

Bristol City Council – LPA S62A Statement Note

23 Hillsborough Road, Bristol, BS4 3QW

LPA application reference: 24/04448/PINS

Applicant: Habibo Homes Ltd



1. Introduction

This statement of case relates to a full planning application (LPA reference: 24/04448/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the provision of an additional bedroom within an existing 7-bed House in Multiple Occupation, to create an 8-bed HMO at 23 Hillsborough Road, Bristol, BS4 3QW.

The LPA considers the development to be acceptable, and would recommend approval as outlined below:

2. Relevant Planning History

20/02380/F: Change of use from 6 bedroom HMO (Use Class C4) to 7 bedroom HMO (Sui Generis use). Date closed 12th November 2020, GRANTED subject to conditions.

19/06117/CE: Application for a Certificate of Existing Development - two storey rear extension and use of building as small HMO (use class C4). Date closed 14th February 2020, Certificate of Lawfulness BE ISSUED.

19/03153/F: Two storey rear extensions and change of use from dwellinghouse (Use Class C3) to a large HMO (Sui-Generis use). Date closed 3rd December 2019, REFUSED.

04/01402/H: Erection of single storey side extension and front porch. Date closed 28th May 2004, GRANTED subject to conditions.

63/00389/U_U: Erection of 34 houses with lock-up garages. Date closed 28th March 1963, GRANTED subject to conditions.

3. Response to Consultation

17 neighbouring properties were consulted on 12.11.2024 with a deadline to reply by 18.12.2024. No comments were received from interested parties.

No comments were received from internal Bristol City Council consultees.

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% of 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%.

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. Council records indicate there are no HMOs (Mandatory and Additional Licences) sandwiching neighbouring dwellings in this instance, and the development would comply with policy in this regard.

In light of the above, the LPA has no objection to the principle of development in that it would not lead to a weakening of community cohesion.

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 7-bed, 7-person HMO to incorporate 8 people, with the addition of one bedroom. The only material difference in internal layout of this application is that the existing dining room at ground floor is to be changed to a bedroom of 8.6 m². Subsequently, the proposed internal layout is as follows:

Bedroom 1 – 10.0m²

Bedroom 2 – 10.24m²

Bedroom 3 – 10.3m²

Bedroom 4 – 7.8m²

Bedroom 5 – 9.6m²

Bedroom 6 – 8.8m²

Bedroom 7 – 8.4m²

Bedroom 8 - 8.6 m²

Communal Kitchen/Diner – 24.4 m²

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 6.5m² standard. Accordingly, the LPA has no objection to the scheme, and considers this proposal to offer an acceptable living environment for future occupiers.

Impact on Neighbouring Amenity

Paragraph 135 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 198 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. One extra occupant is not considered to increase noise transference to detrimental levels that would be in discordance with Policy DM2, given that the extra bedroom would not share a party wall with neighbouring properties, and neither would any communal spaces.

Overall, the LPA has no objection to this resubmitted scheme. The increased occupancy levels would be minimal and any increased noise levels would be minimal. 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 sub-division 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.

The existing 7-bed HMO was previously approved (in November 2020, under application 20/02380/F) with two car parking spaces on the basis that the site is sustainably located and that there is a good level of on-street parking available locally. No additional off-street parking is proposed. Given the minimal increased occupancy, the existing car parking provision is considered acceptable.

The development provides one bike storage space per household (four Sheffield Stands), located within the existing garage, providing further sustainable transport choices.

Sufficiently sized, covered refuse and recycling stores would be provided.

Overall, it is considered that the proposal would sufficiently address transport and highways impacts, subject to relevant conditions.

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. Refuse Storage

Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. 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.

3. Vehicle Parking

Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No use hereby permitted shall be commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

4. Cycle Access

Completion of Pedestrians/Cyclists Access - Shown on approved plans

No use hereby permitted shall be commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

5. Cycle Storage

Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been 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.

6. 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.

- Application forms and certificates;
- Drawing no. 23/HR/B/00/P – site location plan;
- Drawing no. 23/HR/B/101/P – existing front elevation;
- Drawing no. 23/HR/B/102/P – proposed front elevation (no changes);
- Drawing no. 23/HR/B/103/P – existing and proposed side elevation (no changes);
- Drawing no. 23/HR/B/104/P – existing side elevation;
- Drawing no. 23/HR/B/105/P – proposed side elevation (no changes);
- Drawing no. 23/HR/B/106/P – existing rear elevation;

- Drawing no. 23/HR/B/107/P – proposed rear elevation (no changes);
- Drawing no. 23/HR/B/108/P – proposed ground floor plan;
- Drawing no. 23/HR/B/109/P – existing ground floor plan;
- Drawing no. 23/HR/B/111/P – existing and proposed first floor plan (no changes);
- Drawing no. 23/HR/B/14/P – existing and proposed site plan (no changes);
- Drawing no. 23/HR/B/14/P – refuse/recycling store details (no changes);
- Drawing no. 23/HR/B/15/P – garage/bike store details.

7. Advices

- House in Multiple Occupation

The operation of the HMO hereby approved may require a separate license. It is an offence to operate a licensable HMO without a licence. Please contact the Private Housing Team on 0117 352 5010 for further information.

- Coal mining - low risk

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority