

## **Bristol City Council – LPA S62A Statement Note**

*59 Langton Road, Bristol, BS4 4ER*

LPA application reference: 24/03623/PINS

Applicant: Dr Klare Davis



### **1. Introduction**

This statement of case relates to a full planning application (LPA reference: 24/03623/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use from a small dwellinghouse in multiple occupation for 3-6 people (C4), to a large dwellinghouse in multiple occupation (sui generis) for seven people at 59 Langton Road, BS4 4ER.

The LPA considers that the application adequately overcomes previous Inspector and LPA concerns, and would recommend approval as outlined below:

### **2. Relevant Planning History**

23/01590/CP - Application for a Certificate of Proposed Development - erection of a garage with fenestrations. A loft conversion/dormers with fenestrations. A single storey side/rear extension with fenestrations. (Certificate of Lawfulness BE NOT ISSUED)

23/04943/CP - Application for a Lawful Development Certificate for the proposed erection of rear roof extensions, front elevation rooflights, single storey rear infill extension, single storey rear extension and extension to existing rear garage. (Certificate of Lawfulness BE ISSUED)

24/00271/F - Change of use from a dwellinghouse used by a single person or household (C3) to a large dwellinghouse in multiple occupation (sui generis) for eight households/twelve people. (REFUSED)

24/00349/CP - Application for a Lawful Development Certificate for a Proposed Use or Development - Change of use from a C3a dwellinghouse to a small house in multiple occupation for 3-6 people (C4). (Certificate of Lawfulness BE ISSUED)

24/02509/PINS - Application for Planning Permission for Change of use from a small dwellinghouse in multiple occupation for 3-6 people (C4), to a large dwellinghouse in multiple occupation (sui generis) for eight people, including erection of refuse, recycling and cycle stores, and minor demolition and external alterations to detached garage to facilitate use as habitable accommodation. (REFUSED)

### **3. Response to Consultation**

14 neighbouring properties were consulted on 30.09.2024 with a deadline to reply by 28.10.2024.

BCC's Pollution Control Team commented as follows:-

I have no objection to this application but in line with my previous comments to 24/00271/F and the decision notice for 24/02509/PINS I would ask that the following condition be added to any approval.

(See Suggested Conditions List below)

BCC's Transport Development Management Team commented as follows:-

Principle:

The proposal is for a change of use from a small HMO (3-6 people) to a large HMO (7 people), including associated waste and cycle storage.

Notable previous planning applications include:

- 24/00271/F ' change of use from dwellinghouse (C3) to large HMO (8-bedrooms) ' application refused, partly due to potential car parking constraints and lack of provision for movement of bins to the highway for collection.
- 24/02509/PINS ' change of use from small HMO (3-6 people) to large HMO (8 people) ' application refused but not for transport reasons.

Local Conditions:

The site is located on Langton Road, an unclassified road with a 20mph speed limit. It appears the site can also be accessed via an unadopted access lane to the rear of the property, off Bloomfield Road, which is an unclassified road with a 20mph speed limit. No collisions have been reported close to the site.

The nearest bus stop is located 180m from the site on Salisbury Road, serviced by route 61, providing hourly buses towards the City Centre or Brislington. Another bus stop is located around 450m from the site on Newbridge Road, serviced by route 5, providing buses every 40 minutes on average towards the City Centre and Clifton. Nearby cycling routes and infrastructure are currently limited. Residents are likely to be reliant on private car for most journeys.

Car Parking:

The proposals do not include any off-street parking. The applicant has provided a parking survey completed to BCC standards, showing 35-36 on-street spaces available on two separate weekday nights (22:00-00:00). Although there are other uses in the area that could impact the parking level (St Anne's Church and School), the site is already used as a 6-person HMO, meaning the change of use to a 7-person HMO is likely to have a minimal impact on car parking. TDM is satisfied the proposals would not result in an unacceptable impact on the highway network.

Although there is no Resident's Parking Scheme currently in operation here, residents should not benefit from any future schemes should one be implemented.

