

Rear of 6 Tyndall's Park Road, Cotham, Bristol, BS8 1PY

Proposed Residential Development of a 3-Bed HMO

Planning Supporting Statement

April 2025



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Project Ref. PR0969

Prepared on behalf of:

Mr R. Bendle

Contents

| | | |
|---|---|----|
| 1 | INTRODUCTION | 1 |
| | Purpose | 1 |
| | Structure of this Statement..... | 1 |
| 2 | THE SITE DESCRIPTION AND PLANNING HISTORY | 2 |
| | Location and Context | 2 |
| | Accessibility..... | 3 |
| | The Site | 5 |
| | Planning History | 5 |
| 3 | PLANNING POLICY AND DESIGNATIONS | 6 |
| 4 | THE PROPOSED DEVELOPMENT | 9 |
| | Development Overview | 9 |
| 5 | PLANNING REVIEW | 10 |
| | Overview | 10 |
| | Emerging Policy – Bristol Local Plan Review | 14 |
| | New-Build Development | 15 |
| | Conservation and Heritage Assets | 16 |
| | Access and Movement..... | 16 |
| | Sustainable Design and Construction | 16 |
| 6 | PLANNING BALANCE AND CONCLUSIONS | 18 |

Appendices (separate document):

Appendix 1 - BCC HMO Concentration Information

Appendix 2 - LSO Ward and Bristol Accommodation Data

Appendix 3 - 3260047 & 3260048 - Appeal Decisions

Appendix 4 – Extant Planning Permission for Dwelling

Appendix 5 – Certificate of Lawfulness for Existing Development

1 Introduction

Purpose

- 1.1 This Planning Statement supports a Full Planning application submitted by Mr R. Bendle with proposals for a new-build residential development comprising a 3-bed house in multiple occupation (HMO) for individuals and/or students in full-time education. The application description is for: *"Demolition of boundary wall and construction of a two storey Use Class C4 small house in multiple occupation with associated provision of amenity space, refuse and cycle storage."*
- 1.2 The purpose of the statement is to provide an overview of the proposals and to demonstrate compliance with relevant planning policy and guidance, along with other material considerations. It should be read in conjunction with the supporting documents and drawings listed on the application covering letter.

Structure of this Statement

- 1.3 This Statement is divided into the following sections:-
 - Section 2.0: Site Description and Planning History
 - a description of the site and context along with a review of the site's planning history.
 - Section 3.0: Planning Policy Context
 - an explanation of the relevant national and local planning policy and guidance along with relevant material planning considerations for the proposed development.
 - Section 4.0: A Description of the Development Proposals
 - a description of proposals in terms of the use and physical development.
 - Section 5.0: Planning Considerations
 - an analysis of the scheme and compliance with national and local planning policies and ensures that relevant material considerations are addressed.
 - Section 6.0: Planning Balance and Conclusions
 - an overview of the merits of the development and reasoning why planning permission should be granted.

2 The Site Description and Planning History

Location and Context

- 2.1 The site is located on the edge of Bristol City Centre within the Central Ward and what is an inner urban context. The location comprises a mix of residential properties, the majority being flats within converted period buildings but there are also a few family dwellings. However, the area is dominated by the presence of the University of Bristol (UoB) Precinct and the South West Regional Headquarters of the BBC.
- 2.2 The University of Bristol Precinct immediately abuts the site with buildings of the Dept. of Social Science and Law sharing a boundary. The wide mix of uses immediately in the vicinity of the site are shown in figure 1.



Figure 1. The differing land uses in proximity of the site.

