

Section 62A Applications Team  
The Planning Inspectorate  
3rd Floor  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Our ref: PR002661

Date: 24<sup>th</sup> February 2025

**Sent via e-mail**

Dear Sir/Madam,

**Town and Country Planning Act 1990**

**265-267 Church Road, Bristol BS5 9HU**

**Erection of a second floor roof extension, demolition and rebuilding of a single storey rear extension, and change of use of upper floors and part of ground floor from ancillary commercial space to a large 8-bed HMO. New shopfront to retained ground floor commercial unit at 265, and infilling of shopfront to 267.**

I write on behalf of my client, Westfarthing Property Ltd, to apply for the redevelopment of the above site, to create an 8-bed large house in multiple occupation, with 1 no. commercial units retained at ground floor level. The applicant has chosen to take the Section 62A route and submit the proposal directly to the Planning Inspectorate. Notice of this intention was given on the 10<sup>th</sup> February 2025. I can confirm that the development would be liable for CIL. I attach the following documents as part of this application:

- Application forms and certificates;
- Drawing no. 4349.PL.01 – site location plan;
- Drawing no. 4349.PL.02 Rev A - existing and proposed site plans;
- Drawing no. 4349.PL.03 – existing floor plans;
- Drawing no. 4349.PL.04 – existing elevations;

- Drawing no. 4349.PL.05 Rev A – proposed floor plans;
- Drawing no. 4349.PL.06 Rev A – proposed elevations;
- Coal mining risk assessment;
- Energy statement;
- BNG exemption statement.

### Site and planning history

The site comprises a mid-terraced, double unit on Church Road, with retail and workshop areas at ground floor level, office and ancillary storage at first floor level, and a rear garden with further external storage. The left-hand side of the unit is recessed, with a single-storey lean-to structure to the ground floor. The right-hand side of the unit is dressed in stone and fronts the pavement. The terrace comprises 7 units fronting Church Road with ground floor Class E uses, and with the exception of 263 (which comprises 2no. self-contained flats), and 257 (on the corner of Roseberry Park, where the return frontage was rebuilt to provide 9no. flats in 2005, ref 05/04479/F) the upper floors are in ancillary usage. There is an Aldi superstore immediately to the east of 269 Church Road.



Application site and adjoining properties

The site is part of the primary shopping area within the Church Road/St George town centre, within Flood Zones 1, is not in a conservation area, there are no Tree Preservation Orders on the site, and the building is not listed.

There are outbound and inbound bus stops within a short distance (10-50 metres) to the east on Church Road, with 13 services per hour towards the city centre, and through to Bishopsworth and Avonmouth, and the same number of service per hour operating out towards the eastern fringes of the city, and through to Kingswood, Warmley and Cadbury Heath. The site falls within the Church Road/St George designated town centre and primary shopping area, and has easy access to a wide range of services and facilities. St George Park (designated Important Open Space and Local Historic Park) lies 140 metres to the east.

There is no relevant planning history for the site, though historic mapping suggests that 265 has been reconfigured at some point, and the timber lean-to structure is self-evidently not original; however Google Street View imagery shows it in situ in September 2008, thereby confirming its lawfulness.

## **Proposal**

My client proposes the change of use of the upper floor, and the rear of the ground floor, to a large, 8-bed house in multiple occupation. To facilitate the change of use, it is proposed to demolish and rebuild the existing rear extension, and to erect a second floor roof extension behind the existing parapet wall. The ground floor Class E unit to 265 would be renovated and retained, and a new shopfront installed following the demolition of the lean-to. The retail floorspace to 267 would be repurposed as refuse, recycling and cycle storage, and the shopfront infilled with matching stone and new fenestration.

## **Planning analysis**

### *Principle*

§125e of the recently revised NPPF states that planning decisions should, “*support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*” §124c states that decisions

should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and emphasises that such proposals should be approved unless substantial harm would be caused.

These recent changes to the NPPF reflect the direction of travel for the new Government, set out in the 30<sup>th</sup> July 2024 Written Ministerial Statement (WMS), that it will be explicit in policy that the default answer to brownfield development should be yes.

