Occupation (Adopted)
 4th Oct. 2021

3. RELEVANT PLANNING HISTORY

- 3.1 PT18/3114/F - Erection of a single storey side extension to form additional living accommodation.
 Approved 23rd Aug. 2018
- 3.2 P23/01414/CLP - Installation of a rear dormer to facilitate a loft conversion.
 Approved 5th June 2023

Recent Appeal Decisions Relevant to this Application

- 3.2 12 Fifth Avenue, Filton, BS7 0LP
 P21/07108/F - Demolition of existing outbuilding, erection of detached two storey building with other associated works to facilitate a change of use from a class C4 (up to 6 person) house of multiple occupation to a 9-person house of multiple occupation (class sui generis) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
 Refused 18th Feb. 2022
 Appeal APP/P0119/W/22/3293909 allowed 21st July 2022
- 3.3 15 Braemar Crescent, Filton, BS7 0TD
 P21/07154/F - Change of use from residential dwelling (C3) to an eight_bedroom large house in multiple occupation (Sui Generis) for up to eight people including erection of side/rear extension and loft conversion/dormer, vehicle parking, bin storage and cycle parking.
 Refused 22nd Feb. 2022 (officer overturn).
 Appeal APP/P0119/W/22/3297910 allowed with Costs Awarded against the Council 15th Sept. 2022.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No response

4.2 Other Consultees

Transportation D.M.

No objection subject to a condition to secure the access and parking provision prior to first use.

Economic Development

No response.

Planning Policy

No response

Other Representations

4.3 Local Residents

11 no local residents have objected to the proposal. The concerns raised are summarised as follows:

- Insufficient parking provision.
- Cars already block drives and park on the pavement.
- Too many HMO's in the area.
- Will result in further noise and anti-social behaviour.
- Already rubbish in the road from HMO's.
- No need for further HMO's.
- The property was only ever a 3-bed family home.
- The garden is too small – triangular shape.
- Adverse impact on the character of the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the Council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework July 2021 (NPPF). The Policies, Sites & Places Plan was adopted in Nov. 2017 and also now forms part of the Development Plan.

5.3 The revised NPPF (para.11) reiterates that; at the heart of the Framework is the presumption in favour of sustainable development. At para. 11c the NPPF

- states that development proposals that accord with an up-to-date development plan should be approved without delay.
- 5.4 Furthermore, The South Gloucestershire Local Plan Core Strategy adopted (Dec 2013) Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with the NPPF para. 38, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible.
 - 5.5 Chapter 9 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
 - 5.6 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.
 - 5.7 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 it would not prejudice the amenity of neighbours. The 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).
 - 5.8 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.
 - 5.9 Prejudicing the amenity of neighbours can arise at a localised level when developments of such HMO uses are inappropriately located, or become over concentrated, particularly on an individual street level.
 - 5.10 At this point officers wish to stress that currently a residential property in Use Class C3 can be converted to a small HMO (Use Class C4) for 4-6 people, without the need for planning permission. HMO's however require planning permission once they exceed 6 people. Large HMO's, formed from seven unrelated residents or more, become *sui generis* i.e. "class of its own". (see para. 4.1 of the recently adopted HMO SPD).
 - 5.11 It should also be noted that the definition of an HMO for a mandatory licence is different to that for a planning application. A **large HMO** in the context of the HMO Licensing Regulations relates to properties that are rented to **5 or more people** who form more than 1 household, and where some or all tenants share toilet, bathroom, or kitchen facilities and at least 1 tenant pays rent (or their employer pays it for them). You must have a licence if you're renting out a

large HMO in England but HMOs rented to 4 or less people who form more than one household are exempt.

- 5.12 It should also be noted that Licensing of HMOs is separate from planning permission. It does not automatically follow that a licence would be issued for an HMO that has planning consent or visa versa; the criteria for granting these are different.
- 5.13 The Council has recently adopted a Supplementary Planning Document (SPD) for Houses in Multiple Occupation. The SPD requires HMOs to provide a good standard of accommodation, consider issues of noise disturbance (between adjoining communal rooms and bedrooms), and to support mixed and balanced communities.
- 5.14 The SPD includes two additional explanatory guidance notes. The first of these relates to sandwiching (defined as proposals for HMOs that sandwich a C3 residential dwelling between two HMOs, or the creation of 3 or more adjacent HMOs), and the harmful impact this may have on the amenity of neighbours. The second states that harm **may** (my emphasis) result when an HMO change of use would result in more than 10% of dwellings within the Census Output Area, or more than 20% of dwellings within a 100 metre radius, being HMO properties.

