



Development Management
Growth and Regeneration
Bristol City Council

Our Ref: 24/02386/PREAPP

Stokes Morgan Planning Ltd
1 The Lodge
Spillmans Court
Stroud
GL5 3RU
(on behalf of MSJ Developments (Bristol) Ltd)

2 Merton Road, Pre-Application Advice Response

Dear John,

Please find attached the pre-application response in relation to 2 Merton Road, Bristol, BS7 8TL for *'the erection of a second-floor extension to the above property, and the change of use to 6no. self-contained flats (4no. four-bed, 2no. three-bed). (HMO/PBSA)'*.

The following letter is intended to assist in the submission of an acceptable scheme in line with the intentions set out within section 4 (paragraph 39, 41, 42) of the National Planning Policy Framework (2023). This includes advice sought from statutory and non-statutory consultees and that of the case officer.

The views given are current at the time of giving the advice, but changes in the planning circumstances can change, and will need to be taken into account when any subsequent application is determined.

Please note that the following advice represents an informal opinion of an officer of the council who has no power to bind the council by the views expressed.

Kind Regards,

[Redacted Signature]

Senior Planning Officer

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Procedural Matters

It is advised that applications are submitted electronically via the Planning Portal:

<https://www.planningportal.co.uk/>

The following Council webpage contains details of both the national and local List of planning application validation requirements:

<https://www.bristol.gov.uk/planning-and-building-regulations/make-a-planning-application>

Emerging Policy – Bristol Local Plan / NPPF

As with any application, you are advised to refer to the latest policy and guidance. At the time of writing, the National Planning Policy Framework is under public consultation for changes and the emerging Bristol Local Plan is under examination.

You are advised to refer to the following policies in the emerging local plan, however this pre-application advice has been conducted under the provision of current adopted policy.

Relevant emerging local policies: IDC1, SV1, UL1, H1, H2,H4, H6, H7, E2, E5, BG1, BG2, BG3, T1, T3A, NZC1, NZC5, FR1, DPM1, DC1, DC3, DC4, HW1B.

Defining Houses in Multiple Occupations (HMOs) and Purpose Built Student Accommodation (PBSA)

For any forthcoming application to be considered as ‘Student Accommodation’, it must accord with the definition(s) set out within Schedule 14 of the Housing Act (2004). Reductively this is accommodation that is “is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description” and “where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description”. If this cannot be evidenced beyond reasonable doubt, the application would be assessed as multiple HMOs.

Housing and Landlord Services provided the following comment:

The attached plans show that cooking facilities are shared by the occupants of three or four bedrooms. If the person managing or having control of the building is not an educational establishment, these cluster flats will each be HMOs. However if the

provider is signed up to an approved code of practice, they will be exempt from the new Citywide Additional licensing scheme which applies to HMOs not required to be licensed under the Mandatory HMO licensing scheme. The code of practice exemption does not apply to Mandatory licensable HMOs.

Site

This pre-application advice response relates to the site known as 2 Merton Road, which is located within the boundary of the Bishopston and Ashley Down Ward.

Key Constraints

Conservation Area:	No.
Listed Building/in vicinity of:	No.
TPO Tree(s)/in vicinity of:	No.
Article 4 Area:	Yes (C3 to C4).

Executive Summary

On the basis of the information submitted the application would not currently be supported.

Principle of Development:	ACCEPTABLE
Housing Mix:	NOT ACCEPTABLE
Design:	AMENDMENTS REQUIRED
Amenity (Future Occupiers):	FURTHER INFORMATION REQUIRED
Amenity (Neighbouring Occupiers):	FURTHER INFORMATION REQUIRED
Sustainability:	FURTHER INFORMATION REQUIRED
Ecology, Nature, BNG:	FURTHER INFORMATION REQUIRED
Highways:	FURTHER INFORMATION REQUIRED
Crime:	FURTHER INFORMATION REQUIRED
Flood Risk:	ACCEPTABLE
Contaminated Land:	FURTHER INFORMATION REQUIRED

Principle of Development

Loss of Class E

- BCS8 (Delivering a thriving economy) states 'Employment land outside of these areas (Principle Industrial and Warehousing Areas) will be retained where it makes a valuable contribution to the economy and employment opportunities'.
- DM12 (Loss of Valuable Employment Land) states:
Employment sites should be retained for employment use unless it can be demonstrated that:
 - i. There is no demand for employment uses; or
 - ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
 - iii. A net reduction in floorspace is necessary to improve the existing premises; or
 - iv. It is to be used for industrial or commercial training purposes.

Any forthcoming application would be required to justify the loss of commercial or industrial use.

Housing Mix

- Policy BCS18 (Housing Type) of the adopted Core Strategy supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents.
- A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (LSOA), average of 1,500 residents. Assessment of any forthcoming application will assess whether a development addresses housing imbalances and contributes to housing mix.

Bedroom Quantum per dwelling (Census Data, 2021)

	1 Bed	2 Bed	3 Bed	4+ Bed
LSOA	10.8%	27.8%	38.4%	22.9%
Ward	12.0%	25.0%	33.1%	29.9%

The application site is located within the Radnor Road (E01014514) LSOA. Census data shows that within this LSOA, 74.4% of residential units are houses and 25.6% are flats. Of these dwellings 10.8% are one-bedroom, 27.8% are two-bedroom and 38.4% are three-bedroom, and 22.9% are four-bedroom. Across the Bishopston and

Ashley Down Ward, 12.0% of units are one-bedroom, 25.0% are two-bedroom, 33.1% are three bedroom and 29.9% are four bedroom.

