

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

Our ref: PR02374
Date: 25th February 2025

Sent via e-mail

Dear Sir/Madam,

Town and Country Planning Act 1990

2 Merton Road, Bristol BS7 8TL

Erection of a second floor extension, and the change of use to 6no. small houses in multiple occupation (Use Class C4).

I write on behalf of my clients, MSJ Developments (Bristol) Ltd, to apply for a second floor extension to the above property, to facilitate the change of use to 6no. small houses in multiple occupation. 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 7th February 2025. I can confirm that the development would be liable for CIL. I attach the following documents as part of this application:

- Completed application and CIL forms;
- Drawing no. 1850-P-050 – site location plan and existing block plan;
- Drawing no. 1850-P-051 – existing floor plans;
- Drawing no. 1850-P-052 – existing elevations;
- Drawing no. 1850-P-100 – proposed block plan;
- Drawing no. 1850-P-101 – proposed site plan;
- Drawing no. 1850-P-102 – proposed ground and first floor plans;

- Drawing no. 1850-P-103 – proposed second floor and roof plans;
- Drawing no. 1850-P-104 – proposed elevations;
- BNG exemption statement;
- Sustainability and energy statement;
- Pre-application response from Bristol City Council (ref: 24/02386/PREAPP).

Site and planning history

The application site comprises a two-storey warehouse and associated hardstanding, to the rear of 369-375 Gloucester Road and accessed from Merton Road. It was most recently used in connection with the former electrical retail store (AE Horders) which occupied 369-375, and has now been converted to office accommodation (within the same Class E Use Class).

It lies within the Merton Road Industrial Estate (non-designated), which comprises a mixture of single and two-storey commercial and industrial buildings. The building adjoins the Gloucester Road Town Centre, and the Gloucester Road Primary Shopping Area. It is within Flood Zone 1 and no other policy designations apply.

The site benefits from an extant planning permission for the conversion to 6no. self-contained flats (ref: 23/02268/F), granted 5th September 2024. More recently, the applicants sought pre-application advice relating to the current proposal, and a copy of this accompanies this current application. The LPA indicated that the second floor extension, fenestration, and materials would be acceptable, but indicated that whilst a flatted scheme of one-bedroom flats could be supported, that due to the number of existing HMOs in the area currently, an HMO or PBSA scheme would not be supported.

There are bus stops within short distances (60-120 metres), to both the south and north on Gloucester Road providing multiple, regular services towards Bristol City Centre, and the northern urban fringes of the city. The newly-opened Ashley Down Railway Station lies within 800 metres, and provides hourly services towards Bristol Temple Meads and Filton Abbey Wood, for connecting services to multiple destinations. The Concord Way cycle path (a mainly traffic-free route between the city centre and UWE/Bristol Parkway Railway Station) passes next to Ashley Down Railway Station. Given the town centre location, the site has excellent access to a range of services and facilities.

Proposal

My client proposes to replace the existing double dual-pitched roof (facing Merton Road), and to erect a second floor extension. A standing seam mansard roof is proposed.

6no. small dwellinghouses in multiple occupation are proposed, with two units per floor, arranged to the left and right of a central communal access. The ground and first floor units would have four bedrooms each, and, the two second floor units would have three bedrooms each. All bedrooms are proposed as single occupancy.

A communal refuse and recycling store would be provided, together with a cycle store for 22no. bikes, and 6 sets of bin stores.

