

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

*10 Melvin Square and 1 Ilminster Avenue, Bristol, BS4 1LZ*

LPA application reference: 25/11086/PINS

Applicant: Mr Kevin Patel



### **1. Introduction**

This statement of case relates to a full planning application (LPA reference 25/11086/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the provision of ground, first and second floor extensions to 10 Melvin Square and first floor side extension to 1 Ilminster Avenue, to create 2no. large HMOs (1no. 9-bed, 1no. 7-bed), with cycle storage and retail storage at ground floor level. This application is a resubmission of planning application 24/00433/F, which was refused consent and dismissed at appeal (PINS ref: W/24/3353637). The applicant has sought to address the reasons for refusal set out in the decision for 24/00433/F (refusal reasons set out in 'Relevant Planning History' below).

The site is located to the eastern side of Melvin Square, Filwood, and relates to an existing mixed use property which is comprised of an extended retail unit on the ground floor and residential accommodation on the first floor. The existing property has already been altered such that the ground floor of the property extends to the boundaries of the site and covers the total site area.

The host property is comprised of a retail unit on the ground floor and residential accommodation above. Originally, the host property would have been a semi-detached pair of dwellings, of the same scale as the existing residential development surrounding site. The site has been subject to several alterations over time. Most notably, the ground floor has been extended to the northern and southern boundaries of the site such that it covers the total site area apart from a small rear yard which does not have any direct access to it. The ground floor extensions are rendered and have flat roofs. There is also an extension at the rear of the site which projects form the rear wall at first floor level and roof level.

There is an extant planning permission on this site, application reference 22/02320/F, for which permission for 'Ground, first and second floor extensions to 10 Melvin Square to create 6no. self-contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level' was obtained. The currently proposed and extant schemes are the same in design, appearance and size externally. The difference between the two applications is the use and internal layout.

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

55/01626/U\_U - Erect 2nd storey extension – Permission Granted.

08/01898/F - Double storey front and side extension to shop and living accommodation – Refused

10/02320/F - Construction of a double storey front and single storey side extension to shop, additional shop unit and living accommodation including 2no. dormers to front elevation – Permission Granted.

13/03926/R - Application for a new planning permission to replace an extant planning permission 10/02320/F, which approved the construction of a double storey front and single storey side extension to the shop, an additional shop unit and living accommodation, including 2no. dormers to front elevation, in order to extend the time limit for its implementation – Permission Granted.

15/00495/F - Proposed single storey left side, right side and rear extensions to enlarge existing shop unit (retaining post office) with new shop signage plus two storey side extension to create additional living accommodation to existing flat – Refused.

15/02617/F: Single storey extensions to enlarge existing shop unit (retaining post office) and one storey extension over, including rooms within new roof to create additional living accommodation to the existing flat – Refused.

20/01745/F - Part demolition of existing building and erection of 6no. apartments (use class C3) with secure cycle parking and refuse/recycling store – Refused.

22/02320/F - Ground, first and second floor extensions to 10 Melvin Square to create 6no. self-contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level – Permission Granted.

24/00433/F - Ground, first and second floor extensions to 10 Melvin Square and first floor side extension to 1 Ilminster Avenue, to create 2no. large HMOs (1no. 10-bed, 1no. 8-bed), with cycle storage and retail storage at ground floor level – Refused, Dismissed at Appeal.

#### Reasons for Refusal:

It is considered that the proposed development would fail to provide a high-quality and adequate living environment for future occupants. The application proposes the extension of the existing building to expand the retail unit at ground floor and create two HMOs: a 10-bed on the first floor and an 8-bed on the second floor. However, the proposal fails to meet the HMO standard test set out by the Housing Act (2004), and would instead effectively create 18 separate, self-contained units that do not meet the nationally described space standards for one-bed, one-person flats or studios. The proposal lacks communal or shared spaces and amenities, confining occupants to bedrooms that must serve all needs. Consequently, the development would fail to offer a high-quality, adaptable living environment suitable for everyday activities. Additionally, the development does not provide adequate cycle storage and includes a loading bay that would create unsafe highway conditions. Therefore, the proposal is contrary to the NPPF (2023), Policies DM2, DM23 and DM30 of the Site Allocations and Development Management Policies (2014), Policies BCS10, BCS18, and BCS21 of the Bristol Core Strategy (2011) as well as the Managing the development of houses in multiple occupation SPD (2020).