Within this LSOA there is a prominence of three and two-bedroom dwellings compared to smaller, one-bedroom dwellings. There is an evident shortfall of one-bedroom dwellings within the LSOA and wider ward.

The proposed development would introduce, as either HMOs or PBSA:

- 4 x 4-bedroom flats.
- 2 x 3 bedroom flats.

Small HMOs

- DM2 (Residential subdivisions, shared and specialist housing) states that the construction of new buildings to be used as HMOs, specialist student housing and other forms of share housing will not be permitted where proposals would exacerbate existing harmful conditions. This policy does not permit new HMOs or the intensification of existing HMOs where development would create or contribute to a harmful concentration within a locality.
- Managing the development of houses in multiple occupation, SPD (Adopted November 2020) recognises that HMOs form part of the city's private rented housing stock and can contribute positively to people's housing choice. It is however recognised that HMOs are more intensive form of accommodation than traditional flats or dwellings. Typically, this increases dependent on the level of occupancy. General issues associated with HMOs include: Noise and disturbance; Detriment to visual amenity (through external alterations and poor waste management); Reduced community facilities; Highway safety concerns (from increased parking); Reduced housing choice; Reduced community engagement; Reduced social cohesion.
- The 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 single family dwelling (use class C3) becomes sandwiched with HMOs at sites adjacent, opposite or to the rear. This can happen within a flatted building with HMOs above and below also. 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. 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.

Data indicates that the existing concentration of HMOs within 100 metres of site is 18.4%. The addition of 6 small HMOs would increase this percentage to 23.2%. Both the current and potential concentration of HMOs within a 100 metre radius of the site exceeds the 10% threshold as set out within the SPD which:

“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.”

The proposed development would not be acceptable in terms of concentration.

Considering the existing stock of HMOs, the implementation proposed by this development would not give rise to an HMO sandwiching effect.

The implementation of HMOs is not supported in this location.

Student Housing

- DM2 (Residential subdivisions, shared and specialist housing, including student accommodation) notes that development to be used as HMOs, specialist student housing and other forms of shared housing will not be permitted where proposals would exacerbate existing harmful conditions.

It is considered that given the high concentration of HMOs within the immediate vicinity of the site (23.2%) that the area is already likely to be experiencing poor conditions in relation to shared housing. This is detailed in DM2: 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, a shift from permanent family housing to a more transient accommodation, impacts on social cohesion, a shift in character of shops businesses supporting the community. Additional accommodation of this typology, in this instance PBSA, is considered to worsen the existing effects of an over provision of shared housing and as such would not be supported in this location.

Design

- Bristol Core Strategy Policy BCS21 (2011) advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.
- Policy DM26 more specifically states that the design of development proposals should contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes.
- Policy DM27 further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting.

- Policy DM30 further states that any extensions and alterations to existing buildings should respect the siting, scale, form, proportions, materials and overall design and character of the host building and broader street scene. DM30 further states that extensions should be physically and visually subservient to the host building.

Design Officer Response: (verbal) -

Mansard Roof: Acceptable.

Fenestration: Acceptable.

Materials: Acceptable.

Amenity of Future Occupiers

Living Conditions

Space Requirements

For HMOs, all units will be subject to the HMO Licensing Standards and the contents contained therein as a minimum. There are currently no specific requirements for PBSA but officers will take into account relevant factors such as other amenity spaces, quality of space, outlook etc to determine suitability of minimum floor requirements.

It is expected that development of PBSA includes a separate communal space aside from kitchen/living for study/collaboration.

Outlook

All rooms will be expected to have adequate fenestration providing daylight, outlook and ventilation. It is expected for PBSA that at least the communal kitchen/living rooms are dual aspect.

Noise

The surrounding industrial uses of the site present a significant concern to officers given that they have the potential to cause detrimental disturbance to occupants. Disturbance could enact an Agent of Change scenario in which the industrial uses are driven out.

Any forthcoming application would need to include a detailed noise assessment and subsequent mitigation strategy document with those methods included within the proposed development.

Officers note that residential use has been approved at this location though it is important to note that this design iteration incorporates significantly more fenestration to the southern elevation.

The Environmental Health Officer Commented: In line with application 23/02268/F for conversion of the property to residential I would ideally like to see a noise impact assessment submitted with any full application if not one will need to be provided by condition.

Outdoor Amenity Space

For PBSA, high quality external amenity space is expected. The current provision is unacceptable and needs resolution if the scheme is to be PBSA.

Amenity of Neighbouring Occupiers

- Section 12 (Achieving Well-Designed Places) of the NPPF outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users.
- Policy BCS21 (Quality Urban Design) of the adopted Core Strategy states that new development should safeguard the amenity of existing development.
- Policy DM27 (Layout and Form) of the Site Allocations and Development Management Policies (Adopted July 2014) states the layout and form of development should enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight.
- Policy DM30 (Alterations to Existing Buildings) of the Site Allocations and Development Management Policies (Adopted July 2014) states that extensions and alterations to buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers.
- Policy DM35 (Noise Mitigation) of the Site Allocations and Development Management Policies (Adopted July 2014) outlines that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation.