Planning analysis

Principle of development

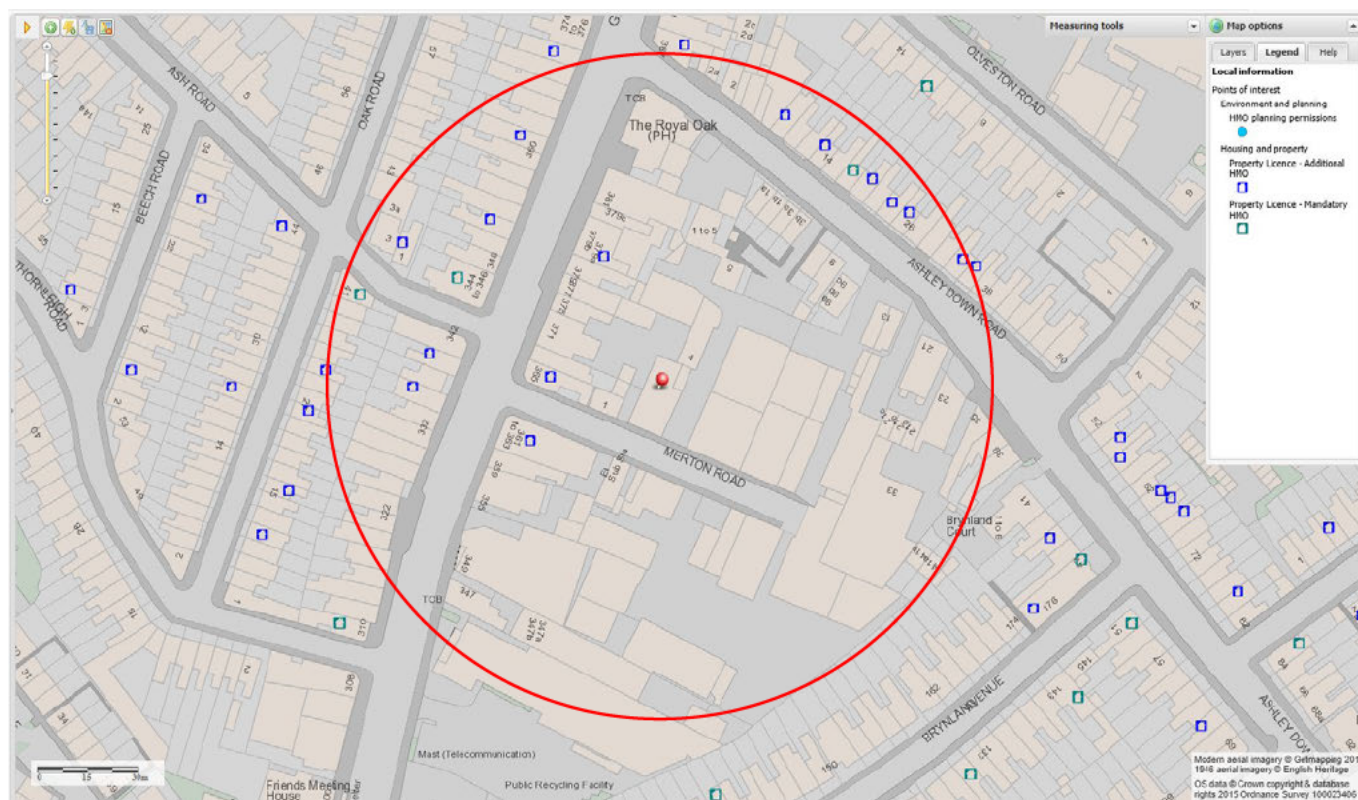
The principle of the loss of ancillary retail storage has been established through the extant planning permission (23/02268/F), as has the principle of residential accommodation in this location. It is therefore left only to examine whether the principle of HMO accommodation in this location would be acceptable.

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.

Whilst the proposal would not result in sandwiching, the pre-application advice notes that the existing concentration of HMOs within 100 metres of site is 18.4%, and that the addition of 6 small HMOs would increase this percentage to 23.2%. The existing HMOs are shown on the extract from the Council's Pinpoint mapping system below.

As this map shows, whilst there are a sizeable number of HMOs in the vicinity, the number of residential properties in the area (both C3 and C4/Sui Generis) is relatively low, given the surrounding industrial area, and retail units on Gloucester Road. Other than three existing HMOs above retail units on Gloucester Road, the site is physically separated from the bulk of the HMOs in the vicinity, which are along the north side of Ashley Down Road to the north (and so separated

by the industrial estate and Ashley Down Road itself, which is a busy, classified road), and to the west of Gloucester Road.