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

98 neighbouring properties were consulted on 28.03.2025 with a deadline to reply by 30.04.2025. No comments were received from neighbouring residents.

## OTHER COMMENTS

Bristol's Designing Out Crime Officer (DOCO) responded with the following:

I am a Designing Out Crime Officer (DOCO) with a responsibility for Crime Prevention Through Environmental Design (CPTED) projects within the Bristol area. As a Constabulary we offer advice and guidance on how the built environment can influence crime and disorder.

Paragraphs 96, 102 and 135 of the National Planning Policy Framework December 2024 require crime and disorder and fear of crime to be considered in the design stage of a development. Other paragraphs such as 8, 111, 113, 115, 117 and 125 also require the creation of safe environments within the context of the appropriate section.

The Bristol Development Framework Core Strategy (adopted June 2011) states that one of the overarching issues for ensuring a sustainable future is reducing the opportunity for crime.

The National Model Design Code produced by the Ministry of Housing, Communities & Local Government states that all schemes should aim to create a safe and secure environment and provide a sense of security for all users (paragraph 63).

Bristol Local Plan – Site Allocations and Development Management Policies – (Adopted July 2014) section DM28: Public Realm states that development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. Section 4 adds that development will be expected to: Reduce crime and fear of crime by creating a well-surveyed public realm that is well managed and cared for.

**Section 17 Crime and Disorder Act 1998** places a duty on an authority to consider crime and disorder implications.

- Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

- (b) the misuse of drugs, alcohol, and other substances in its area and

- (c) re-offending in its area and

- (d) serious violence in its area.

(1A) The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to—

- (a) prevent people from becoming involved in serious violence in its area, and

- (b) reduce instances of serious violence in its area.

Below I have shown reported incidents for the period of one year (10.04.2024 – 10.04.2025) for an area of 400 metres x 400 metres centred on the site:

Violence Against The Person – 214

ASB – 211

Public Order Offences – 34

Arson and Criminal Damage – 31

Vehicle Offences – 27

Sexual Offences – 25  
Theft- 25  
Miscellaneous Crimes Against Society – 14  
Drug Offences – 13  
Burglary – 9  
Possession of Weapons – 7  
Crime Related Incident -5  
Robbery – 3  
Theft of a pedal cycle – 2  
Non Recordable – 2  
**Total - 622**

I have viewed this planning application and my previous recommended comments for 24/00433/F are still relevant to this application (updated and listed below):

A&S Police recognise that HMOs are an important source of low-cost housing within the private rented sector, particularly for those on low incomes, students, young people, and vulnerable groups who cannot access other types of market or affordable housing.

HMOs are also an important source of flexible housing for those seeking temporary accommodation, however, the very nature of HMOs mean that they are designed for single occupancy with a transient occupancy.

- It is not clear what the intended tenure of the development will be. If it is 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 16-24 year olds) are around three times more likely to be victims of burglary than people in other age groups, which makes students all the more vulnerable.
- 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 shared areas such as hallways and landings, without threat of unauthorised entry by unwanted visitors.
- The proposed ground floor plan suggests access to the retail store is shared with residents accessing the residential bike store. I suggest this makes the bike store vulnerable due to ease of tailgating. Bike theft is a significant issue in Bristol. I strongly suggest that this area is reconsidered. A study conducted in 2016 identified that 25% of participants who were victims of a bicycle theft offence gave up cycling and 66% cycled less. CCTV may mitigate the risk; 'identification' quality images should be available at the access / egress points. It is unclear from the available plans if CCTV is proposed.

Cycle parking should be in line with the document 'Bristol Transport Development Management Guide, 3.5.1 Cycle parking,' namely, all long term cycle parking should be enclosed, secure, and weatherproofed, well illuminated and overlooked and in a convenient and safe location.

Any visitor cycle parking must be situated in front / close to the building entrance and within lines of sight from active rooms and balconies.

- 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 the communal laundry, bike, and bin store areas. As tenure is unclear, I strongly recommend that occupants should not be able to auto release the front door from their rooms but will need to come to the entrance to escort visitors.

- It is noted that the existing hedge is being retained. From local mapping it would suggest that the height of this hedge is in excess of 1 metre. It is recommended to keep this no higher than 1 meter from the ground to aid natural surveillance.

- It is noted and welcomed that the refuse storage area will be in accordance with Bristol's Waste and Recycling Storage and Collection Facilities (updated March 2022) for the HMOs and retail store.