Consistent with the NPPF, Core Strategy Policy BCS20 'Effective and Efficient Use of Land' states that opportunities will be sought to use land more efficiently across the city and that imaginative design solutions will be encouraged at all sites to ensure optimum efficiency in the use of land is achieved. Higher densities of development will be sought in or close to centres and along or close to main public transport routes.

Paragraph 4.20.1 of the supporting text states that the policy aims to ensure that all development uses land in the most efficient way possible.

The proposal would provide an 8-bed HMO, partly through the utilisation of airspace, in an accessible location, which is not of high environmental value. Consequently, the proposal would comply with the NPPF, and Policy BCS20.

The Council's '*Managing the development of houses in multiple occupation*' Supplementary Planning Document identifies what constitutes a harmful concentration of HMOs. On a street level, this arises when a proposed dwelling is sandwiched between two HMOs. On a neighbourhood level, this arises when HMOs comprises 10% or more of the housing stock within a 100-metre radius. As the extract from the Council's Pinpoint mapping system below shows, the proposal would not result in any sandwiching, and there are currently only 2 HMOs within 100 metres of the site. As such, the principle of HMO accommodation in this location is acceptable.

With regards to the loss of commercial floorspace, DM8 states that, within the primary shopping areas (PSA), changes of uses of shops to another use will not be permitted unless the proposed use would make a positive contribution to the PSA, not fragment any shopping frontage, not result in a net loss of retail floorspace of a scale harmful to the shopping function of the centre, and be compatible with a retail area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street. The supporting text goes on to state that residential uses make an overall contribution to the role of centres but are not considered to provide active ground floor uses (§2.8.7).





It is a material consideration that the upper floors could be converted to residential (up to 2 flats) under Class G permitted development rights, subject to prior approval, and that the ground floor could be similarly converted under Class MA.

Notwithstanding, the left-hand unit currently has no active frontage, and it is proposed to reinstate a retail/commercial shopfront, which represents a clear benefit of the scheme, and a positive contribution to the PSA. The ground floor comprises 27sqm of retail floorspace, with the remainder of the building comprising workshop and storage space (the most recent occupants, Saunders and Weeks, sold, manufactured and repaired gauges). The proposed layout shows 1 no. 34sqm retail unit, which represents an overall increase in retail floorspace, whilst the provision of residential accommodation at the rear of the building and upper floors would make a positive contribution to the PSA. It is acknowledged that the residential use would not constitute an active frontage in line with DM8, however it would be more active than the existing lean-to, and overall, the swapping of the retail frontage from 267 to 265, and the removal of the inactive lean-to and replacement with domestic fenestration, is considered to result in an overall positive impact on the town centre. For these reasons, the principle of development is considered to be acceptable.

## Housing mix

Policy BCS18 requires all new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities; contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists; and respond to the requirements of a changing population.

The supporting text states that evidence provided in the Strategic Housing Market Assessment (SHMA) suggests that new developments should provide for more accommodation for smaller households. The SHMA was updated in February 2019 for the wider Bristol area. This states that single person households are expected to represent 40% of the overall household growth: an increase of 34,000 from 2016 to 2036. The proportion of single person households is therefore predicted to increase from 31.7% to 33.3%.

The 2019 SHMA states that, "whilst there is projected to be an increase of 34,000 extra single person households, only 14,600 extra dwellings have one bedroom (5,000 market homes and 9,600 affordable homes). This reflects that many single person households will continue to occupy family housing in which they already live" (para 2.20). The SHMA predicts that the need for 1-bed accommodation will increase by 16.8% over the period.

At a recent appeal at Nailsea Electrical, Gloucester Road, Bristol, (appeal ref: APP/Z0116/W/23/3335671), permission was granted for a development of 9no. HMOs (57 bedrooms in total), on a site with an extant consent for 17no. self-contained flats. The Inspector noted that:

*"Compared to the two previous schemes at the site, there would be a different mix of housing. The Council notes that the previous proposal for 17 flats was acceptable as it would increase the availability of smaller properties in an area where houses, with a greater number of bedrooms was predominant. This proposal would introduce a number of HMOs rather than small flats. However, it would still introduce more housing choice for those seeking smaller types of accommodation. Therefore, both the 17 flats scheme and this appeal scheme would increase choice, and I have no evidence that one would be significantly more beneficial than the other."* (§37).