Existing HMOs within 100 metres of application site (red circle denotes 100 metre radius)

Of relevance is a recent appeal decision at Nailsea Electrical, Gloucester Road, Bristol (ref: APP/Z0116/W/23/3335671, appended to this letter). Similar to the current proposal, that site has an extant consent for a flatted scheme, and sought consent for an HMO scheme of 9 units. The LPA has objected on the grounds of a breach of the 10% threshold. The Inspector noted that the SPD takes a two-part approach, and that a breach of the 10% threshold does not automatically lead to harm such that the Local Plan policies would be breached; it is only an indication that such a breach is likely (para 35). The Inspector concluded on this issue that:

“36. In this case, I note that the threshold would only be exceeded by 3%. In the context of this particular site, which is located on a corner plot, by a busy road in an area of a significant mix of uses, 3% above the nominal percentage threshold outlined in the SPD would be minor. In addition, having regard to the findings above, the development would not result in any of the harms, set out in the relevant Policy, in terms of noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to the building.

37. 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."

The applicant considers that the current site has much in common with the Nailsea Electrical site, falling within the same Town Centre location, adjacent to the same busy road, and with a similarly significant mix of uses in the vicinity. Whilst in this instance the exceedance of the 10% threshold guidance would be more significant, it follows that if the harms identified with a breach of the 10% threshold are not present in this particular instance, then there would be no conflict with the relevant local plan policy (DM2).

The principle of HMO accommodation in this location is therefore acceptable, subject to an analysis of neighbour impact, design and parking, which is included below.

Housing mix

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. 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%, whilst households with children are predicted to remain constant, at 26.2%.

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, whilst the need for 3-bed houses will increase by a broadly similar figure (17.6%).

Within both the pre-app response and the delegated report for the extant 6-flat scheme, the Council noted that there was an evident shortfall of one-bedroom dwellings within the LSOA and wider area. As such, and given the findings of the SHMA, and taking into account the appeal decision at Nailsea Electrical, the provision of a total of twenty-two individual bedrooms would introduce more housing choice for those seeking smaller types of accommodation. In the absence of evidence that the extant scheme for 5no. one-bed and 1no. two-bed flats would be significantly more beneficial than single-occupancy bedrooms, the proposal would contribute positively to the housing mix of the area.