- 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, which provides the safest means by which mail can be delivered whilst eliminating the risks associated with letter mail delivery i.e. arson and identity theft. A secure parcel locker may also be a consideration and if CCTV is installed, have a dedicated camera.

- It is unclear from the plans submitted what the height distance is from the corner balconies (outside bedrooms 1 and 5) to the proposed HMO entrance doors and canopies. I am concerned that a motivated offender may be able to access the balconies from these platforms. I therefore suggest that the first-floor balcony doors are vulnerable and should meet the security standard of PAS 24:2022+A1:2024. I recommend these balcony doors have a locking mechanism and handle on the inside only.

- The plans as submitted do not include any details of the lighting provision. Lighting will be required at the entrance to the HMOs, all elevations and communal areas for the safety and security of the residents, their visitors, and customers of the retail store. Manual for streets states that "Adequate lighting helps reduce crime and the fear of crime and can encourage increased pedestrian activity."

- Each bedroom must have a robust, immovable, and lockable piece of furniture to secure valuables.

- As previously mentioned there is no indication if CCTV will be used on site.

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.

- Avon and Somerset Constabulary operates the Secured by Design (SBD) initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects. Implementing Secured by Design has proved to reduce the number of burglaries where it has been implemented. Further information on the Secured by Design initiative may be found at - Secured by Design - Secured by Design.

Achieving Secured by Design Silver as a planning condition would demonstrate that crime and disorder have been considered together with the minimum levels of security.

Should this application be consented, may I respectfully request that a condition of any planning consent should be that adequate security of the residential bike store is approved by A&S Designing Out Crime Officers, prior to occupation due to the potential for cycle theft if security measures are not adequately addressed.

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

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

The site has no designation under the Provisions of the Site Allocations and Development Management Policies. However, the area is residential in character, with the property providing a local shopping provision to this part of Filwood.

According to the plans, the proposed development would result in a re-configured and larger retail floorspace to the existing convenience shop. This would be facilitated through the removal of the storage within the 10 Melvin Square curtilage and the relocation of the office to the rear of the building, and relocating the staff room into the adjacent No.1 Ilminster Avenue. The retail floorspace would increase from 147.3m<sup>2</sup> to 216.5m<sup>2</sup> with a separate 17.9m<sup>2</sup> for the office to the rear.

Policy BCS7 of the Bristol Development Framework Core Strategy states that retail shop uses will predominate in the designated primary shopping areas of the City and Town Centres, supposed by a wider range of appropriate uses in the other parts of these centres. Local shopping and service provision in smaller frontages of single shops away from the identified centres should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facility will be encouraged where they would provide for local needs and would not be harmful to the viability and diversity of any nearby centres.

Policy DM7 of the Site Allocations and Development Management Policies states that uses including retail development outside of centres will not be permitted if it would be liable to have significant adverse impact on the vitality, viability and diversity of exiting centres; or it would impact on existing, committed and planned investment.

The proposed alterations and extensions to the property would create a retail unit in excess of 200sqm which is categorised as a 'larger scale retail development' in the Local Plan, and which therefore could be harmful to the retail functions of designated centres in conflict with the above policies. However, in line with the previously approved and extant permission, this is considered to be acceptable given that: the retail unit including a Post Office, has been serving the areas continuously since 1979 providing 24 access to the local community; it is likely that, with the opening of the new secondary school on Daventry Road, footfall will become greater, further increasing the need for more retail floorspace.

The nearest designated local centre is at Filwood Broadway, the edge of which is approximately 1600 metres from the application site. This is in excess of the reasonable distance that people are expected to travel in terms of accessibility to daily/regular local amenities. Furthermore, the applicant states that Filwood Broadway currently lacks a supermarket, with the current store smaller than the existing convenience store to the applicant site. The lack of local retail facilities and the distance from Filwood Broad is reflective of the high footfall and use of the existing retail

unit at 10 Melvin Square. Given the above it is concluded that the proposed development in respect of the retail extension would not impact vitality and viability of the nearest established local centre.

Whilst only limited weight can be given to the Emerging Local Plan policies, it is noted that Melvin Square including the application site, is identified as becoming a new local centre under the provisions the Draft Policies and Development Allocations in the Bristol Local Plan Review. The need for this review appears reflective of the aforementioned issues above.

Given the above considerations which include the fact that the proposed alterations amount to a relatively small extension to the retail unit to a convenience store clearly aimed directly to local residents, a refusal of the application on this basis could not be justified.

