



Appeal Decision

Site visit made on 20 September 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 October 2021

Appeal Ref: APP/P0119/W/21/3277512

Block B, The Square, Cheswick Village, Stoke Gifford BS16 1FT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Christian Grant Properties Ltd against the decision of South Gloucestershire Council.
 - The application Ref P20/10080/F, dated 8 June 2020, was refused by notice dated 24 December 2020.
 - The development proposed is described as conversion of vacant commercial accommodation to create 36 studio student flats (36 bedrooms), 1 four bedroom cluster flat (4 bedrooms) and 2 five bedroom cluster flats (10 bedrooms) (Sui Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of vacant commercial accommodation to create 36 studio student flats (36 bedrooms), 1 four bedroom cluster flat (4 bedrooms) and 2 five bedroom cluster flats (10 bedrooms) (Sui Generis), at Block B, The Square, Cheswick Village, Stoke Gifford BS16 1FT, in accordance with the terms of the application, Ref P20/10080/F, dated 8 June 2020, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The scheme has as a whole been promoted as student accommodation, both specifically in relation to and with the support of the University of the West of England (UWE). I have therefore considered the appeal on that basis.
3. A Unilateral Undertaking (UU) was submitted by the appellant during the course of the appeal in order to address Council concerns relating to parking and open space. The Council has not offered any comment on the completed UU. It is however apparent that the 'owner' to whom the obligations apply is not explicitly defined within the copy of the UU with which I have been presented, and no evidence of title has been supplied. The soundness of the UU is therefore open to doubt, and as such I cannot attach any weight to it. I will consider the implications of this within my reasons below.

Main Issues

4. The main issues are:
 - whether the development would provide acceptable living conditions for future occupants in relation to the provision of living and amenity space;

- the effect of the development on the living conditions of occupants of flats above in relation to noise and disturbance;
- whether the development would make acceptable provision for parking; and
- whether the development would make acceptable provision for public open space.

Reasons

Living conditions: future occupants

5. The Council has no adopted internal space standards, or policy which specifically relates to this matter. In this regard it assessed the scheme with reference to the Nationally Described Space Standards (NDSS).
6. The Council notes that many of the proposed studio flats would fail to meet the minimum standard set out within the NDSS for a 1-bed single storey dwelling. However, this standard does not specifically relate to student flats. As student flats are not intended as permanent places of residence, but provide relatively short-term accommodation whilst studying, their occupants can be expected to require far less space. In this regard, and in the absence of any clear evidence to the contrary, I see no reason why the range of proposed room sizes should be considered inadequate.
7. Most studio flats would be rectangular in shape, and would radiate off a central corridor on each floor. Some rooms would be narrower than others. Each room would be served by a window and would thus have access to natural light and ventilation. Levels of light would inevitably fall with distance from the windows, meaning that the deeper recesses of some rooms would be poorly lit. However, those parts of the rooms would not contain the main living spaces, but enclosed bathroom and/or kitchen facilities. In these locations, as also within parts of the corridors lacking natural light, the use of artificial lighting would be an acceptable response. In neither case would this give rise to any obvious harm to the living conditions of occupants.
8. At predominantly 2.3 metres, the floor-ceiling height of the proposed accommodation, including the corridors, would be comfortable for most. Though floor-ceiling heights would drop to 2.1 metres in locations containing beams, these areas would be both localised and limited in size. For this reason, and in view of my findings above, the dimensions of the flats would not give rise to cramped and oppressive living conditions. Nor would the corridors, whose width would be required to comply with building regulations and would make provision for wheelchair access.
9. The outlook from rooms located on the southern side of Block B would be limited by the existence of another block adjacent. This is also true of existing flats located above. Though the latter differ insofar as they are stepped in from the frontage, the width of the walkway separating the 2 blocks at ground level would nonetheless remain sufficient to avoid any sense of oppression.
10. The scheme would include 2 communal study spaces and a communal kitchen. The size and dimensions of the communal kitchen would be modest, and the study spaces would have no source of natural light. Given that the occupants of the development would all have access to their own dedicated kitchen and study spaces, none would depend on use of these communal spaces. I

therefore see no particular reason why the size of the communal kitchen should be considered inadequate, and, insofar as there would be no necessity for the study rooms to have access to natural light, they too would be acceptable.

11. Policy PSP43 of the Policies, Sites and Places Plan 2017 (the PSP) sets out private amenity space standards for new residential units. The policy again makes no reference to student flats, though these could presumably fall within the category of 'specialist residential accommodation', where space is required to be 'sufficient'. In this regard the occupants of the proposed flats would not have the same type or level of need for space as occupants of dwellings intended as permanent places of residence. Indeed, as such space would not be essential in relation to a student flat, its lack of provision would not be necessary or harmful. A significant amount of public open space otherwise exists nearby, and future occupants would have access to open space both on campus and within the surrounding area if required. I am therefore satisfied that no conflict arises with Policy PSP43.
12. For the reasons outlined above I conclude that the development would provide acceptable living conditions for future occupants. It would therefore comply with Policy PSP8 of the PSP which states that development proposals will be acceptable provided that they do not create unacceptable living conditions, and Policy PSP43 of the PSP as considered above. Whilst the Council also cited Policy PSP39 in the decision notice, this relates to the conversion or sub-division of existing residential buildings, and it is therefore not relevant.