Additional Explanatory Guidance Note 1

- 5.15 Additional Explanatory Guidance 1 in the Houses in Multiple Occupation SPD pg.13, 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.
- 5.16 In the case of the current application site, whilst there are licensed HMO's at no. 26 Warren Rd.; Nos. 1 & 3 Branksome Drive and 10 Shanklin Drive, the proposed large HMO at no. 30 Warren Rd. would not result in a dwelling being sandwiched between two licensed HMOs, or result in three or more adjacent licensed HMO properties.
- 5.17 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.
- 5.18 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 by 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.

- 5.19 As there are localities which are already experiencing high 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.

Additional Explanatory Guidance Note 2

- 5.20 Additional Explanatory Guidance 2 – HMO SPD pg.14 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.
- 5.21 For the purposes of this assessment, a 'locality' is defined by a statistical boundary known as a Census Output Area. In the case of no.30 Warren Road, HMO properties currently represent 5.1% of households within the locality (7 licensed HMO's out of 138 properties). This level of density is well below the 10% threshold set by the SPD whereby there **may** be an adverse impact on the character and amenity of the area.
- 5.22 Within a 100m radius there are 88 properties, 4 of which are licensed HMOs, or 4.5% i.e. well below the 20% threshold set by the SPD.
- 5.23 The proposed change of use to a large HMO is not contrary to policies PSP39, PSP8 and CS17 and the SPD. The 10% threshold is however an arbitrary number and recent appeal decisions (see para. 3.2 & 3.3 above) suggest that each application should be considered on its own merits and that decision takers should consider the relative level of harm to the character and appearance of the area, having regard to its effect on community balance and housing mix.
- 5.24 The fact that the existing property can already operate as a small HMO, with 4-6 persons in occupation, under permitted development rights, is a material consideration of significant weight. A recent Court of Appeal judgment upheld a High Court ruling that such PD rights can properly be taken into account as a fall-back position (Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314).
- 5.25 The reality of the situation is therefore that if this application were refused, there is every likelihood that, subject to licensing, the dwelling would be occupied as a 4-6 person HMO rather than a single family household. The proposed change of use would merely allow the building to be occupied as a large HMO by only one additional person. The net increased impact on the character and appearance of the area would therefore be minimal.

Scale & Design

- 5.26 Notwithstanding the loft conversion allowed under P23/01414/CLP, any works to the house would be internal only, such that the outward appearance of the house would not alter. The proposed widened access would result in the loss of an existing hedge, but this vegetation is not protected and could be removed at any time. The hedge is not considered to make a significant contribution to the character of the area.

Residential amenity

- 5.27 Policy PSP43 sets out minimum standards for private amenity space, however there is **no** set standard for HMOs. Using this policy as a reference, a 1no. bed flat should have access to a minimum for 5 sq.m. amenity space. Using this standard, 7 x 1 bed. flats would require 35 sq.m. amenity space. The proposal provides approximately 52sq.m of amenity space in the rear garden, albeit somewhat restricted by its triangular shape. This would be sufficient for sitting out or drying clothes should future occupants wish to do so.
- 5.28 The proposal is situated within a dense urban area. There is adequate space within the front garden for refuse storage. The proposed bike sheds would be modest in scale and located to the front of the house, so there would be minimal impact on visual amenity in this regard.
- 5.29 The requirement for a mandatory HMO licence for a large HMO will ensure that the property would be well managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, any additional noise that may result from the proposed increased accommodation i.e. only one extra person, would be relatively small, and issues of noise and anti-social behaviour, should they arise, would in any event be dealt with through environmental protection legislation.
- 5.30 Officers noted at the time of their site visit, there were no obvious signs of there being other HMO's in the vicinity of the site.

Transportation and Highways

- 5.31 The Council Policy PSP16 parking standard for HMO's is 0.5 parking space per bedroom, rounded up to the nearest whole number of spaces. Therefore a 7-bed HMO requires 4 spaces. The Policy states that these can be provided on-site or alternatively on-street where there is a suitable width of carriageway.
- 5.32 It is a material consideration that the property could already operate as a 4-6 bed HMO with the existing parking provision of 3 spaces. The proposal would however provide the requisite 4 off-street parking spaces, with the existing access widened. There will therefore be sufficient parking provision to meet the requirement of PSP16 (as set out above). Officers also noted that at the time of their site visit (Tuesday mid-day) there were numerous on-street parking spaces available.

- 5.33 Adequate cycle storage would also be provided within the front garden for at least 8no. bikes. Adequate and accessible bin storage would also be appropriately located to the front of the house.
- 5.34 Officers are satisfied that the site lies within a highly sustainable location where alternative forms of transport to the car are readily available.