Daylight/Sunlight: Acceptable

Overshadowing: Acceptable

Overbearing

Further information required regarding the potential overbearing impacts to the rear of properties sited on Gloucester Road. This should be demonstrated through a 25 degree rule-of-thumb assessment.

Overlooking

Concern regarding intensification of site and impact on overlooking of properties sited on Gloucester Road. Separation distances in any forthcoming application should be included and relevant mitigation measures if necessary.

Noise

The proposed development has the potential to create an unacceptable level of noise pollution for neighbouring occupiers. The Environmental Health Officer Commented: In line with application 23/02268/F for conversion of the property to residential I would ideally like to see a noise impact assessment submitted with any full application if not one will need to be provided by condition.

Sustainability

Sustainability Officer commented: This is an intensification so I would expect a Sustainability Statement. The energy efficiency of the building fabric should be upgraded as part of the overall works, ensuring appropriate roof, wall and floor insulation and glazing. I'd expect exploration of the heating / hot water strategy to be upgraded to a renewable system i.e. heat pump.

A 'zeroth' style system can be a good fit for small developments like this - one communal ASHP providing warm water to each flat, and in each flat is a small water-to-water 'shoebox' size heat pump and water tank. A maintenance fee is paid by each flat towards the ASHP and then each flat pays for their own electricity used for their own heat pump. This can be a very efficient method.

I'd advise that the Good Homes Guide to overheating is undertaken and results submitted to us with regard to Policy BCS13 and emerging policies NZC2 (cooling hierarchy) and NZC4 (Adaptation to Climate Change).

Further general advice:

Core strategy policies relating to sustainability include BCS13-16. In addition, BCS10 (Transport and Access) also has relevance to sustainability.

The relevant Site allocations and development management policies supporting the core strategy policies in relation to sustainability are: DM15, DM17, DM19, DM29.

For developments within the centre, the Central Area Plan policies also apply. Those with relevance to sustainability include: BCAP20, BCAP21, BCAP22, BCAP25.

****The Council is currently towards the end of the process of adopting a revised Local Plan. The emerging local plan policies have been through three rounds of public consultation and are now at 'Examination Stage' having been submitted to the Secretary of State . Therefore these policies can be afforded increasing weight and should be carefully considered as they represent the intended direction of travel in**

light of the ecological and climate emergency. Directly relevant emerging policies that need to be considered in terms of sustainability are as follows:

Draft policy NZC1 Climate change, sustainable design and construction

Draft policy NZC2 Net zero carbon development – operational carbon

Draft policy NZC3 Embodied carbon, materials and waste

Draft policy NZC4 Adaptation to a changing climate

Draft policy NZC5 Renewable energy development

The comments below relate to key considerations at this stage of the development.

Technical guidance on how to implement the relevant policies can be found within Bristol City Council's Climate Change and Sustainability Practice note and Addendum and this should be fully reviewed prior to submission of the Sustainability Statement, Energy Strategy and Overheating Assessments.

BCS13 Climate change

Mitigation

Development should seek to minimise embodied carbon through re-use of existing buildings and energy efficient refurbishment wherever possible. (Please see draft policy NZC3) Measures for all buildings should include high levels of energy efficiency (thermal insulation, passive ventilation & cooling, passive solar design & use of natural resources). The applicant should consider the feasibility of decentralised, renewable & low carbon energy, and where feasible include in the proposals. (Note draft policies NZC1, NZC2 and NZC5)

Additionally, all developments should encourage walking, cycling & public transport.

For developments in central areas, a level of car parking that reflects location, access to public transport (including metro bus), and location in the AQMA is strongly encouraged. As such, provision that exceeds the minimum standard for cycle parking and sets car parking levels below the maximum established in the Site Allocations Local Plan Document is strongly encouraged. Non-residential buildings should incorporate showers, changing and cycle clothing storage/ drying facilities to make cycling easy and practical for the building users. The design should demonstrate that permeability and connectivity has been maximised to strengthen routes for walking and cycling and improve access to public transport.

Charge points should be supplied in line with Building Regulations Part S for dwellings with their own individual spaces. For commercial buildings we recommend that developments should provide active charge points provided in at least 20% of the parking spaces with suitable passive provision for charge points to be added in the

remaining 80% of spaces as demand increases. Charge points should have a minimum power output of 7kW and the power supply to the site should have the capacity to deal with future demand. (Contact should be made with National Grid at an early stage)

As a minimum, the development should meet the minimum requirements with respect to electric vehicle charging points set out in the Site Allocations Local Plan Document. The designation of space for car club parking within the design is also encouraged.

Adaptation

Overheating

The layout of the site should be designed to mitigate extreme temperatures brought about by climate change. Orientation, form, massing and planting for shade should be carefully considered so that both internal and external spaces are comfortable in hot weather. The building design should mitigate extreme temperatures and risk of overheating brought about by climate change. Consideration should be made of thermal mass, living walls and roofs, open able windows, canopies, and external shading, and avoiding single aspect units. (See Draft Policies NZC1, NZC2 and NZC4)

Consideration is particularly important for rooms on S and SW sides of the building which receive more direct solar radiation around midday and are more prone to overheating. The extent of glazing to the W facing rooms should be carefully considered as these may receive unwanted solar gains from low level sun in the evenings.