Cycle Parking:

Plans show 8 cycle parking spaces, consisting of 4 Sheffield stands, which exceeds standards given in the BLPs Parking Standards Schedule. The stands are provided within the existing garage to the rear of the property, which can be accessed from the rear lane. It is unclear where the access for the garage is located, although it is presumed this would be facing the rear lane. The applicant should ensure the garage is secured to Secured by Design standards and is well-illuminated, with a 1.2m wide entrance.

TDM is satisfied additional information could be secured by a condition. More information about cycle parking guidelines can be found in the Transport Development Management Guide.

Waste:

Plans show waste storage adjacent to the adopted highway at the front of the property, rectifying issues with previous applications. The block plan appears to show 2 of the bin stores outlined on plans, although this is unclear. Bristol Waste guidance states 1 set of bins should be provided per 3 bedrooms for HMOs, meaning 2 sets of bins and appropriate storage should be provided for the property. This includes 2x 180L refuse bins, 2x 55L green recycling boxes, 2x 45L black recycling boxes, 2x 23L food waste bins, and 2x 90L blue sacks.

Waste storage should be screened, ventilated, and secure. TDM is satisfied additional information could be secured by a condition. More information about waste guidelines can be found in the TDMG and Bristol Waste guidance.

Construction Management:

As limited alterations are required and the site is located on an unclassified road, a construction management plan is not needed.

Final Comments:

Although some information is not provided on plans, including information about the design of the cycle storage and waste storage (as stated above), TDM is satisfied this can be secured by conditions.

The application is acceptable from a TDM perspective, and we would recommend the following conditions:

(Please see Suggested Conditions section below)

#### **4. Main Planning Considerations**

##### **Principle of Development**

Policy BCS18 (Housing Type) of the Core Strategy states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

Policy DM2 (supported by the HMO Supplementary Planning Document, adopted 3 November 2020) aims to ensure that the intensification of use of existing HMOs preserves the residential amenity and character of an area and that harmful concentrations of HMOs do not arise.

Part 1 of Policy DM2 states that the intensification of use of existing HMOs will not be permitted if it would harm the residential amenity or character of the locality as a result of any of the following:

1. Levels of activity that cause excessive noise and disturbance to residents; or
2. Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or
3. Cumulative detrimental impact of physical alterations to buildings and structures; or
4. Inadequate storage for recycling/refuse and cycle

Part 2 of Policy DM2 refers to whether or not the development would create or contribute to a harmful concentration of HMOs; of which there are two parts:

- Harmful due to worsening effect on existing conditions (including 1-4 above); and or
- Harmful due to a reduction in the choice of homes in the area by changing the housing mix

The HMO Supplementary Planning Document (adopted 3 November 2020) explains that the intensification of an existing HMO, in either or both of the following two scenarios, is unlikely to be consistent with Local Plan policy:

1) An intensified HMO would sandwich up to three single residential properties (use class C3) between two HMO's (being the intensified HMO and an existing HMO), and/or, would sandwich a single residential property (use class C3) between two HMOs (being the intensified HMO and an existing HMO) in any two of the following locations: adjacent, opposite and to the rear.

2) An intensified HMO would be sited in an area (defined as a 100-metre radius of the application property) where 10% or more of the total dwelling stock is already occupied as HMOs. The assessment also includes the concentration and location of purpose-built student accommodation (PBSA) in relation to the development, and also the type/nature of the PBSA.

The HMO count is the number of licenced HMOs plus any properties that have been given planning permission for HMO use and do not currently have a licence.

The principle assessment for this application concerns policies BCS18 and DM2.

There is overlap between policies BCS18 and DM2, as both seek to avoid harmful concentrations of uses in areas, albeit DM2 provides further criteria to assess this. Policy BCS18 includes a more demographical approach, stating that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. For example, in common with policy DM2, policy BCS18 would resist a proposal that would reduce the choice of homes in an area by changing the housing mix. However, policy BCS18 is less explicit in defining what a harmful impact on the mix balance of a community would be, whereas policy DM2 defines that a harmful concentration of uses within a locality would exacerbate existing harmful conditions, including:

- Levels of activity that cause excessive noise and disturbance to residents; or
- Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or
- Cumulative detrimental impact of physical alterations to buildings and structures; or
- Inadequate storage for recycling/refuse and cycles.