Accessibility

- 2.3 The site is highly accessible for everyday needs, with a wide range of retail shops, support services, eating and drinking establishments, and leisure uses all within easy walking distance. Both the West End shopping area and Clifton Down Shopping Centre/Whiteladies Road are less than a 10-minute walk away (see Figure 2).
- 2.4 The location benefits from excellent access to a mix of regular public transport services. Several bus routes are available from stops on Queen's Road and Whiteladies Road, linking the city centre to the northern suburbs. The city's main coach terminus at St James Barton in the city centre is also within walking distance.
- 2.5 Clifton Down railway station is a 10-minute walk from the site, providing services on the Severn Beach Line to Bristol Temple Meads Station, where connections to the National Rail Network are available. The Bristol Bus Station, located off St James Barton roundabout, is also within a 15-minute walk.
- 2.6 The site is particularly well-located for students, given its proximity to the University of Bristol's precinct faculties, student welfare and pastoral facilities, and the students' union building on Queen's Road—all within a short walking distance. The University's sports centre at Coombe Dingle, approximately 2 miles to the north, is also easily accessible by bus or by cycling.
- 2.7 Within the local area, there are three providers of car club services available to both residents and businesses.
- 2.8 Publicly available Voi electric bicycles and scooters are available for hire on local streets.
- 2.9 Figure 2 illustrates the range of facilities and public transport options within a 500-metre walking distance from the site.

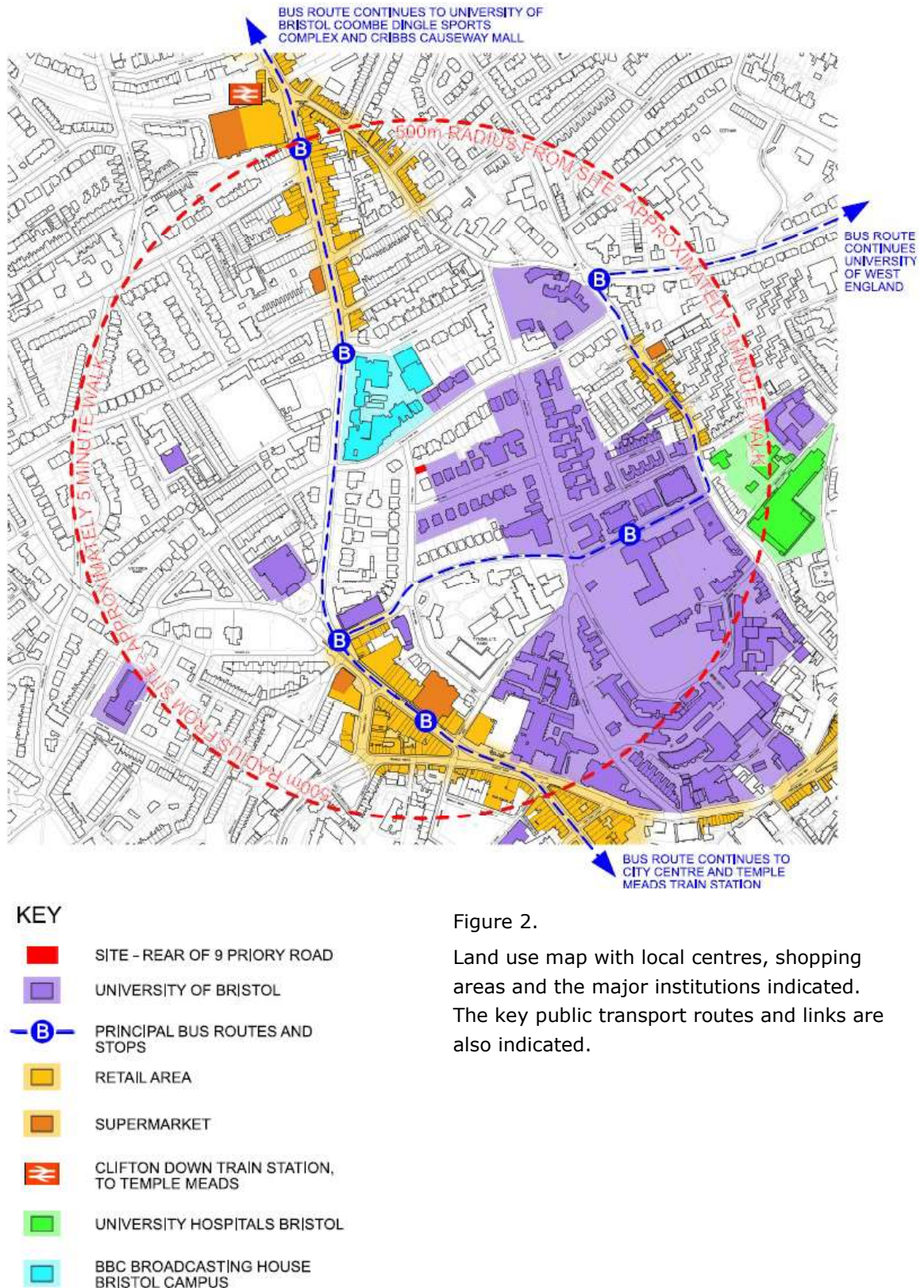


Figure 2.