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."*

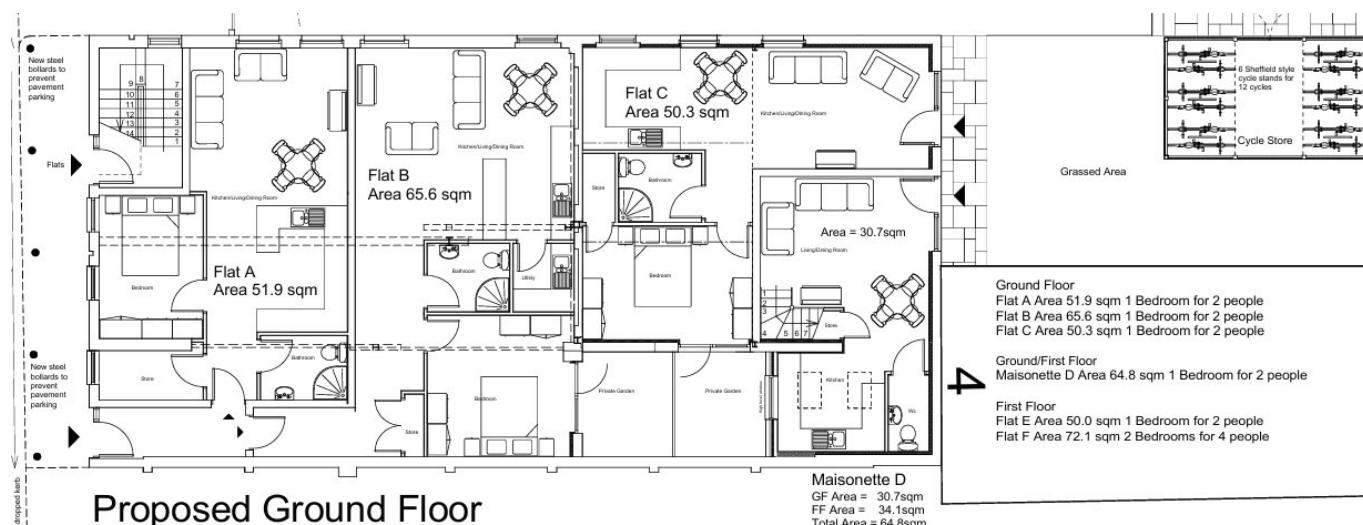
Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage. The Council's HMO 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 bedrooms across all six units would range in size from 11.7sqm (excluding the en-suite facilities provided to all rooms) to 14.9sqm, and 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 a 3-bed HMO to have 13.5sqm of total communal living space, and a 4-bed HMO, 17sqm (though if bedrooms exceed the minimum 9sqm for a combined bedroom and living room, then only a 5/6sqm communal kitchen is required). The communal lounge/kitchens would measure 34.15sqm for the three-bed units, and 28.9sqm for the four-bed units. Given that the communal spaces exceed the requirement by some margin, and all 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. A further illustration of the spaciousness of accommodation is that the 4-bed units would have a 106sqm of floorspace, and the 3-bed units, 96sqm. By way of comparison, the national space standard for 3-person flats is 61sqm, and for 4-person flats, 70-74sqm (based on occupancy of bedrooms).

With regards to residential amenity, in assessing the extant scheme, officers noted, *"Though the LPA would typically expect to see all dwelling units be dual aspect, officers appreciate the constraints of the site and the fact this is a change of use and therefore consider this acceptable in this instance. All habitable rooms are served by windows ensuring adequate ventilation and light. all the habitable rooms would have suitable outlook and access to natural light."*



Planning permission 23/02268/F – proposed ground floor

Taking into account the communal space, 20 of the 22 bedrooms would in effect be dual-aspect (with only bedroom 4 for flats 1 and 3 having the same aspect as the communal space). The outlook from the northwest-facing windows would be unchanged from the extant scheme. The main change would be the addition of fenestration to the southeast elevation. Views from the first and second floor windows would oversail the single-storey development to the rear, and therefore raise no issues. The ground floor windows would look out over the access lane to the rear, between the site and the industrial units. Given that HMO accommodation is proposed, the decision has been taken to position the communal space to the lane-side of the building, given that shared HMO accommodation is considered to be used in a different manner from C3 accommodation. The only bedroom that would overlook the lane is bedroom 4 to flat 1, and the impact on this bedroom would need to be considered as part of the planning balance. Again however, it is pertinent to consider the approved scheme, which included a bedroom window

(to flat C) within 2.7 metres of a blank wall, a high-level window only to the kitchen of maisonette D (looking out on to the private space of flat C), and a bedroom window (to flat B) facing a blank wall within 2.6 metres, and with blank walls immediately to either side.

No private amenity space is proposed, however, as the Council noted in approving the extant scheme, *"Officers consider that due to the constraints of the site and the availability of a high-quality greenspace within walking distance of the development, that it would not be reasonable to refuse this application on the grounds of a lack of private outdoor amenity space."* For the avoidance of doubt, this greenspace comprises Horfield Common (270 metres to the northwest).

In respect of neighbour amenity, there would be no additional impacts over and above those previously assessed and found to be acceptable, and window-to-window distances would remain unchanged. Whilst the proposal would represent an intensification in terms of occupancy, given the town centre location and surrounding uses, this does not in itself raise any concerns.

The extant scheme includes a pre-commencement condition requiring the submission of a detailed acoustic report on the existing noise climate. It is considered appropriate to replicate this condition for the current scheme should permission be granted, requiring this information upfront to inform final detailed design and construction drawings.