The 2021 Census data reports that, at the LSOA level, 16.3% of properties were one-bedroom, compared with city-wide figures of 16.2%. As such, the proposal would contribute towards the identified need for smaller units suited for single people without exacerbating any local

imbalance, and the aims of BCS18 would be met. Furthermore, and as noted earlier in this letter, the proposal would provide HMO accommodation in an area where such accommodation is significantly under the 10% threshold at which harmful concentrations can arise.

### *Design*

Policy BCS21 states that new development should contribute positively to an area's character and identity, whilst policy DM30 states that extensions will be expected to respect the siting, scale, form, proportions, materials, details and the overall design of the host building and broader streetscene. In a similar vein, policy DM26 requires development to respect the local pattern and characteristics, and to respond to the height, scale, massing, shape, form and proportions of existing buildings. Finally, policy DM27 requires development to respect the layout and form of existing development.

As noted earlier in this letter, upward extensions to existing buildings are explicitly supported by the NPPF, which states that they should be approved where they are consistent with the prevailing form, and well-designed.

There are many examples of second floor accommodation along this section of Church Road, including the Roseberry Mews development on the corner of Church Road and Roseberry Park, to the west, which includes multiple dormers facing the road. In any case, the dual-pitched roof extension would be set back 2.9 metres from the front elevation of 265, and 5.6 metres from the front elevation of 267, behind a parapet wall, and would be largely obscured from public view, with the roof extension to Roseberry Mews obscuring views from the west, and the Aldi superstore and pitched roof to 269 Church Road obscuring views from the east. There would be no public views afforded of the rear dormer or the single storey rear extension, which would largely replicate the existing structure proposed for demolition.

The infilling of the shopfront to 267 with matching stone and fenestration, and the removal of the timber lean-to and installation of a new shopfront to 265, would overall improve the appearance of the front of the building. As such, the proposal would represent suitable design which accords with national and local policies.

### *Residential amenity*

Policy DM30 requires extensions to existing buildings to safeguard the amenity of the host premises and neighbouring occupiers. Policy BCS21 states that new development should safeguard the

amenity of existing development and create a high-quality environment for future occupiers. Policy DM27 expects that new development will "*enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight*"; and "*enable the provision of adequate appropriate and usable private...amenity space, defensible space, parking and servicing where necessary.*"

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage.

269 Church Road is in wholly commercial use, and 263 has 2no. residential flats at first floor level. The rebuilding of the single storey extension to the rear would have no impact on the occupants of this property, given that the proposed extension would be smaller than the existing extension. With regards to the dormer roof extension, the nearest properties to the rear are 1 and 3 Trelawney Avenue, the gardens of which would be 25 metres away, and the first floor windows, 28 metres away. As such, there would be no issues of overlooking.

The communal area is proposed at ground floor level (adjoining the commercial floorspace at both 263 and 265 Church Road), and as such there would be no issues of noise transference. At first floor level, two bedrooms are proposed on the party wall with 263. Notwithstanding that this space could be changed to residential under Part 3, Class G PD Rights, the two uses are considered to be compatible, and raise no concerns with regards to noise.

More generally, the requirement for a mandatory HMO licence will help ensure that the property is 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, these issues, should they arise, can be dealt with through environmental protection legislation, and it would be considered unreasonable to request an HMO management plan in respect of this planning application, or to condition the provision of any such plan, when this separate legislation would apply in any case. In conclusion, the proposal would not give rise to significant harm to neighbour amenity.

In respect of future occupants, the Council's HMO SPD requires proposals to have regard to the current minimum room size standards applied by the Council to licensable HMO properties. For single occupancy bedrooms, this amounts to a minimum room size of 6.51sqm. The eight bedrooms would range in size from 8.12sqm (excluding en-suite facilities) to 14.74sqm, and all bar



bedroom 2 would exceed the 9sqm minimum requirement for a combined bedroom and living room. The rooms would all have good-sized windows and appropriate outlooks.