We recommend that Sustainability Statements use the cooling hierarchy within Draft Policy NZC2 to describe how the development has minimised overheating risk and minimised the use of measures that increase energy use, such as active cooling. Information should be provided on the design measures that address each of the points in the hierarchy:

- “Minimise the amount of heat entering buildings during warmer months through orientation, form, shading, surface finish, glazing design and insulation; then
- Minimise internal heat generation through energy efficient design and specification; then
- Maximise the use of passive ventilation to manage internal temperatures; and then
- Having minimised the need for cooling, meet any residual requirement through energy efficient mechanical ventilation and active cooling systems.”

Where usability issues (as described in Part O of the Building Regulations), such as noise, are stated as the reason that a development requires active cooling, applicants should note paragraphs 12.1.33 and 12.1.34 within Draft Policy NZC2. In particular, that it should be demonstrated by showing that the development could meet comfort requirements without active cooling if the usability issues were not present. This

approach is also described in question 13 of the FAQ for Part O of the Building Regulations.

Overheating risk analysis (e.g. following CIBSE TM59/TM52 guidance/other as appropriate) should be carried out based on dynamic thermal modelling in order to understand the implications of future projected temperatures (e.g. in 2020 (high emissions scenario), 2050 and 2080 – (medium emissions scenario) using DSY1 weather files) on the development in order to mitigate the risks appropriately and ensure a comfortable internal environment is provided without the need for energy consuming cooling equipment. (See Policy BCS13, and Draft Policies NZC1, NZC2 and NZC4) .

Assessments using the steady state conditions SAP compliance tool or Part O alone are not appropriate for the purpose of demonstrating compliance with the policy requirement (i.e. for site layouts and approaches to design and construction which provide resilience to climate change) because these tools do not factor in future climate impacts.

Overall development should avoid responses to future climate impacts leading to increases in energy use (e.g. a future need for air conditioning systems / comfort cooling).

Other adaptation considerations

Development should conserve water through water efficiency measures and should minimise flooding through the use of sustainable drainage systems.

Development should include blue & green infrastructure to both mitigate the urban heat island and reduce surface water runoff. (See draft policies BG1-5 for requirements for Biodiversity Net Gain and Green Infrastructure). DM15 requires that new GI assets are designed to be multifunctional, and expects the provision of additional and/or improved management of existing trees as part of new development. For developments in the central area, BCAP25 requires that development in the central area includes green infrastructure – see the policy wording for more detail.

BCS14 Sustainable energy

All new development is required to follow the energy hierarchy, prioritising energy efficiency measures to minimise energy demand. Orientation, fenestration and built form should be carefully considered to optimise solar gain to minimise space heating demands whilst avoiding overheating risk during hotter weather.

The built form and internal layout should also maximise the use of natural ventilation and lighting to reduce energy demand.

Heating systems should be fully assessed for feasibility and selected in accordance with the heat hierarchy stipulated in policy BCS14, and being mindful of the emerging Heat Hierarchy within Draft Policy NZC2. Where systems are discounted full justification will be required.

The BCS14 heat hierarchy prioritises connection to a heat network where available so major development should connect to existing /forthcoming district heating networks where they will be available. Please note that renewables within the District Heat Network (DHN) will count towards the site's renewable energy provision (the current requirement being 20% reduction in carbon dioxide emissions)

The heat network operator, Vattenfall Heat UK, should be consulted (BristolBusDev@Vattenfall.com) to confirm whether a connection to the network is available and establish an agreed approach to connecting the development to the network. Evidence of the agreed approach should be provided in writing as part of the energy strategy submitted with the full application.

Where the heat network provider confirms a connection cannot be made and the development is within the heat priority area (BCS14 Diagram 4.14.1), particularly in areas where the heat network is likely to be established, major developments should incorporate infrastructure to enable connection to forthcoming networks in the future. This should include:

- Provision of a single plant room, located adjacent to the planned/most likely heat network route, producing all hot water, including engineering measures to facilitate the connection of an interfacing heat exchanger.
- Space identified for the heat exchanger.
- Provisions made in the building fabric such as soft-points in the building walls to allow pipes to be routed through from the outside to a later date
- External pipework routes identified and safeguarded.

Heat delivery, distribution and control systems that are designed to achieve low return temperatures, and that these services are designed in accordance with current CIBSE guidance on connection to district heating (please refer to Heat networks: Code of Practice for the UK, CP1, 2015, CIBSE).

BCS14 – Renewables

Developments should secure at least a 20% reduction in CO2 emissions from residual energy use in new development through on-site generation of renewable energy. New development in the city centre will be encouraged to exceed current policy requirements and to secure zero carbon development (Aim 21, City Centre Framework). See Draft Policy NZC2 for emerging policy requirement.

At this stage, the site layout and orientation should be enhanced to maximise the potential for renewable technologies. This could include the incorporation of south-facing, unshaded roof slopes; and allowing sufficient space and appropriate locations within the design for technologies such as heat pumps. The impact that adjacent built (or approved but currently unbuilt) developments will have on the feasibility and effectiveness of renewable technologies should be carefully considered. Similarly, the impact of this development on adjacent developments (built or unbuilt) solar gain and renewable energy strategies should be factored into the design. Feasibility of all available renewable technologies should be tested at this stage and reported within the energy statement, and chosen technology clearly shown on plans.