### **Mix and Balance and HMO Statistics**

National Planning Policy Framework (2024) outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. The Local Planning Authority (LPA) should deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

Policy BCS5 (Housing Provision) of the Bristol Development Framework Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development.

Policy BCS18 of the adopted Core Strategy states that development should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. 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 (average of 1,500 residents).

Development of HMOs is covered by Bristol City Council Site Allocations and Development Management (2014) Policy DM2. The policy provides an approach to addressing the impacts and issues that may result from this form of development and aims to ensure that the residential amenity and character of an area is preserved and that harmful concentrations do not arise. 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. The policy identifies a harmful concentration as a worsening of existing harmful conditions or a change to the housing mix that reduces housing choice.

The Council has recently adopted a Supplementary Planning Document (SPD) relevant to the determination of applications concerning houses in multiple occupation (HMOs): Managing the development of houses in multiple occupation, SPD (Adopted) November 2020 - referred to hereafter as the SPD. The SPD provides guidance in applying Policy DM2 (see above), relating specifically to houses in multiple occupation.

The document recognises that HMOs form part of the city's private rented housing stock and contribute positively to people's housing choice. This form of accommodation is generally more affordable and flexible and therefore suitable for younger people, including students, and other households that are not living as families. It is however recognised that HMOs are more intensive forms 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 clarifies what constitutes a 'harmful concentration' in policy DM2. At the local level, this occurs when a single-family home is 'sandwiched' between two HMOs, including in multi-story buildings. At the area level, a harmful concentration is defined when HMOs make up 10% or more within a 100m radius, which is seen as a tipping point that negatively affects residential amenity, character, housing choice, and community cohesion.

The document states that it should be used alongside relevant Local Plan policies to determine all applications for new HMOs and for additional bed spaces within existing HMOs and constitutes an important material consideration in the decision-making process.

The application is located within the Wedmore Vale Lower Super Output Area (LSOA) in the Filwood Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 data. With regards to household types within the Wedmore Vale LSOA, census data indicates that there are a total of 663 households, 144 one person households, 440 single family household, and 79 multiple family households. Therefore, based on census data 21.7% of households are one-person households, 66.4% of households within the LSOA are single family households and 11.9% are shared or multiple occupancy households. As such single-family households remain the prevailing type within the immediate area.

The Council also has access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. This data (as of May 2022) indicated that within 100m of the application site there are a total of 71 residential properties, none of which are HMOs. As per



SPD guidance, this suggests that negative impacts to residential amenity and character are not likely to be experienced and housing choice and community cohesion is not currently starting to weaken.

Based on the above statistics it is evident that the proposed HMO would not unbalance the mix of house types in the area, and the residential character of the area would not be significantly affected by virtue of shifting the area from family size housing to smaller shared accommodation. In line with the SPD, the proposal would not lead to harmful sandwiching of dwellings, or lead to negative residential amenity and character.

The definition of an HMO can be found in Part 7 of the Housing Act 2004. To be defined as an HMO, a building, or part thereof, must fall within one of the following categories:

- a building or flat in which two or more households share a basic amenity, such as bathroom, toilet or cooking facilities: this is known as the 'standard test' or the 'self-contained flat test'
- a building that has been converted and does not entirely comprise of self-contained flats: this is known as the 'converted building test'
- a building that is declared an HMO by the local authority
- a converted block of flats where the standard of the conversion does not meet the relevant building standards and fewer than two-thirds of the flats are owner-occupied: this is known as a section 257 HMO

The previous application (24/00433/F) was refused on the basis that the proposal consisted of a 10-bedroom and 8-bedroom HMO, with each individual room equipped with a kitchen, living area, bed and bathroom for the sole use of the occupant, and no provision of communal living space. The proposal failed to meet the HMO standard test set out by the Housing Act (2004), and represented 18 separate, self-contained units that did not meet the nationally described space standards for one-bed, one-person flats or studios.

It is considered that the current application has overcome these issues – the two proposed HMOs each contain a communal kitchen, therefore providing communal and shared spaces and amenities that two or more households share.

### **Design and Layout**

Policy BCS21 of the Bristol's Core Strategy expects a high-quality design in all developments, which contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

Specifically in relation to infill development, Policy DM26 of the Site Allocations and Development Management Policies, requires development to respond appropriately and respond to local patterns of development. It also expects development to respond appropriately to the height, scale, massing, shape, form, and proportion of existing buildings, building lines and setbacks from the street, skylines and roofscapes. Development is expected to reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion. It says development will not be permitted if it would be harmful to the local character or where it fails to take opportunities to improve it.