Other matters

- 5.35 Article 4 Directions are a means to restrict permitted development rights. There are currently no Article 4 Directions relating to HMOs in place within South Gloucestershire but one is due to be introduced to the Filton Area in Jan. 2014.
- 5.36 The scheme should not set a precedent as each application is determined on its individual merits.

Consideration of likely impact on Equalities

- 5.37 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 it is considered to have a neutral impact on equality.

Planning Balance

- 5.38 It is acknowledged that the proposal would make a positive contribution to the housing shortage, providing additional housing suitable for smaller households and single people in an area where there is a high demand for such accommodation. Whilst this weighs in favour of the proposal, the amount of additional accommodation provided (net 1no. person above what is allowed under p.d. rights) would be relatively small and therefore carries only minimal weight in the overall planning balance.
- 5.38 The site is a sustainable location and adequate car and cycle parking provision would be available to address the additional traffic generated by the proposal. Officers consider that, on balance, there would be no unacceptable impacts on highway safety. The residual cumulative impacts on the road network would not be 'severe'; this however would be expected of any submission and therefore carries neutral weight in the overall planning balance assessment. There would be no significant adverse impact on visual amenity but this is a requirement of any proposal and also carries neutral weight.
- 5.39 The proposal would not result in 'sandwiching' of an existing residential dwelling (C3) with licensed HMO's and would not exceed the 10% density threshold quoted in the HMO SPD and as would not have an 'adverse impact on residential amenity and the character of the area', especially in terms of the ability to support mixed communities.
- 5.40 The HMO SPD is a recently adopted Supplementary Planning Document. Whilst it is for guidance purposes only, it does support the existing

Development Plan Policies, most notably policies PSP8, PSP39 and CS17. As such, it is a material consideration and officers attach significant weight to the document and to the thresholds set therein that relate to the density of HMO's.

- 5.41 The percentage of known **licensed** HMO properties within the locality is only 5.1%. Within a 100m radius, the percentage would amount to only 4.5%. As such, the percentage of licensed HMO's within the 100m radius is below the 20% threshold and well below 10% within the wider locality. Although this proposal would not run counter to the threshold for the locality set out within the SPD, it is still necessary to demonstrate what harm would be caused to the character and appearance of the area, especially having regard to the fall-back situation in this case.
- 5.42 From what officers saw during their site visit, there was no clear physical evidence of the problems usually associated with high levels of intensified properties, such as inadequate refuse storage arrangements or poorly maintained frontages and illegal parking.
- 5.43 The proposed development would provide an acceptable level of living conditions for up to 7no. occupants, including internal and external amenity space, refuse storage as well as vehicle and cycle parking. There are no concerns over highway safety or neighbour's living conditions with respect to noise, disturbance and anti-social behaviour.
- 5.44 Consequently, it follows that the proposed scheme would not necessarily add to or result in any of the problems usually associated with high levels of intensified HMO properties in a locality.
- 5.45 There would be no unacceptable harm to the character or appearance of the area. As such, the proposed development would not be materially at odds with the aims of Policy CS17 of the CS, Policies PSP8 and PSP39 of the PSPP or the guidance set out in the adopted SPD.

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 subject to the conditions listed below:

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 off-street parking provisions (i.e. 4no. spaces), bin store and cycle storage facilities, as shown on the Proposed Site Plan Drawing No. 203 received 22nd May 2023 , Proposed Bin Storage Drawing No. 216 received 22nd May 2023 and Proposed Cycle Storage Plan Drawing No.215 received 22nd May 2023 respectively, shall be provided prior to the first use of the property as a 7 person HMO and retained for those purposes thereafter.

Reason

To ensure the satisfactory provision of parking facilities, cycle storage facilities and appropriate waste facilities and in the interest of highway safety, to promote sustainable transport and to accord with Policies PSP16 and PSP39 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017.

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

Location Plan Drawing No. 201 received 22nd May 2023
Existing Site Plan Drawing No. 202 received 22nd May 2023
Proposed Site Plan Drawing No. 203 received 22nd May 2023
Existing Plans Drawing No. 204 received 22nd May 2023
Proposed Plans Drawing No. 205 received 22nd May 2023
Proposed Plans Drawing No. 206 received 22nd May 2023
Existing Elevations Drawing No. 211 received 22nd May 2023
Proposed Elevations Drawing No. 212 received 22nd May 2023
Existing Sections Drawing No. 213 received 22nd May 2023
Proposed Sections Drawing No. 214 received 22nd May 2023
Proposed Cycle Storage Drawing No. 215 received 22nd May 2023
Proposed Bin Storage Drawing No. 216 received 22nd May 2023

Reason

To define the terms and extent of the permission.

Case Officer: Roger Hemming
Authorising Officer: Marie Bath