Calculations should follow SAP/NCM methodology for the most up to date building regulations Part L version and should be carried out using appropriate software.

It is essential to review the Climate Change and Sustainability Practice Note and Addendum, setting out guidance on how to demonstrate compliance with BCS14 using Part L 2021 calculations. The impact of shading of roof mounted PV should be factored into the calculations using the current MCS guidance for shade evaluation (Standard Estimation Method), which can be downloaded in two parts from this webpage.

It is important that key figures are presented within the energy statement as per the relevant tables provided in the Climate Change and Sustainability Practice Note / Addendum. Applications cannot be assessed without this information in these tables.

Where the full requirements of Policy BCS14 cannot feasibly be delivered onsite, an alternative allowable solution will be considered, such as providing the residual emission reduction through a contribution to a relevant citywide low-carbon energy initiative or by agreeing acceptable directly linked or near-site provision. This would be secured by S106.

Full guidance on offsetting can be found in the Climate Change and Sustainability Practice Note / Addendum.

BCS 15 Sustainable construction

Waste & recycling

The management of waste during demolition, construction and operation should be considered. Opportunities to re-use or recycle demolition waste should be identified. Appropriate storage for bins and recycling should be provided in line with Bristol Waste's recycling planning guidance.

Water

Development should conserve water through rain/ greywater harvesting and the adoption of water efficient appliances. At this stage, the technical feasibility and financial viability of rain/grey water harvesting over the lifetime of the development should be considered. Where found to be feasible for the development, the required space should be allocated within the design for inclusion of the tanks and infrastructure.

Other water efficiency measures could include: flow restrictors, spray taps, percussion or sensor taps, dual flush WC, Eco showerheads, Low water use washing machines and dish washers, leak detection methods. Note Draft Policy NZC1.

Materials

Development should use consider the type, lifecycle and source of construction materials.

The use of A-rated BRE Guide materials should be prioritised.

Flexibility & adaptability

Development should be flexible and adaptable to future changes of occupancy, should incorporate good internal dimensions and allow for any future change of use through access and circulation. The development should consider the buildings lifetime, not just the foreseeable future and should incorporate live / work units to enable home working where possible. The design and specification should consider reconfiguration of the building.

Ecology, Nature and Biodiversity Net Gain (BNG)

No information submitted – unable to advise.

Thank you for consulting the Nature Conservation Officer. In any future application, ecological information and assessment should be submitted to inform the planning decision.

In line with national legislation and local policy requirements, Bristol City Council need to be satisfied that an appropriate ecological baseline assessment has been undertaken, and that delivery of measurable net gain for biodiversity can be achieved in any future application.

Proposals for new buildings will be expected to incorporate opportunities for green infrastructure, and maximise gains for biodiversity in the context of the local landscape, in accordance with local and national planning policy.

The applicant should submit:

1. An Ecological Impact Assessment (EclA), which should be prepared in accordance with published (CIEEM) guidelines.

The scope and detail of the EclA should reflect the size, complexity, and potential ecological impacts of the proposed project. The evaluation of the findings must be supported by sufficient evidence (such as description, photos and mapping). Protected species surveys must be included within the EclA. The report should clearly assess how impacts on ecological sensitive features present on site will be avoided and/or mitigated for. In all circumstances the assessment and reporting must follow best practice guidance.

The EclA cannot be conditioned because the presence, or potential presence, of a protected habitat, feature or species is a material planning consideration. Please note that, in most cases, a Preliminary Ecological Assessment (PEA) is not sufficient to inform a planning decision and an EclA is required.

Reasons:

(a) to ensure compliance with DM19 in Bristol Site Allocations and Development Management Policies, which states that: 'Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to be informed by an appropriate survey and assessment of impacts...'; and

(b) to enable BCC to make an informed decision, taking into full account the ecological characteristics of the site, including the presence (or potential presence) of protected and/or priority habitats and species, which are a material planning consideration.

(c) baseline conditions must be appropriately assessed in order for proposed developments to "identify and pursue opportunities for securing measurable net gains for biodiversity", in line with paragraphs 180, 185 and 186 of the National Planning Policy Framework.

Where PRA and BRC surveys are required, Reason: (d) all bat species and their roosts are legally protected (under Schedule 5 of The Wildlife and Countryside Act 1981) and their presence/likely absence on a development site is therefore a material planning consideration

Guidance:

BCC advises that applications for development should be accompanied by an ecology survey and report. See <https://www.bristol.gov.uk/files/documents/10-planning-applications-local-list-of-requirements/file> , and also government guidance relating to ecology and planning applications <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

- The survey(s) and report should be undertaken by a suitably qualified ecologist (SQE) at an appropriate time of year
- Information should be provided on the existing nature conservation interest of the site and adjacent land and the possible impacts on the habitats and species present, to allow full consideration of those impacts
- Where proposals are being made for mitigation and/or compensation measures, information to support those proposals will be needed. Information might form part of an Environmental Statement, where one is necessary
- Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows, rough grassland or alterations to watercourses may affect protected or notable species. You will need to provide information on the use of the site by such species, and any potential impacts on them, together with appropriate mitigation proposals for such impacts