Living conditions: occupants above

13. The proposed flats would occupy vacant space within which a wide range of potential uses has otherwise been approved. These span the former use classes A1-A5, D1 and D2, thus providing broad potential for uses which could generate significant levels of both movement and noise, including late into the evening. Unlike the proposed flats, such uses would not generally operate across 24 hours, however the overall potential for disturbance of occupants of flats above would be far greater.
14. Moreover, as the building was designed to accommodate noise generating uses beneath flats, its construction is presumably sufficient to prevent any unacceptable transmission of noise between floors. Such matters would otherwise be addressed within the context of the building regulations.
15. For the reasons set out above I conclude that the development would not have an unacceptable effect on the living conditions of occupants of flats above. Again therefore, it would comply with Policy PSP8 of the PSP which seeks to secure development which would not have an unacceptable impact on the residential amenity of occupiers of nearby properties.

Parking

16. The Council's parking standards are set out within Policy PSP16 of the PSP, and Residential Parking Standards Supplementary Planning Document 2013 (PSPD). Again, these do not contain any standard covering the provision of parking for student flats. The Council instead assessed the scheme against the standard relating to houses in multiple occupation (HMOs), and in so doing identified a need for a minimum of 25 parking spaces. Whilst students may sometimes occupy HMOs, the nature and characteristics of an HMO are different to the

type of accommodation proposed in this case. To this end I have been provided with no data which seeks to model the typical rate of parking generated by occupants of student flats as compared with HMOs, or which therefore demonstrates the applicability of the standard. In the absence of such evidence, I am unconvinced that the standard is in fact transferable or therefore relevant.

17. The scheme would provide 4 accessible parking spaces for occupants, and 2 spaces for operational use. In the event that more than 4 future occupants required parking space there would be overspill. The site is however located within quick and easy walking and cycling distance of the UWE campus, directly adjacent to a small supermarket and to other services, and has a very good level of access to public transport. In these regards it can be considered highly sustainable. The use of sustainable modes of transport would be further encouraged through provision of 50 cycle spaces, and the implementation of actions set out within the submitted Travel Plan. Aside perhaps from those students requiring use of the proposed accessible spaces, there would be no necessity for future occupants to use a private vehicle in order to access the campus, shops or services.
18. A vehicle might nonetheless be kept, and in this regard the possibility that some future occupants would seek to park within the surrounding area cannot be ruled out. On-street parking within the immediate vicinity of the site is however heavily restricted by a combination of double yellow lines, barriers, use of limited time bays, and permits. Other parking is closely integrated within the layout of the housing it serves and, in some cases, bays are marked. Few such spaces present themselves as being available for public use. There would therefore be little scope for occupants to park a vehicle nearby.
19. Insofar as parking could therefore spill out into the broader area, I have been provided with little evidence regarding the availability of space. It is however reasonable to suppose that parking at some distance from the site would be both unpredictable and inconvenient.
20. A combination of the high level of accessibility of the site, with a lack of convenient parking space nearby would make the proposed accommodation most attractive to students without a car. Conversely it would present itself as somewhat impractical to those who require parking space. This would limit the probability of excess parking demand being generated, as too therefore any scope for harm arising to amenity and highways safety from overspill.
21. No details of the parking demand likely to arise in relation to the already approved uses of the site has been set before me. However, it appears to me more likely that these could result in overspill than the proposed development.
22. Notwithstanding the above, the appellant has sought to address the Council's concerns by attempting to demonstrate that, aside from provision of the 6 spaces noted above, the development could be secured as 'car free'. This was one purpose of the UU. As car free development can only be implemented effectively within a Controlled Parking Zone, it is unlikely that the obligation would be wholly effective. In any case, and in view of my findings above, I am satisfied that the measures set out within the Travel Plan would limit to an acceptable degree the already low probability of excess parking demand being generated by the development. As this can be secured by condition, the obligation is not required. Therefore, even had I found the UU to be sound, it

would not have passed the tests set out in paragraph 57 of the National Planning Policy Framework, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the relevant tests) and could not have been taken into account.

23. For the reasons set out above I conclude that the development would make acceptable provision for parking. Whilst I have already established that above that no conflict would arise with Policy PSP16 of the PSP, or the PSPD, the development would otherwise comply with Policy PSP11 of the PSP and Policy CS8 of the Core Strategy 2013 (the CS), which each seek to secure development which is accessible in relation to walking, cycling and public transport to services and facilities. The decision notice again additionally cites Policy PSP39 of the PSP in relation to this matter, however, as outlined above, this is irrelevant.