Land use map with local centres, shopping areas and the major institutions indicated. The key public transport routes and links are also indicated.

The Site

- 2.10 The site comprises an enclosed car parking area at the rear of no. 6 Tyndall's Park Road which is roughly square, measures c. 141sqm in area and is centred on National Grid Reference ST 57931 73609. The site was historically associated with 6 Tyndalls Park Road (a period townhouse converted to flats) but for a number of years has been separated by fencing. It is accessed via a dropped kerb, crossover and a pair of entrance gates that allows vehicles to enter the site. The site is laid out with a gravel surface and there is space for a number of motor vehicles to park.
- 2.11 High stone boundary walls and fencing enclose the site with two sides shared with adjoining residential properties. On the northern side a 1.8m high timber fence and rear wall of an extension to no. 6 creates the shared boundary. Boundaries are also shared with the rear garden of no. 8 Tyndall's Park Road (east) and a parking area at the rear of no. 9 Priory Road (south).
- 2.12 A more detailed description of the site can be found in the Heritage, Design & Access Statement.

Planning History

- 2.13 There is a long planning history for development at the site that dates back to the 1990s. Of relevance to this application are more recent proposals when in 2020 planning permission was granted under application ref. 20/01279/F for "*Demolition of boundary wall and construction of a two storey building containing 1no. residential unit with associated provision of amenity space, refuse and cycle storage.*"
- 2.14 The proposals were then subject to a s.73 Minor Material Amendment to Application to alter the height of the overall building as application reference 21/01703/X. While the City Council refused permission a subsequent appeal to the Planning Inspectorate was allowed in December 2022 (**Appendix 4**).
- 2.15 Application has subsequently been submitted and information approved that was reserved by conditions. Following these, the applicant commenced the development by paying the Community Infrastructure Levy and having some grounds works undertaken, drainage installed and an inspection made by an Approved Building Inspector.
- 2.16 An Application for a Lawful Development Certificate for an Existing Use or Operation or Activity was then submitted to the Council as application ref. 23/03045/CE in August 2023. A Certificate was then issued on the 25th September 2024 confirming that "*...the development has lawfully commenced prior to the expiry of planning permission 21/01703/X as allowed by appeal ref. APP/Z0116/W/22/3301596. A Lawful Development Certificate can therefore be granted.*" (**Appendix 5**)
- 2.17 No further progress has been made on the development

- 3.5 At the national level the National Planning Policy Framework (NPPF) 2024 and its accompanying Planning Practice Guidance are material considerations. The NPPF provides a presumption in favour of sustainable development and at Section 2 *Achieving sustainable development* paragraph 8 identifies the three over-arching objectives of the planning system that are interdependent, these being;
- economic;
 - social; and
 - environmental.
- 3.6 In pursuit of these objectives the NPPF guides development towards achieving sustainable solutions, but acknowledged that in doing so, decision '*... should take local circumstances into account, to reflect the character, needs and opportunities of each area.*' (paragraph 9)
- 3.7 The document then provides for a presumption in favour of sustainable development and establishes that development that accords with '*an up-to-date development plan*' should be approved without delay (para. 11, item c).
- 3.8 The NPPF places significant weight on the need to support economic growth through the planning system and the provision of new homes, particularly where this involves the efficient use of land, and in particular, previously developed land as in the case of the application site.
- 3.9 Section 5 of the NPPF is headed *Delivering a sufficient supply of homes* and addresses housing need and in so doing, identifies the importance of windfall sites within existing settlements.
- 3.10 Section 11 *Making effective use of land* promotes '*an effective use of land in meeting the need for homes and other uses*' and in paragraph 14 item d) directs local planning authorities to '*promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively ...*'.
- 3.11 At paragraph 129 under the heading *Achieving appropriate densities the document* reiterates the need for development that makes efficient use of land, taking into account a list of criteria, these being:
- 'a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) local market conditions and viability;*
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) the desirability of maintaining an area's prevailing character and setting.'*