2. Biodiversity Net Gain (BNG) requirements, comprising either:

- (a) A BNG assessment report together with the associated appropriate metric calculation tool (xls file) or
- (b) A BNG exemption statement, including any evidence to support this position, where the applicant considers the proposals to fall outside of the scope of mandatory BNG

Where 2(a) is applicable:

The BNG assessment report and metric should be completed by a suitably qualified ecologist who has completed a UKHab assessment of the site to inform the EclA. The BNG assessment report must include the following:

- i. confirmation that the applicant believes that, in the event that planning permission is granted, the development would be subject to the biodiversity gain condition
- ii. the pre-development biodiversity value of the site
- iii. the completed statutory metric calculation tool (submitted separately) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application, with a completed start page (assessor and completion date details)
- iv. a statement whether activities have been carried out prior to the date of application that result in loss of onsite biodiversity value ('degradation'). Where such activities have been undertaken, the following should be provided:
 - a. a statement to the effect that these activities have been carried out
 - b. the date immediately before these activities were carried out
 - c. the pre-development biodiversity value of the onsite habitat on this date
 - d. the completed metric calculation tool showing the calculations, and
 - e. any available supporting evidence of this
 - f. a description of any irreplaceable habitat that exists on the date of application
 - g. plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application, including any irreplaceable habitat (if applicable)

NB: For all developments which fall within the scope of BNG, a Biodiversity Gain Plan will also be necessary; however, this can be a condition of planning. A 30-year Habitat Management and Monitoring Plan may also be required in accordance with statutory BNG.

The Biodiversity Gain Plan must be accompanied by the completed metric tool calculation and the pre-development and post-development scaled plans showing the location of on-site habitat.

The Biodiversity Gain Plan must include:

- i. a compensation plan if the development affects irreplaceable habitats
- ii. biodiversity net gain register reference numbers if using off-site units
- iii. proof of purchase if buying statutory biodiversity credits
- iv. a description of how significant on-site gains will be managed and monitored (for example, with a 30-year Habitat Management and Monitoring Plan).

Where an HMMP is required, it is recommended that a draft HMMP is submitted with your planning application. It should set out how you will maintain the habitat, who is responsible for creating or enhancing the habitats, and who is responsible for maintenance, management and monitoring for the minimum 30 year period.

Where 2(b) is applicable:

Sites exempted from the requirement to deliver 10 per cent BNG include: householder development; permitted development; development that does not impact a priority habitat and impacts habitat of an area below a 'de minimis' threshold of 25 square metres, or 5 metre linear habitats (e.g. hedgerows); small scale self-build or custom housebuilding development of up to 9 dwellings, and on area up to 0.5 hectares; urgent crown development; development undertaken solely or mainly for the purpose of fulfilling a BNG planning condition for another development; and development for the high speed railway transport network.

Where proposals are exempt from statutory BNG, proposed developments must still "pursue opportunities for securing measurable net gains for biodiversity", in line with NPPF.

Reasons:

(a) 10% biodiversity net gain, managed for 30-years is required under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, inserted into the 1990 Act by Schedule 14 of the Environment Act 2021.

(b) Ecological enhancement is required to meet the conditions of the revised National Planning Policy Framework (NPPF, 2023). The NPPF states in paragraph 180 (d) that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." and in paragraph 185 (b) "To protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity".

(c) The Bristol City Council Local Plan Policy BG3 also states: “In accordance with Draft Policy BG1, new development will be expected to incorporate provision for nature resulting in a biodiversity gain. Development proposals subject of the provisions of the Environment Act 2021 will be required to achieve a minimum of 10% biodiversity net gain”.

Closing Remarks / Notes

Be aware that any future grant of planning permission may be subject to a number of conditions pertaining to ecology, depending on the findings of the EcIA. For example, planning conditions may require the applicant to provide one or more of the following:

- a. Construction Environmental Management Plan (CEMP)
- b. Precautionary Method of Working (PMW) with respect to protected species and habitats
- c. Ecological Mitigation and Enhancement Strategy (EMES)
- d. External Lighting Strategy
- e. Soft landscape plan
- f. Method statement for green roofs, where they are proposed
- g. Method Statement for the removal of invasive, non-native plant species (if present)
- h. 30-year Habitat Monitoring and Management Plan (HMMP)

Highways, Transport and Waste

- Policy BCS21 (Quality Urban Design) of the Core Strategy states that development in Bristol will be expected to promote accessibility and permeability by creating places that connect with each other and are easy to move through, as well as creating a multi-functional, lively and well-maintained public realm that integrates different modes of transport, parking and servicing.
- 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 (Transport Development Management) of the Site Allocations and Development Management Policies states that development should not give rise to unacceptable traffic conditions and will be expected to provide for pedestrians and cyclists including, where appropriate, enhancing the pedestrian and cycle network.

Transport Development Management response:

Local Conditions:

The site is located on Merton Road, an unclassified road with a 20mph speed limit. 1 collision has been reported close to the junction between Merton Road and Gloucester Road, involving a cyclist, although this was classified as 'slight' only.

The nearest bus stop is 65m from the site on Gloucester Road, serviced by routes 17 (Citylines East), 71, 72, 73 (Citylines), 74, 75, 76, and 77. Frequent buses are available towards the City Centre, Temple Meads, and Hengrove Park. An alternative bus stop is 165m from the site on Gloucester Road, providing frequent services towards North Bristol, including UWE Frenchay, Cribbs Causeway, and Bristol Parkway. The Concorde Way cycle route can be accessed around 0.5 miles from the site, provide a traffic-free/quiet route towards the City Centre.