Policy DM27 (Layout and Form) requires the height, scale, and massing of development to be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape.

Policy DM30 requires alterations to existing buildings to respect the overall design and character of the host building, its curtilage and the broader streetscene. As such the extensions should be physically and visually subservient to the host building, including its roof form, and not to dominate it by virtue of its scale. It also requires sufficient external private space to be left for the occupiers of the building.

The application site forms part of the planned estate, which was built during the interwar period. As such, Melvin Square, and the surrounding roads form part of the planned street layout. Individually, the built fabric is unremarkable, but the uniformity of design is a defining characteristic of the area. The design principles of the estate include: the planned layout and interrelationship between buildings and spaces; the low-density urban grain; the relationship to local topography; the planned, public green spaces and the extent of other green spaces, including residential gardens. The open, low-density character of the area is derived for the uniformity, or the rhythm and balance compared with planned gaps. When viewed collectively, the homes in the estate retain the clearly defined and consistent pattern of urban grain which was associated with the original estate design.

With regard to the immediate context, the site is adjoined by predominantly two storey, semi-detached or terraced dwelling which are ace in brick or render and have hipped roofs, clad in red roman concrete tiles. According to the applicant's supporting information, number 10 Melvin Square was originally built as a detached property forming a post office to the ground floor and residential over. The curtilage of the property was believed to be T-shaped within a triangular plot to the junction of Daventry Road, Melvin Square, and Ilminster Avenue. 10 Melvin Square has subsequently been altered and extended over time, including the front and side extensions to the retail unit.

It is noted that the design and build of the proposed extensions and build are the same as the previously approved and extant application on this site (application reference: 22/02320/F), and no material changes have been made to the scheme since this extant approval. The only changes are to the proposed use and internal layout. The proposed design and appearance of the development is therefore considered acceptable, and a refusal of the application on this basis could not be justified.

### **Residential Amenity**

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

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

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

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

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

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

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

Policy DM30 requires alterations to existing buildings to safeguard the amenity of the host premises and neighbouring occupiers. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels.

#### FUTURE OCCUPIERS

Planning permission is sought for ground, first and second floor extensions to 10 Melvin Square and first floor side extension to 1 Ilminster Avenue, to create 2no. large HMOs (1no. 9-bed, 1no. 7-bed). The property will be of the following specification:

##### 9 Bed HMO on first floor:

Bed 1 - 16.8m<sup>2</sup>  
Bed 2 - 15.0m<sup>2</sup>  
Bed 3 - 16.0m<sup>2</sup>  
Bed 4 - 15.9m<sup>2</sup>  
Bed 5 - 15.2m<sup>2</sup>  
Bed 6 - 16.1m<sup>2</sup>  
Bed 7 - 14.5m<sup>2</sup>  
Bed 8 - 20.4m<sup>2</sup>  
Bed 9 - 14.5m<sup>2</sup>  
Laundry - 2.2m<sup>2</sup>  
Communal Kitchen - 21.5m<sup>2</sup>

##### 7 Bed HMO on second floor:

Bed 1 - 16.8m<sup>2</sup>  
Bed 2 - 15.0m<sup>2</sup>  
Bed 3 - 16.0m<sup>2</sup>  
Bed 4 - 15.9m<sup>2</sup>  
Bed 5 - 15.2m<sup>2</sup>  
Bed 6 - 16.1m<sup>2</sup>  
Bed 7 - 14.5m<sup>2</sup>  
Laundry - 2.2m<sup>2</sup>  
Communal Kitchen - 21.5m<sup>2</sup>

All bedrooms are single occupancy, as before. The proposal would meet the floor space requirements for an HMO of this level of occupation given that every bedroom would exceed the 6.5m<sup>2</sup> standard. Accordingly, the LPA has no objection and considers this proposal to offer an acceptable living environment for future occupiers.

## **SURROUNDING OCCUPIERS**

Policy BCS21 in the Bristol Core Strategy advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies, states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels.

The proposed extensions would increase the overall scale and massing of built form on the site. As mentioned previously, with regards to built form, there are no changes to the proposal when compared the previously approved application (22/02320/F) which is currently extant. The only changes are to the proposed use and internal layout.