- 3.12 Section 12, *Achieving well—designed and beautiful places* promotes *inter alia*, high quality development that is visually attractive and sympathetic to local character and history, i.e. the local built context.
- 3.13 Core Strategy Policy BCS2 refers to Bristol City Centre and specifies that its role as a regional focus will be promoted and strengthened. Development that includes mixed uses for offices, residential, retail, leisure, tourism, entertainment and arts and cultural facilities is promoted.
- 3.14 Core Strategy Policy BCS5 *Housing Provision* seeks to deliver new homes and a minimum target across the city for 26,400 homes between 2006 and 2026. Development of new homes is sought primarily on previously developed sites.
- 3.15 Policy BCS18 *Housing Type* seeks to create a mix of housing that new residential development provides a range of housing types to help support the creation of mixed, balanced and inclusive communities. Policy BCS20 *Effective and Efficient Use of Land* promotes development that will maximise opportunities to re-use previously developed land, in order to promote higher densities of development.
- 3.16 The site is within the Whiteladies Road Conservation Area, details of which are included in the Heritage, Design & Access Statement.
- 3.17 The Government's flood mapping identifies the site being within Flood Zone 1 and so is at a low risk of flooding.

4 THE PROPOSED DEVELOPMENT

Development Overview

- 4.1 The applicant has consider the merits of the extant scheme and build costs associated with creating a small dwelling. Given construction costs have risen significantly in the last few years, the applicant is looking for a more viable scheme and to develop a building with a higher yield that would justify the level of investment required.
- 4.2 The proposal is to develop a built form that is identical in design to that of the extant scheme, with the form and appearance of the building being the same. However, instead of being a dwellinghouse, it is proposed to develop it as a small house in multiple occupation with 3 bedrooms and shared living accommodation.
- 4.3 Further information on the design approach is provided within the Heritage, Design & Access Statement.

5 PLANNING REVIEW

Overview

- 5.1 The extant planning permission has established the principle of developing the site with a two-storey coach house style building for residential use. The current proposal reflects the design approach of the approved scheme and it is the nature of the differing residential use that is now the key consideration. In assessing the application, the issues are whether the proposed use will result in a harmful impact upon the character of the area; a population imbalance within the local community; and/or upon the amenity of existing residents.
- 5.2 This needs to be considered in the context in which the site is located, i.e. a mixed use area where the UoB Precinct dominated but where there are a number of commercial uses such as the BBC and other organisations spread along Whiteladies Road along with a high number of students and other student related uses. The site is within the central area because of the great mix of uses and it cannot however be regarded as a traditional residential suburb.
- 5.3 In terms of promoting sustainable travel, given the proximity of the site to the UoB faculties and facilities, along with local shops and services, the use of the development by students will inevitably mean walking will be preferred mode of travel and so a lower dependency on less sustainable options will be avoided. Nevertheless, they will have provision for secure storage of bicycles and will have the opportunity to join the publicly available Tier electric scooter and bicycle hire service. They won't however be able to join the resident's parking scheme and so will be restricted from being able to have a car.
- 5.4 The proposed HMO use will provide accommodation which there is high demand for and will make more efficient use of the site by increasing the density of its occupation. Achieving the higher density sits squarely with paragraph 128 of the NPPF as there is recognised demand for the type of accommodation.
- 5.5 The need is borne out by the Council's 2024 Housing Needs Assessment which provides evidence of the city's likely housing need for the period 2020-2040. It reviews the household data for the past 30 years and makes predictions on the population growth and likely required mix of housing.
- 5.6 A review of demographic projections are provided and this forms the basis for identifying the housing needs for all types of housing, including both market and affordable housing. It shows a significant increase in the number of households over the period and changing housing tenure trends with the importance of significant growth in the private rented sector, driven by a combination of listed demand and supply factors. At the same time, it shows there will be a contraction of the availability of social rent property.
- 5.7 It is also worth noting that over the last few years the UoB has struggled to find accommodation for its students with the results that a significant proportion have had to be found lodgings in locations outside of Bristol, including Newport, South Wales some 25 miles away.