Public open space

24. Planning permission was refused partly on the basis that the scheme would fail to provide 'public open space' on site, or a contribution towards off-site provision. The Council's more specific concern was however in relation to outdoor sports facilities. In this regard Policy CS24 of the CS sets out the requirement for new development to cater for the projected needs for outdoor sports facilities where existing provision is inadequate.
25. The Council indicates that an audit of outdoor sports facilities in the area shows a shortfall. However, I have not been provided with this audit. Nor have I been provided with any explanation of how demand generated by students, who have access to their own dedicated facilities on campus, is differentiated from that generated by the general public at large. Logic dictates that a difference should exist.
26. Thus, whilst it is indicated that the audit takes UWE facilities into account, it has not been shown that these facilities currently fail to cater for the student demand they are provided to meet. Nor has it been shown that the increased demand for outdoor sport facilities generated by the development would fail to be met on campus. Finally, it has not been shown that the contribution sought would directly fund the provision or improvement of facilities most likely to see use by the future occupants. The need for the development to provide or to contribute towards outdoor sports facilities has not therefore been demonstrated.
27. The appellant has agreed to pay the financial contribution sought, and the UU was partly intended to secure this. In view of my findings above however, the contribution is unjustified. Even had I found the UU been sound therefore, it would not have passed the relevant tests, and could not have been taken into account.
28. For the reasons outlined above I conclude that no clear need for the development to make provision for public open space has been demonstrated. As the scheme would therefore be acceptable in the absence of such provision, it would not conflict with Policy CS24 of the CS as set out above.

Other Matters

29. The development would prevent the site from being used for one of the previously approved uses, some of which could have been socially and

economically beneficial to the local community. This was something the Council identified as harmful, despite not refusing the scheme on these grounds. Given that marketing evidence demonstrates a lack of demand for the approved uses, such harm can only be understood as hypothetical. In this regard future occupants of the development would help to support businesses in adjacent blocks and add a sense of vitality. As these benefits would be real rather than hypothetical, I am satisfied that any harm would be at least balanced, if not significantly outweighed.

30. Interested parties have raised a wide range of additional concerns not shared by the Council. These include harm arising from changes in external design, loss of privacy, anti-social behaviour, and pressure on local services. Changes in the façade of the building would however generally complement the overall design; there would be no obvious loss of privacy for adjacent occupants; and I have been provided with no evidence that anti-social behaviour would inevitably arise from occupation of the flats by students, or that local services are inadequate. These concerns do not therefore alter my findings above.

Conditions

31. I have imposed standard conditions setting out the time period for commencement of the development and identifying the approved plans for sake of certainty.
32. Condition (3) requires that the accommodation is only occupied by students of UWE, and only at the level of occupancy proposed. The condition is necessary given that this the specific basis upon which the scheme has been presented and that I have found it to be acceptable.
33. Condition (4) requires details of the design of the refuse and recycling store to be approved. This is necessary given that only the floorplan and outline of the store are shown on the plans, and in order to ensure a satisfactory appearance relative to the surrounding setting.
34. Conditions (5) and (6) secure provision of the proposed parking and cycle storage spaces, and implementation of the Travel Plan. This is necessary in the interests of promoting the use of sustainable transport and limiting any potential for overspill parking.
35. Condition (7) requires the approval of a Student Management Plan. Such a plan and its content is referred to variously within the submissions, however no finalised version has been set before me. The condition is necessary in the interests of ensuring appropriate management of the accommodation in order to secure a high standard of amenity for its future occupants.
36. Condition (8) places limits on the times that any demolition, construction and related works can take place. The condition is necessary in order to prevent any undue disturbance of occupants of surrounding dwellings.
37. I have not imposed a requested condition requiring the provision of public art. Though Policy CS1 of the CS states that public art should be embedded where the scale, location and/or significance of the new development proposals warrants it, the Council has not indicated why public art is warranted in this case. In this regard the requirement appears to logically relate to developments including the provision of public spaces rather than simple conversion of vacant space. I have not therefore imposed the condition.

Conclusion

38. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01-1 A; P02-1 B; P03 A; P04-1 A; P04-2 A; P05 A.
- 3) The development hereby permitted shall not be occupied other than as student accommodation. No person other than a full-time student attending the University of the West of England shall occupy any part of the development at any time, and at no time shall the development be occupied by more than 50 students. The owner, landlord or authority in control of the development shall keep an up-to-date register of the name of each person in occupation of the development together with course(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.
- 4) Design details of the refuse and recycling store shall be submitted to and approved in writing by the local planning authority. The store shall then be installed in accordance with the approved details prior to the first occupation of the development hereby permitted, and retained thereafter.
- 5) Prior to the first occupation of the development hereby permitted the car parking and cycle storage facilities shown on the approved plans shall be provided and made available for parking and cycle storage. The car parking and cycle storage facilities shall thereafter be retained and kept available for parking and cycle storage by the occupants of the development at all times.
- 6) The development hereby permitted shall be operated in accordance with the Travel Plan (ref TP/01/Rev A).
- 7) Prior to the first occupation of the development hereby permitted a Student Management Plan, setting out how the accommodation will be managed, including a moving in/out strategy, shall be submitted to and approved in writing by the Council. The development shall thereafter be managed in accordance with the approved Plan.
- 8) Any demolition, construction and related works undertaken in relation to the development hereby permitted shall take place only between 07:30 - 18:00 Monday to Friday and 08:00 - 13:00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.