Given that there are no external changes to the build from the previous application, the proposal is considered to be acceptable with regards to residential amenity, and there are no changes that would warrant a refusal in this regard. Residential amenity in relation to overshadowing, overlooking, loss of privacy and a sense of overbearing is therefore considered to be acceptable.

## **Transport and Highways**

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that subdivision of dwellings into house in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; as well as inadequate storage for recycling/refuse and cycles.

Policy BCS10 in the Bristol Core Strategy (2011) states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport, and should be designed to ensure streets where traffic and other activities are, are integrated and designed to ensure the provision of safe streets.

Policy DM23 within the Site Allocations and Development Management Policies (2014) states that the provision in new development of secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

Policy BCS15 in the Bristol Core Strategy (2011) states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design.

Policy DM32 in the Site Allocations and Development Management Policies (2014) states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

The development includes secure and covered cycle storage for 16 bikes. This is considered acceptable. The proposal is a car free development, which is suitable given the site's sustainable location in a local centre with local amenities and well connected bus routes.

The proposed bin storage and arrangement is considered to be acceptable

A loading bay is proposed for temporary vehicle access, reusing the existing driveway of 1 Ilminster Avenue. In the appeal for the previously refused application the Inspector found the use of the loading bay would not harm highway safety, and the LPA therefore raises no further objections.

### **Sustainability**

As embedded in the NPPF, sustainability should be integral to all new development. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BSC14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20% and to follow the heat hierarchy which seeks to ensure that heating and hot water systems are design and specified in accordance with the heat hierarchy including, where appropriate, connection to a heat network. Policy BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

The application includes an Energy Statement, which set out the proposed sustainability measures that would be applied to the development. This includes Part L compliant construction, taking a fabric-first approach with the re-use of existing onsite materials, and recycled materials. It is proposed that there would be a restriction of potable water storage, and soakaways will be utilised where ground conditions allow. With regard to sustainable energy, solar panels are proposed to the roof, and air source heat pumps (ASHP) are proposed for heating purposes. According to the Energy Table, the proposed measures would yield up to 25% savings in residual energy compliant to the policy objectives.

The sustainability response is considered to be acceptable, although full details of the ASHPs and solar panels would be required by condition to ensure compliance with the Energy Statement in the event of an approval.

## **5. Conclusion**

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

## **6. Suggested Conditions**

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

The development hereby permitted shall begin before the expiration of three years from the date of this permission. Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. Construction Management Plan**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

### 3. Construction Environmental Management Plan

No development shall take place until a site specific Construction Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The Construction Environmental Management Plan should also include but is not limited to reference to the following:

- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of residential amenity.

### 4. Highway works - General arrangement plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

- Upgrade and relocation of street lighting
- Relocation of postbox

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are: planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

### 5. Noise Sensitive Premises Assessment

The development hereby approved shall not commence until an assessment on the potential for noise from the ground floor shop, including customers and their vehicles going to and leaving the shop at night, development affecting the proposed residential properties above has been submitted to and approved in writing by the Council.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and if necessary shall include a scheme of noise insulation measures. Any approved scheme of

insulation measures shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order to safeguard the amenities of nearby occupiers. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

#### 6. Sample panels before specified elements started

Sample panels of all external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

#### 7. Details of Air Source Heat Pumps

Prior to the commencement of the relevant part of the works hereby approved detail of the Air Source Heat Pump, including details of its method of construction, appearance, noise levels and any noise mitigation measures has been submitted to and been approved in writing by the Local Planning Authority.

Reason: Reason: To safeguard the amenity of nearby premises and the area generally.

#### 8. Renewable energy (ASHP) - further detail

Prior to commencement, details of the Air Source Heat Pumps (including the exact location, dimensions, design/ technical specification) together with calculation of energy generation and associated CO2 emissions to achieve 20% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to occupation of the development, and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

#### 9. Details of Photovoltaics (PV)

1) Prior to installation, details of the proposed PV system including location, dimensions, design/ technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided within the Energy Statement.

2) Prior to occupation of the development, the following information shall be provided: - Evidence of the PV system as installed including exact location, technical specification and projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate. - A



calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by the percentage shown in the approved Energy Statement.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

#### 9. Energy and Sustainability in accordance

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy statement (By Complete Energy Consultancy, dated 5th January 20224) prior to occupation or use commenced. A total 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 25% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate.