5.8 Chapter 2. *Establishing Local Housing Need* includes a section headed *Projected Household Types*. This includes Figure 11 which shows the household numbers for the City for years 2020 and 2040 based on the Scenario 2 projections by household type and age, together with the net change for each group. This shows is an overall growth of 46,900 households with single person households representing almost a third of the overall growth (15,000, 32%), couples without dependent children representing almost a third (13,600, 29%); families with dependent children making up approximately one fifth (9,000, 19%) other types of households (including HMOs) contributing a further 9,400 households.

5.9 It should also be noted that when the figures for the central area are considered, only 4% of residents are students in higher education.

5.10 The importance HMOs in the ongoing provision of housing within the city is evidently significant.

5.11 In terms of Local Plan policy, the LPA's Core Strategy Policy BCS18: *Housing Type* has a similar thread in that it seeks to ensure that new residential development provides a range of housing types to help support the creation of mixed, balanced and inclusive communities. It includes an aim that new development should contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

5.12 BCS18 is supported by Development Management Policy DM2 *Residential Sub-divisions, Shared and Specialist Housing* which, *inter alia*, recognises that shared housing provides an important contribution to people's housing choice and aims to ensure that future specialist housing for students meets appropriate standards and is sensibly located. Such development is not permitted where it would harm the residential amenity or character of the locality or create or contribute to a harmful concentration² of such uses within a locality.

5.13 Development Management Policy DM2 picks up on the thread and includes reference to '*other forms of shared housing*'. It is a permissive policy but aims to preserve residential amenity and the character of an area, as well as avoid concentration of such uses in the locality. The general criteria upon which schemes are assessed against are:

- "• *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. *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."*

5.14 The following provides an assessment of the above against the above DM2 criteria:

Levels of activity that cause excessive noise and disturbance to residents;

- 5.15 The development will be for 3 occupants. The siting, orientation and separation distances of the development with adjoining properties is such that the activity associated with the proposed use wouldn't generate any demonstrable greater impact than if a family dwelling. The inner urban context is one where there is generally a high level of pedestrian activity passing the site.

Levels of on-street parking

- 5.16 As demonstrated above, the site is highly accessible and there would be no need for future occupants to need access to a car. The area has restricted car parking being part of the Kingsdown Residents' Parking Zone and the future occupants would be excluded by the LPA from joining the scheme. The alternative would be for them to join one of the car clubs and locally available cars.

Cumulative detrimental impact of physical alterations to buildings and structures

- 5.17 The proposal is for a new-build development that matches an extant scheme. The development, as permitted will enhance the character of the area.

Inadequate storage for recycling/refuse and cycles.

- 5.18 The intended storage for both recycling/refuse and cycles has been designed to comply with the LPA's adopted standards.

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

- 5.19 The site is located in a unique position abutting the UoB Precinct and in a context that is mixed in terms of the variety of uses (figure 1). It is acknowledged that there is a high concentration of HMO uses in the area and the issue is discussed further in paragraphs below. However, given the particular location of the site and context, the proposed HMO use is regarded to be entirely appropriate.

Reducing the choice of homes in the area by changing the housing mix.

- 5.20 As new development, there will be no reduction in the choice of home in the area. The development will create accommodation for which there is high demand and it is located where the future occupants can benefit from the highly accessible environment, limiting their need to travel or use unsustainable forms of travel.
- 5.21 In considering the issue of concentration, Central Area Plan Policy BCAP1 *Mixed-use development in Bristol City Centre* places an expectation that new development contributes to a mix of uses in the wider area, including new homes that are appropriate to the site and its context. Policy BCAP2: *New homes through efficient use of land* supports the residential use of vacant or underused floor space. Policy BCAP3: *Family sized homes* includes reference to houses in multiple occupation by cross-referencing to Development Management Policy DM2: *Residential Sub-divisions, Shared and Specialist Housing*.
- 5.22 In support of policy the Council has published a supplementary planning document (SPD) entitled *Managing the development of houses in multiple occupation* which relates to the policy. The SPD within its introduction section refers to the guidance identifying '*situations where harm for HMO concentrations are likely to arise*'. It also sets out a list of potential harmful impacts. The SPD then provides objective criteria upon which an over-concentration of HMO type uses may be judged. This

is based on a basic 'sandwiching' assessment and a threshold assessment of there being more than 10% of residential units within a 100m radius of a site being an HMO use.