The HMO SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a dwelling (Use

Class C3) is sandwiched on both sides by HMOs. With regards to the wider area, a harmful concentration is found to exist where a threshold proportion of 10% HMOs within a 100m radius of the site occurs. The SPD suggests that this is generally identified as a tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken. However, each case will need to be assessed on its own merits.

Paragraph 4.2 of the SPD states that proposal for additional bed spaces within an existing HMO where 10% or more of the total dwelling stock is occupied as HMOs within a 100-metre radius of the application property or site are unlikely to be consistent with Local Plan policy. The LPA can ascertain this through access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. The site is in an area where there is a lower concentration of HMOs than the Bristol ward level average. Specifically, the site is within the Brislington West. Data from the 2021 Census suggests that 7.7% of the properties in the ward are multi-family households, a similar level can also be seen at within the Lower Super Output Area (LSOA) of 7.1%.

As per the previous two applications, the LPA has no objection to the principle of development in that it would not lead to a weakening of community cohesion.

Additionally, it is not considered that sandwiching would occur from the proposed development. 'Sandwiching' is where a dwelling (Use Class C3) is adjoined on two sides by HMOs. The SPD states that sandwiching situations apply irrespective of limited breaks in building line, such as a vehicle or pedestrian access, apart from a separating road. As aforementioned, Council records indicate there are no HMOs (Mandatory and Additional Licences) as such would not result in the sandwiching effect as such would comply with policy in this regard.

### **Living Environment for Future Occupiers**

Bristol City Council Site Allocations and Development Management (2014) Policy DM2 states that houses in multiple occupation will not be permitted where:

- i. The development would harm the residential amenity or character of the locality as a result of any of the following:

Levels of activity that cause excessive noise and disturbance to residents; or

- Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or
- Cumulative detrimental impact of physical alterations to buildings and structures; or
- Inadequate storage for recycling/refuse and cycles.

- ii. The development would create or contribute to a harmful concentration of such uses within a locality as a result of any of the following:

- Exacerbating existing harmful conditions including those listed at (i) above; or
- Reducing the choice of homes in the area by changing the housing mix.

Where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

Adopted Bristol Core Strategy Policy (2011) BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable. In addition, Policy BCS21 sets out criteria for the assessment of design quality in new development and states that development will be expected to create a high-quality environment for future occupiers, and safeguard the amenity of existing development. An HMO at this site may require a Mandatory License under the Housing Act 2004. The Local Authority also has adopted amenity standards which apply to HMOs under this separate legislative framework. Whilst it is recognised that this is non-planning legislation and therefore not a material consideration in planning decision making, these standards also provide an indication of the standard of accommodation expected within shared occupancy housing locally.

The application seeks to intensify occupancy of the existing HMO to incorporate 7 people. The only material difference in internal layout of this application and that of 24/00349/CP is that the existing office room is to be changed into a Bedroom of 7.74m<sup>2</sup> of internal floor area, with an adjoining en-suite. There is now no proposed change to the existing garage. Subsequently, the proposed internal layout is as follows:

Bedroom 1 – 14.45m<sup>2</sup>

Bedroom 2 – 8.93m<sup>2</sup>

Bedroom 3 – 8.53m<sup>2</sup>

Bedroom 4 – 11.68m<sup>2</sup>

Bedroom 5 – 13.12m<sup>2</sup>

Bedroom 6 – 8.84m<sup>2</sup> (within sloped roof space reduced head height)

Bedroom 7 – 7.74m<sup>2</sup>

Kitchen/Lounge – 32.72m<sup>2</sup>

All bedrooms are single occupancy, as before. The proposal would therefore still meet the floor space requirements for an HMO of this level of occupation given that every bedroom would exceed the 6.5m<sup>2</sup> standard.