#### 10. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's Land Contamination: risk management guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.

Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.

#### 11. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

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

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

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

#### 12. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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

#### 13. Artificial Lighting (external)

No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

#### 14. Waste Management Plan

No building or use hereby permitted shall be occupied or use commenced until a waste management plan setting out how waste will be stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

#### 15. Non opening and obscured glazed window

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the following window shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non opening and obscure glazed.

- Secondary window to Bedroom 6 to 9-bed HMO on first floor

- Secondary window to Bedroom 5 and 6 of both HMOS on first and second floors

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

#### 16. Noise from plant & equipment affecting residential

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Prior to the commencement of the use of this development an assessment to show that the rating level of any plant & equipment will be at least 5 dB below the background level has been submitted to and approved in writing by the Council.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

#### 17. Hard and soft landscape works – shown

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

#### 18. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

#### 19. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00.

Reason: To safeguard the residential amenity of nearby occupiers.

## 20. Cycle Store Security

Prior to the occupation of the development hereby permitted, details of the security measures for the residential cycle store shall be submitted to and approved in writing by the A&S Designing Out Crime Officers. The approved security measures shall be implemented in full prior to occupation and thereafter retained and maintained for the lifetime of the development.

Reason: To ensure that adequate security measures are in place to deter cycle theft and promote safe, sustainable travel, in accordance with the advice of the Designing Out Crime Officers.

## 21. List of Approved Plans and Drawings

Drawing no. 532-PLA-001 Rev. A – site location plan and existing site plan;

Drawing no. 532-PLA-010 Rev. A – existing ground floor plan;

Drawing no. 532-PLA-011 Rev. A – existing first floor plan;

Drawing no. 532-PLA-012 Rev. A – existing second floor plan;

Drawing no. 532-PLA-013 Rev. A – existing roof floor plan;

Drawing no. 532-PLA-020 Rev. A – existing northeast elevation;

Drawing no. 532-PLA-021 Rev. A – existing west (street) elevation;

Drawing no. 532-PLA-022 Rev. A – existing southwest elevation;

Drawing no. 532-PLA-023 Rev. A – existing east elevation;

Drawing no. 532-PLA-030 Rev. A – existing section A-A;

Drawing no. 532-PLA-040 Rev. A – existing section B-B;

Drawing no. 532-PLA-100 Rev. A – proposed site plan;

Drawing no. 532-PLA-110 Rev. B – proposed ground floor plan;

Drawing no. 532-PLA-111 Rev. D – proposed first floor plan;

Drawing no. 532-PLA-112 Rev. C – proposed second floor plan;

Drawing no. 532-PLA-113 Rev. A – proposed roof floor plan;

Drawing no. 532-PLA-130 Rev. A – proposed northeast elevation;

Drawing no. 532-PLA-131 Rev. A – proposed west (street) elevation;

Drawing no. 532-PLA-132 Rev. A – proposed southwest elevation;

Drawing no. 532-PLA-133 Rev. A – proposed east elevation;

Drawing no. 532-PLA-140 – proposed section A-A;

Drawing no. 532-PLA-141 – proposed section B-B;

Drawing no. 532-PLA-210 Rev. A – proposed front 3D visual;

BNG exemption form;

Design and Access Statement;

Energy statement.

## 22. Advices

- House in Multiple Occupation

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

- Restriction of parking permits – future controlled parking zone/residents parking scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme/Permit Parking Area area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Controlled Parking Zone/Residents Parking Scheme/Permit Parking Area.

Further information is available at [www.bristol.gov.uk/low-car-permit-restrictions](http://www.bristol.gov.uk/low-car-permit-restrictions)  
Holders of a disabled persons badge do not require resident parking permits. This also does not affect your right to obtain an Essential Visitors Permit (EVP) available at [www.bristol.gov.uk/parkingpermits](http://www.bristol.gov.uk/parkingpermits)

- Construction site noise: Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise

Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.

- Noise - plant & equipment

Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

- Works on the Public Highway

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Transport Development Management Team at [transportDM@bristol.gov.uk](mailto:transportDM@bristol.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. A Monitoring Fee equivalent to 15% of the planning application fee
- III. Approving the highway details
- IV. Inspecting the highway works

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

- Excavation Works on the Adopted Highway

The development hereby approved includes the carrying out of excavation works on the adopted highway. You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at [www.bristol.gov.uk/highwaylicences](http://www.bristol.gov.uk/highwaylicences)