- 5.23 In this case, the development would not result in a 'sandwiching' situation arising but as noted above would contribute to the concentration of student uses in the area which is above the 10% threshold. Figure 4 is an extract of the council's mapping that illustrates the location of other HMOs in proximity of the application site with several in Elmdale Road and to the north, Tyndalls Park Road.
- 5.24 Information supplied by council's Strategic Policy Officer Simon Fletcher (**Appendix 1**) has confirmed that within 100m of the site there are currently 19 HMOs which represent 19.38% of all residential dwellings being HMOs. When the data is compared to the Central Ward there are 658 HMOs which equates to 4.97% of all dwellings.

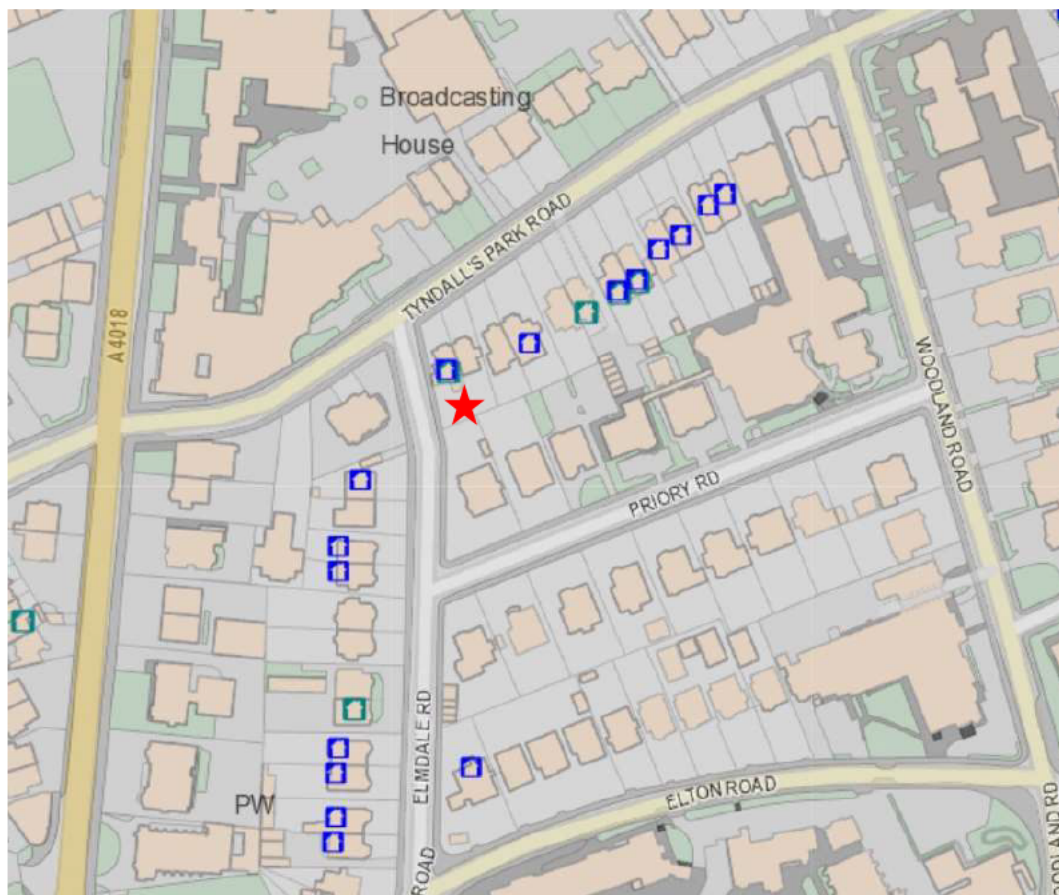


Figure 4. Extract from BCC Pinpoint mapping indicating the appeal site location and the proximity of other HMOs in the area.