The standards require an 8-bed HMO to have 24sqm of total communal living space (though if bedrooms exceed the minimum 9sqm for a combined bedroom and living room, then only a 10sqm communal kitchen is required). The communal lounge/kitchen would measure 28.9sqm. Given that the communal space exceeds the requirement by nearly 5sqm, and seven of the eight bedrooms also exceed the minimum requirement for a combined bedroom and living room, the proposal would comfortably meet the needs of future occupant in terms of residential amenity.

Externally, the site would have 110 sqm of rear garden space (excluding the bike store). In addition, St George Park is within easy walking distance (less than 2 minutes to the east).

#### *Sustainability and climate change*

Policy BCS14 requires proposals to demonstrate a 20% reduction in CO2 emissions from residual energy use, against a projected annual energy demand baseline based on the 2006 Building Regulations Part L standards. However, the Core Strategy is out-of-date, and the 2006 Part L standards have now been superseded by the 2021 edition including 2023 amendments. For existing buildings, Part L now requires improvements to the building's energy performance, such as upgrading insulation, installing more efficient heating systems, and reducing air leakage. Given the revised requirements and the status of the Core Strategy, it is therefore considered more appropriate for sustainability measures to be addressed at the Building Regulations stage.

Notwithstanding, the Energy Statement confirms that the development will achieve the required minimum 20% reduction in carbon dioxide emissions, through building fabric and the provision of an Air Source Heat Pump.

#### *Highway safety and parking*

The Council's Waste Guidance states that HMOs requires 1 set of containers (a refuse bin, two dry recycling boxes (44ltr & 55ltr), kitchen waste bin (29ltr) and cardboard sack (90ltrs)) for every three bedrooms. For an 8-bed HMO, this equates to 2 sets of container, which would be accommodated within an internal store, which has straight and level access through to the street for collection day. Refuse storage for the retail units would be provided internally.

Secure and covered cycle storage for 8no. bicycles is also proposed internally, as per the requirements of policy DM23. The dwelling would be within a town-centre location and easy walking distance of bus stops (less than 1 minutes' walk away), offering regular services into Bristol City Centre, and multiple other destinations. As such, and given that the existing use would generate vehicle movements (customers and staff), the principle of a car-free development in this location can be supported. With regards to cycle storage for the retail units, as these fall below the threshold in terms of GIA, none is required to be provided.

### *BNG*

The Environment Act 2021 introduces the mandatory "biodiversity net gain" (BNG) requirement for new housing and commercial development in England, subject to any exemptions that may apply. The exemptions that apply to the BNG requirements are habitats below a 'de minimis' threshold of 25 metres squared; or five metres for linear habitats like hedgerows.

As the proposed building works relate to the partial demolition and rebuilding within the existing footprint, the proposal would affect only sealed and developed surfaces, and no existing habitat, and would therefore be exempt from the BNG requirement. If the Inspector considers that the NPPF§187d requirement to provide net gains for biodiversity applies to the application site, then the increase of soft landscaping to the rear (from 60sqm to 104sqm following the demolition of the existing shed, and the replacement of the extension with a smaller extension), would result in the required net gain.

### *Coal mining*

Policy DM34 requires development to ensure that any existing contamination of the land will be addressed by appropriate mitigation measures, whilst policy DM37 requires proposals in the High-Risk Coal Mining Areas to be supported by a suitable desk-based assessment.

The accompanying Coal Mining Risk Assessment recommends that providing there is no considerable increase in foundation loadings due to the refurbishment/conversion works it is considered there is a low risk from the proposed development to workings (if present) beneath the site. The advice of a suitably qualified structural engineer should be sought as to likely foundation loadings and any potential increase due to the works being undertaken. Compliance with policy DM34 could be fully ensured with the standard pre-commencement conditions.

**Planning balance and conclusion**

In the context of the Council not meeting the most recent Housing Delivery Test, having a 2.2-2.4 year housing supply and paragraph 11d of the NPPF currently being engaged, the proposal offers: social benefits through the provision of additional housing in a sustainable location, in accordance with BCS1; economic benefits through construction jobs and increased spending in the locality; and environmental benefits through the more efficient use of land to provide increased accommodation, and the provision of an energy-efficient property. It is not considered that there are any harmful impacts that would outweigh these benefits.

The fee of £578 will be paid directly to the Planning Inspectorate on request. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

**Stokes Morgan Planning Ltd**