The LPA considers that within an HMO, occupants rely on their bedrooms as their sole private space within a shared living environment, making the quality of the bedroom as a principal living area particularly crucial. Whilst the LPA objected to Bedroom 6 in the previous S62a application, it is understood that the Inspector found that this Bedroom did not offer an oppressive living environment by virtue of the two rooflights allowing good levels of natural light to enter this living space. Accordingly, the LPA has no objection to this revised scheme, and considers this proposal to offer an acceptable living environment for future occupiers.

### **Impact on neighbouring amenity**

Paragraph 130 of the National Planning Policy Framework (2023) states that planning decision should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 185 further states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that shared housing will not be permitted where it would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents.

Policy BCS21 requires development to safeguard the residential amenity of surrounding properties.

The application adds one occupant to the existing HMO. Given this, the extra occupant is not considered to increase noise transference to detrimental levels that would be in discordance with Policy DM2. Nonetheless, given that the occupancy is still above levels which would be considered to be Permitted Development, the LPA considers it to be pertinent to attach a condition to any decision which requires a noise assessment prior to the increased occupancy. The purpose of this is so that neighbouring amenity can be adequately safeguarded.

Overall, the LPA has no objection to this resubmitted scheme. The increased occupancy levels would be minimal and any increased noise levels can be effectively managed via condition. The proposal, therefore, is considered to be in accordance with local plan policies.

## **Transport and Highways**

Section 9 of the NPPF (2023) states that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects. This policy further states that development proposals should ensure that net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives.

Policy BCS10 in the Bristol Core Strategy (2011) states that developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible

and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol Core Strategy states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to the above requirements and relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives. Policy DM23 also states that the provision in new development of safe, secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

Policy DM2 in the Site Allocations and Development Management Policies states that the subdivision of dwellings into houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; as well as inadequate storage for recycling/refuse and cycles.

Ultimately this application provides accommodation for one extra person. The intensification of the existing HMO within previous applications was greater and was considered by the LPA to have an unacceptable impact upon traffic and highway safety conditions. Whilst the LPA understands that on-street parking is limited within the area, the minimal increased occupancy in this submission is unlikely to exacerbate any existing issues given that there would be modest additional demand for kerbside parking, even with the existing garage being lost for bike storage. Therefore, this resubmission adequately overcomes the previous reason for refusal in terms of parking.

The proposed bike storage is not in a location which the LPA considers ideal, as it would require occupants to wheel bikes through their living area on the ground floor. However, given that the bike store is located within the garage, it is reasonable to expect that access would be predominantly used by future occupants from the Public Right of Way (PROW) at the rear of the property. As per the TDM comment above, further details of the bike storage can and should be secured via condition. This is also the case for the proposed refuse stores, which also require further detail in order to meet TDM standard.

Overall, the provision of bike and bin stores is considered to be acceptable subject to the insertion of appropriate conditions. In summary, the LPA considers that the resubmission overcomes the previous reason for refusal.

## **5. Conclusion**

Accordingly, following the assessment above, the LPA would recommend that the application is approved. This is subject to the following conditions:



## **6. Suggested Conditions**

### **1. Full Planning Permission**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. Noise insulation**

Due to the increased numbers of occupants of the property, prior to the commencement of any development, an assessment, including any appropriate scheme of mitigation measures, for the transmission of noise between the following areas and the adjoining residential property has been submitted to and approved in writing by the Council.

Living room on any party walls

The sound insulation assessment shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233:2014 " Guidance on sound insulation and noise reduction for buildings. Any approved scheme of mitigation measures shall be implemented prior to commencement of the use and be permanently maintained thereafter.

### **3. Refuse Storage**

No building or use hereby permitted shall be occupied or the use commenced until further details of refuse storage facilities shall be submitted to, approved in writing by the Local Planning Authority and installed. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

### **4. Cycle Storage**

No building or use hereby permitted shall be occupied or the use commenced until further details of secure and covered cycle store shall be submitted to, approved in writing by the Local Planning Authority and completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

### **5. List of approved plans and drawings**

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.