- 5.25 Based on this information, the concentration of HMOs is above the LPA's 10% threshold whereupon an over-concentration of such uses is considered to be created in the mix of housing within the area.
- 5.26 Further information on the mix or household accommodation for the Lower Super Output Area in which the site sits is proved as **Appendix 2**.
- 5.27 In considering the concentration issue, one must address the issue of 'harm' and whether in this particular instance, there would be any demonstrable impact from the HMO development on the

amenity of local residents or result in a reduction in the social cohesiveness of the community given the context that has been described above. Given the site's inner urban context and convenient location on the edge of the UoB Precinct there is nothing to suggest there would be any arising harm.

- 5.28 The issue of harm has been subject to a previous appeal decision where the Planning Inspector considered proposals for an HMO student dwelling on Hampton Lane (**Appendix 3** - Land to the rear of 85 Whiteladies Road Appeal Decision), a short distance from the application site.
- 5.29 In the decision, the Inspector outlined the main issue being 'whether the proposal would be likely to result in any population imbalance within the local community and harm the amenity' and considered the LPA's HMO policies and guidance. He noted that the development would exceed the 10% threshold (18% being the result) but that there would be no harmful 'sandwiching' effect. Importantly, it was noted that the increased activity associated with the use would be very modest and concluded that "*...the proposal would be unlikely to result in any population imbalance within the local community and would not harm the amenity of the local area.*"
- 5.30 For the Tyndalls Park Road development, there are parallels with the Hampton Lane scheme and context. As such, we assert that the same conclusion can be drawn in there when considering commercial and student character of the area, there would be no would be unlikely to result in any population imbalance within the local community and would not harm the amenity of the local area.
- 5.31 As set out above, the development, being a small HMO has all the essential attributes for creating quality living accommodation and complies with the LPA's objective guidance relating to the provision of refuse and cycle storage.
- 5.32 Furthermore, there would be no loss of existing housing and the new dwelling would contribute to the supply of homes in Bristol, specifically catering for students and providing home which would be highly accessible for their day to day living.

Emerging Policy – Bristol Local Plan Review

- 5.33 The Local Plan Review has been through the Regulation 18 Consultation stage and a publication version of the Local Plan was produced in November 2023 for representations to be made. In April 2024 the document was then submitted to the Secretary of State for independent examination, a process that will include examination hearings throughout the summer of 2024. The Plan, if found to be sound, isn't likely to be adopted until the spring of 2025.
- 5.34 The NPPF at para. 49 addresses the issue of emerging development plans and makes it clear that planning law requires that applications for planning permission should be '*...determined in accordance with the development plan, unless material considerations indicate otherwise.*'
- 5.35 It then advises LPAs may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

- 5.36 The above text is written with flexibility with the phrase 'may give weight' which suggests adherence to the emerging plan is certainly not a mandatory.
- 5.37 At the time of writing, the Inspectors have asked for an additional document to be added to the 'representations received' section of the examination library. This catalogues general comments and representations not made against any specific policy.
- 5.38 Given the Review is still at an stage of the Examination process and as further evidence has been submitted to the Inspectors by third parties to which there is dispute in the wording of the emerging policies amongst them, the Plan should only attract limited weight.

New-Build Development

- 5.39 The proposals have been the result of extensive consideration of the constraints and opportunities associated with the site, and the proposal largely reflects that of the extant planning permission, albeit with a greater number of bedrooms and windows.
- 5.40 As described in the Heritage, Design & Access Statement, the development is intended to create a distinctive, contextual building and quality accommodation. It will positively respond to the character of the area and particular relationship with the surrounding period properties.
- 5.41 Overall, the design strategy is regarded to comply with Core Strategy Development Principles Policies BSC21 *Quality Urban Design* which provides a list of design criteria which new development is expected to meet. It will result in a high-quality living environment for the future occupiers and on this basis, it will comply with not only policies BCS21, but also Development Management Policies DM26: *Local Character and Distinctiveness*, DM27: *Layout and Form*, and DM29: *Design of New Buildings*.
- 5.42 The NPPF recognises that good design is a key aspect of sustainable development and securing high quality and inclusive design goes beyond aesthetic considerations.
- 5.43 The NPPF at para 131 acknowledges that "*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve*". It continues by recognising that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Conservation and Heritage Assets

- 5.44 Given the recent planning history for the site, extant planning permission, and fact the proposed development reflects this, the proposal is deemed to be compliant with Bristol's Core Strategy Policy BCS22: *Conservation and the Historic Environment* which seeks to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance, including listed building and conservation areas. Development Management Policy DM31: *Heritage Assets* cross-references to Policy BCS22 with it seeking to ensure development proposals preserve, and where appropriate, enhance heritage assets or their setting. In this case, the development will result in an enhancement of the site and general street scene.