Design

The building is neither nationally nor locally listed, and is not within a conservation area. It is nevertheless an attractive, brick-built commercial building, and the proposal seeks to retain this appearance, whilst providing a complimentary and contemporary upward extension, to make more efficient use of previously developed land in a highly sustainable location. The mansard roof would keep the existing ridge height, whilst providing additional accommodation within the roofspace.

§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 30th July 2024 Written Ministerial Statement (WMS), that it will be explicit in policy that the default answer to brownfield development should be yes.

The pre-application advice in respect of the design was that the mansard roof, fenestration and materials were all acceptable. The mansard roof has been designed in response to this explicit support for upward extensions. Whilst the surrounding commercial buildings are generally single-storey (though with steeply-pitched roofs), residential development is generally three-storey, either as-built (the Bryland Court flatted development to the north, and dwellings fronting Ashley Down Road), or extended (dormer roof extensions at 377, and 381-383 Gloucester Road). As such, the proposal would meet the aims of national and local planning policies and relevant design guidance.

Parking, cycle and refuse/recycling storage

The Council's Waste Guidance states that HMOs require 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 both 3 and 4-bed HMOs, this equates to 1 set of containers, which would be accommodated to the side of the building, as per the extant scheme, and there is level access through to the Merton Road for collection day.

Secure and covered cycle storage for 22no. bicycles (one per bedroom) is proposed within the rear garden, in excess of the requirements of policy DM23 (2 spaces per dwelling for 3-bed HMOs, 3 spaces per dwelling for 4-bed HMOs, which equates to 16 spaces for the scheme). A stacked system is proposed, with 11no. accessible spaces to the bottom tier, and 11no. upper tier spaces.

The site is 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, a car-free development can be supported in this instance,

Sustainable energy

The extant scheme proposed a communal ASHP for heating, air-to-water heat pumps for hot water, and photovoltaics to the southern roof slope. The energy statement has been updated to reflect the revised scheme, and the same approach to the heat hierarchy has been taken, and

a 20% reduction in carbon emissions once more achieved. The photovoltaics would be sited on the flat part of the mansard roof.

Biodiversity net gain

The application site is wholly developed and 100% hard surfacing, and as such would be exempt from mandatory 10% BNG. As per the extant scheme, there is no external area where any landscaping or other improvements to biodiversity could be achieved. Condition 15 required the installation of bird and bat boxes, though in respect of the latter, the condition states that these should be installed close to hedges, shrubs or tree-lines. Given the absence of any green infrastructure within 100 metres of the site (the rear gardens of Brynland Avenue), the installation of bat boxes would appear superfluous, however the applicant is happy to erect a suitable number of bird boxes to the rear elevation of the building if required.

Contaminated land

The Public Protection Team raised concern with the extant scheme that the existing unit could have had a contaminating use, and the standard pre-commencement conditions were duly attached to the consent. The same approach is considered appropriate in this instance.

Planning balance and conclusion

In the context of the Council not meeting any of the previous four Housing Delivery Tests, having a 2.2-2.4 year housing supply and paragraph 11d of the NPPF currently being engaged, the provision of additional housing (6no. HMOs providing a total of 22 bedrooms, which would add to the housing mix locally) should be given substantial weight, and the re-use of brownfield land, in part through an upward extension, is clearly in line with the recent WMS and revisions to the NPPF. As such, the default response to the proposal should be to approve.

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a sustainable location, within easy reach of excellent sustainable transport links.

This letter outlines that the current proposal raises no new issues that would justify refusal, given the extant consent. The outlooks from the ground floor communal rooms, and bedroom 4 of flat 1, whilst not ideal, are no worse than for the consented scheme, and any harms ensuing would not significantly outweigh the benefits, in the context of paragraph 11d. For these reasons, the application should be supported.

The fee of £3,468 will be paid on request. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

Stokes Morgan Planning Ltd