Access:

Access to the rear of the building, including the waste/cycle storage area is via an existing entrance off Merton Road, which provides access to the car parking for other sites which were subject to related applications, notably 369-375 Gloucester Road. The main building can be accessed from the street on Merton Road.

The applicant should provide a plan for a scheme of lighting along the access from Merton Road, to increase the level of real and perceived safety for residents. To install any private external lighting, the applicant will require a lighting assessment undertaken in accordance with Guidance Note 1 for the Reduction of Obtrusive Light (2020).

Footway:

The applicant is proposing to refurbish the footway at the front of the site with new kerbs and tarmac. TDM welcomes this but would request a general arrangement plan showing the footway works. The works would require a combined section 171/184 licence, which can be found on the council website.

As mentioned in previous TDM comments, the steel bollards at the front of the site would reduce the effective footway width and represent a maintenance liability, to the detriment of pedestrian safety and convenience. The bollards should be removed from plans.

Car Parking:

The BLPs Parking Standards Schedule gives a maximum car parking provision of 1.5 spaces for 3 and 4-bedroom dwellings, giving a maximum provision of 9 spaces for the site. The applicant is proposing a zero-car arrangement. Whilst TDM believes the availability of public transport and cycle routes would reduce car ownership levels, there are concerns that any increase in on-street parking could pose a highway safety concern, given the proximity to a classified 'A-road' (Gloucester Road).

There is a 40% car ownership assumption for HMO residents, meaning a 22-bedroom HMO would be expected to create 9 additional vehicles parked on-street. TDM requests a parking survey showing space for 9 additional vehicles. This parking survey should be completed in-line with Bristol City Council's 'Parking Survey Methodology' document.

Cycle Parking:

TDM seeks clarification as to whether the cycle storage is still shared with 369-375 Gloucester Road, as stated within application no. 23/02268/F. Further comments on the number of cycle parking spaces are dependent on this.

Whilst TDM would prefer all cycle parking spaces to be accessible, stacked cycle parking can be suitable if at least 1 accessible space is provided for each dwelling, this is provided. TDM is concerned about the space available for operating the stacked unit and would request information about the unit specifications. Cycle storage should be fully enclosed, covered and secured to Secured by Design standards, TDM would request further information about this on any future application proposals. Inadequate cycle parking is contrary to policies BCS10, BCS13, and DM23.

Waste:

The distance from the waste storage to the highway exceeds 30m, which is the maximum distance stated in Bristol Waste Guidance. As such, TDM has concerns bins would be left on the adopted highway outside of collection days, to the detriment of safety and amenity, contrary to policies BCS15 and DM32. TDM reiterates Bristol Waste's comments regarding the provision of an appropriate collection point and clear waste strategy.

The waste storage itself appears to be sufficient in size and number of bins, although the details are limited. Waste storage should be suitably screened, ventilated and secure to prevent vandalism and unauthorised use, TDM would request further information about this on any future proposals.

(Further comment from Bristol Waste:

It is not clear how and where the bins will be presented on collection day by the curtilage. With up to 30 containers a collection point and cleared waste strategy need to be added to the proposal. Bristol Waste would welcome dialogue with the developer.)

Construction Management:

The site is located close to a classified 'A-road' (Gloucester Road) and parking on Merton Road is constrained. The proposals require some extensive external works. As such, a construction management plan should be submitted before the commencement of works.

Final Comments:

TDM would request the following further information before being able to support this application:

1. Access ' provide a plan for a lighting scheme along the access (see above guidance).
2. Footway works ' provide a general arrangement plan and remove bollards (see above guidance).
3. Car parking ' provide a car parking survey showing space for 9 vehicles (see above guidance).
4. Cycle parking (see above guidance):
 - Clarify whether the cycle spaces are shared with 369-375 Gloucester Road.
 - Provide information about the stacked unit specifications.
 - Show cycle storage is fully enclosed, covered, and secure.
5. Waste storage (see above guidance):
 - Provide a suitable collection point and waste strategy for bins.
 - Show waste storage is suitably screened, ventilated and secure.

Please note that the above comments are made on the basis and the quality of the information received to date and as such, they are made without prejudice to any further pre-application or application proposals which may raise further detailed questions or matters that are not currently considered within this response.

Crime Reduction

Designing Out Crime Officer (Avon and Somerset Police) response:

- Properties let in a shared capacity present different security risks from standard homes. With an HMO, not only must you provide security of an adequate nature for the overall property, you must also provide a safe method for tenants to be able to access common areas such as hallways and landings, without threat of unauthorised entry by unwanted visitors.
- For student accommodation, I would just like to mention that Home Office research shows that students are, statistically, one of the most likely groups to fall victim to crime. Students own more expensive consumer goods per head than the rest of the population. It is no surprise then that 1 in 3 students becomes the victim of a crime each year. Added to that fact, young people (aged 16- to 24-year-old) are around three times more likely to be victims of burglary than people in other age groups, which makes students all the more vulnerable.
- The BCC Urban Living document (November 2018) does require an access control system if the building core serves 4 or more dwellings. Trade buttons must not be used. I suggest that the same proximity card/fob system is used for

access to the communal facilities such as cycle and bin store. As tenure is unclear at this stage, I strongly recommend that occupants should not be able to auto release the front door from their flats but will need to come to the entrance to escort visitors.