Access and Movement

- 5.45 The location of the development is highly accessible for everyday living and is particularly suited to students as the UoB Precinct and other facilities are so close. As such, walking will be the mode of choice for the residents, but as they will have secure storage for bicycles within the site and also access to the publicly available Tier electric bikes and scooters, for longer journeys they will have a convenient means of traveling around the city when walking is considered too far.
- 5.46 As a material consideration, section 4.4 of *Manual for Streets* (Dept of Transport, 2007) is entitled Walkable Neighbourhoods and states that such an area is typically characterised as having a range of facilities within 10 minutes walking distance (around 800 metres). As set out above, the site's location would fall within such an area.
- 5.47 Bristol's Core Strategy Policy BCS10: *Transport and Access Improvements* identifies several development principles, which promote in a sequential list of sustainable modes of transport, prioritising walking and cycling over public transport and private motor vehicles. The policy also directs developments to locations where sustainable travel patterns can be achieved and which are accessible, and promotes safe streets and negative impacts of vehicular traffic. Whilst the policy doesn't refer to the provision of scooters within the city, and is thus out of date, the important principle is the promotion of sustainable travel patterns. On this basis, the future occupiers could quite easily live at the property without the need to travel by car.
- 5.48 On this basis, the location and use of the site will comply with national guidance and the LPA's model hierarchy set out in Policy BCS10.

Sustainable Design and Construction

- 5.49 From a sustainable design and energy use perspective, the design of the scheme as practically possible will accord with Policies BCS13: *Climate Change*, Policy BCS14: *Sustainable Energy*, Policy BCS15: *Sustainable Design and Construction*.
- 5.50 From a sustainable design and energy use perspective, the scheme, as far as practical complies with the principles of Core Strategy Policies BCS13: *Climate Change*, Policy BCS14: *Sustainable Energy* and Policy BCS15: *Sustainable Design and Construction*.

5.51 The development complies with the LPA's heat hierarchy requirements and will achieve the Council's target of a 20% reduction in residual carbon emissions with use of solar panels, as per the Sustainability Statement and Energy Assessment.

6 Planning Balance and Conclusions

- 6.1 This statement and accompanying documents present a clear and robust justification for granting planning permission, both in terms of land use planning and physical development.
- 6.2 The principle of development on this site has already been established through the extant permission for a coach-house style building, which constitutes a credible 'fallback' position for the applicants. The concept of a fallback position is a material planning consideration, as confirmed by Mr Justice Hickinbottom in *Zurich Assurance Ltd (t/a Threadneedle Property Investments) v North Lincolnshire Council & Anor* [2012] EWHC 3708 (Admin). At paragraph 75 of his judgment, he clarified that:

"The prospect of the fall-back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect... Where the possibility... is 'very slight indeed', or merely 'an outside chance', that is sufficient to make the position a material consideration... Weight is, then, a matter for the planning committee."

- 6.3 The core issue for the current application is the potential impact of the proposed HMO use, particularly with regard to population balance and residential amenity. As outlined above, and given the specific context of the site, we maintain that the development would not result in any such harm. The proposal is entirely suitable for its city centre setting.
- 6.4 Importantly, the external appearance of the development remains identical to the approved scheme. Furthermore, the level of activity associated with both the proposed HMO and a C3 residential use would be broadly comparable—and overall, modest. As the majority of journeys by future residents will be made on foot, any impact on neighbouring properties or local infrastructure will be minimal.
- 6.5 This proposal constitutes a sustainable form of development that will deliver clear economic, social, and environmental benefits. It aligns with Core Strategy Policy BCS18 and Development Management Policy DM2 by contributing to the supply of shared housing in a highly accessible and sustainable location, without detriment to residential amenity or the character of the area.

Conclusion:

- 6.6 Given the established fallback position, the minimal impact of the proposed use, and the alignment with planning policy, there are clear and sound planning grounds for the application to be approved.