- It is unclear from the plans submitted how the rear area (grass/paving/cycle & bin store) will be secured and how access will be controlled into this area and from here into the flats. Unless secured, this area is vulnerable and may become a target for nuisance gatherings. This area should also be suitably lit.
- It is unclear what standard of security the cycle storage will offer. Due to levels of bike theft in the Bristol area generally, the cycle parking should meet the requirements of BCC Cycle Parking document 3.5.1. I suggest that the same fob system is used for access to the communal facilities such as the cycle and bin store areas.
- Bin storage: must be in accordance with Bristol's Waste and Recycling Storage and Collection Facilities (updated March 2022).
- There should be suitable lighting at the entrance to the PBSA/HMOs, all elevations and communal areas for the safety and security of the residents and their visitors.
- There is an emerging trend associated with the theft of post/parcels to buildings containing multiple dwellings or bedrooms. I recommend any communal mailbox delivery facilities meet the requirements of TS 009, this provides the safest means by which mail can be delivered whilst eliminating the risks associated with letter mail delivery i.e. arson, identity theft. A secure parcel locker may also be a consideration.
- Each bedroom must have a robust, immovable and lockable piece of furniture to secure valuables.
- There must be a management plan in place to address: -
 - o Out of hours staff contact
 - o Security
 - o Dealing with ASB
 - o Visitor access
 - o Mail/parcel delivery
 - o Building repairs e.g. lights, CCTV – if installed.
- Whilst CCTV is not a universal solution to security problems. It can help deter vandalism or burglary and assist with the identification of offenders once a crime has been committed. The provision and effective use of CCTV fits well within the overall framework of security management and is most effective when it forms part of an overall security plan.

- If a Design and Access Statement is submitted with any future application, we would expect it to demonstrate that security and safety have been considered. (CABE).

Flood Risk

- Section 14 of the NPPF (2023) relates to climate change, flooding and coastal change, with paragraph 159 seeking to steer development away from areas at risk of flooding and paragraphs 166 detailing to requirement for sequential testing as part of this.
- Policy BCS16 (Flood Risk and Water Management) states All development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

Flood Risk Officer Response:

The proposals should not impact upon flood risk, however there is some scope to make improvements to surface water drainage here. It is assumed the existing drainage system will continue to be utilised to some extent. The installation of a green or blue roof will help reduce and regulate flows entering the sewer system and provide wider sustainability benefits. On the photo sheet it shows a rainwater downpipe that is not positively connected and could currently drain out on to the highway. This could also be improved upon. The plans suggest a new grassed area which is good in respect of managing surface water. Those areas being repaved should also use permeable paving measures to offer further source control for rainfall.

Contaminated Land

No information submitted – unable to advise.

Any forthcoming application will require a minimum of a desk study.

- NPPF (2023) Paragraph 190 states that planning decisions should ensure that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- Policy BCS23 (Pollution) states that development should be sites and designed in a way as to avoid adversely impacting upon the quality of underground or surface water bodies.
- Policy DM34 (Contaminated Land) states that new development should demonstrate that:

Any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and

The proposed development will not cause the land to become contaminated, to the detriment of future use or restoration of the site or so that it would cause pollution in the surrounding area.

Public Protection (Contaminated Land) officer response:

The planning application has been reviewed in relation to land contamination.

The applicants are referred to the following: -

' Bristol Core Strategy - BCS23 Pollution

' Local Plan ' DM34 Contaminated Land

' National Planning Policy Framework (2021) Paragraphs 120, 174, 183, 184, 188

' Planning Practice Guidance Note <https://www.gov.uk/guidance/land-affected-by-contamination>

' <https://www.bristol.gov.uk/planning-and-building-regulations-for-business/land-contamination-for-developers>

' The applicant is reminded of paragraph 184 of the NPPF: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

We have some information regarding the sites history, between 1950 - 1973 the Kellys Trade Directories indicate the presence of an onsite engineering works, this is echoed in the planning archives with the presence of NC machines at ground floor level.

Elsewhere on the Merton Road development (and this could include the site itself as no numbers are listed in the Trade Directories) uses included a tyre manufacturers, coach builders and coach painters. It should be notified that the suite of contaminants being proposed to be investigated as part of a future intrusive investigation cover most of the contaminants associated with this use.

Conditions:

Intrusive site investigation

Submission of Remediation Scheme

Implementation of Approved Remediation Scheme

Reporting of Unexpected Contamination

Unexploded Ordnance

Conclusion

In summary, there is little scope to overcome all the aforementioned concerns to be able to provide HMO or PBSA accommodation at this specific site. In particular, the proposed dwelling would fail to contribute positively to housing mix and would create

further the worsen the already over concentration of HMO accommodation, and its impacts within the area. Therefore, it is considered that it is unlikely that the proposed HMO/PBSA development would be approvable to the LPA in this location.

The views given are current at the time of giving the advice, but changes in the planning circumstances can change, and will need to be taken into account when any subsequent application is determined.

Please note that the above advice represents an informal opinion of an officer of the council who has no power to bind the council by the views expressed.

----- **END OF RESPONSE** -----