

'Hold Date'	
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# Bristol City Council Development Management

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## Delegated Report and Decision

**Application No:** 22/01845/F **Registered:** 11 April 2022

**Type of Application:** Full Planning  
**Case Officer:** Gemma Webster **Expiry Date:** 6 June 2022

**Site Address:**

87A Redland Road  
Bristol  
BS6 6RD

**Description of Development:**

Conversion of existing maisonettes into 2no. Houses in Multiple Occupation (HMO) containing 6no. bedrooms (Use Class C4) and 7no. bedrooms (sui generis) respectively, with associated bin and bike storage.

**Ward:** Redland

**Site Visit Date:**

**Date Photos Taken:**

**Consultation Expiry Dates:**

**Advert** 22 Jun 2022  
**and/or Site** 22 Jun 2022  
**Notice:**

**Neighbour:** 8 Sep 2022

### SITE LOCATION

No. 87a Redland Road is a semi-detached dwelling set over four storeys (Lower Ground, Ground, First and Second/Loft). The dwelling is currently sub-divided into two Maisonettes.

The 'Lower Maisonette' contains 3 reception rooms and 3 bedrooms and occupies the lower ground and ground floor level. The 'Upper' Maisonette contains five bedrooms and occupies the first and second floors. The two maisonettes are accessed from the side elevation with staircases leading up to entrances on the ground and first floors respectively.

The front elevation is finished in coursed stone, the side elevation is finished in render and painted blockwork.

The site is located within the Cotham and Redland Conservation Area.

### BACKGROUND

The application is as per the description of development. See application documents for further details.

This application is a resubmission of a previously withdrawn application 21/02337/F. The alterations from the previous application include;

- o a remodelling of the internal layout reducing the number of bedrooms by one bedroom;
- o removing the proposed extension and maintaining the conservatory,
- o inserting new windows on the rear elevation and side elevation,
- o altering the bin store at the front of the property,
- o maintaining the existing vegetation within the front and rear gardens, and
- o reducing the level of cycle parking at the rear.

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**SITE HISTORY**

21/02337/F - Construction of a single storey rear extension (following demolition of existing extension) and the conversion of two existing maisonettes at No. 87a Redland Road into 1No. House in Multiple Occupation (HMO) for up to 6 people (C4 use) and 1no. House in Multiple Occupation (HMO) for up to 8 people (sui generis use). WITHDRAWN

06/03648/F - Conversion of self-contained flats on ground and lower ground floor to 1 no. maisonette. Retention of conservatory and landscaping works to front garden. PERMITTED

**RESPONSE TO PUBLICITY AND CONSULTATION**

Neighbouring properties have been consulted and site notice / press release undertaken with an expiry date of 22.06.2022

19 letters of objection were received, raising the following points:

- o excessive noise and disturbance will arise
- o reduction on the choice of homes in the area
- o contrary to Policy DM2
- o more than 13 people could occupy the property with little shared living space
- o the current maisonettes are suitable and in short supply in the area
- o scaling back by one bedroom from the previous scheme is insufficient to overcome concerns
- o at odds with the aims of the Cotham and Redland Conservation Area appraisal for the reinstatement of suitable family homes
- o already high population of students in the area
- o further pressures on parking within the local area
- o loss of visual amenity due to waste bins
- o large number of HMOs in the area
- o some rooms are very small and providing poor quality accommodation
- o potential for increase in anti social behaviour
- o out of character for conservation area
- o limited usable floor space whilst standing in the top rooms
- o bus service is poor and so cannot be relied upon
- o errors contained within the submission and on the plans
- o the conservatory area is unlikely to pass building regs for suitable shared living space, as inadequately heated
- o increase in traffic in the area

**RCAS - Residents group**

Overlooking: the revised scheme has reduced the potential for overlooking of neighbouring properties from rooms other than bedrooms. However, the change of use from an existing bedroom and bathroom on the rear of the house to a kitchen/living/dining communal area increases the potential overlooking of neighbouring rear gardens from this upper level room. The location will also raise the possibility of noise impact on neighbouring houses and gardens.

If the LPA is minded to approve this application we ask that a restriction on the number of residents parking permits is included as a condition to reduce the possibility of overcrowding of local Residents Parking Scheme

**POLLUTION CONTROL**

There does appear to be a considerable intensification of use here from a 3 and 5 bedroom single dwelling properties to a 6 and 7 bedroom HMOs (a total increase from 8 bedrooms to 13).

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I therefore have concerns that this intensification of use will lead to an increase in the potential noise nuisance from the property, particularly to the adjoining neighbour.

The above said there has not been and subdivision of rooms and apart from the kitchen/living room on the first floor all communal living areas are away from the party wall. Some increase in sound insulation is proposed for the party wall between the first floor kitchen/living room and the adjoining property. It is unlikely that any level of sound insulation would prevent any noise being heard between properties and without knowing further details, such as the sound insulating properties of the wall it is difficult to tell how effective the proposed sound proofing would be.

I would therefore ask for the following condition should the application be approved:

1. Noise insulation Due to the increased numbers of occupants of the property, prior to the commencement of any development, an assessment, including any appropriate scheme of mitigation measures, for the transmission of noise between the following areas and the adjoining residential property has been submitted to and approved in writing by the Council.

Livingroom/kitchens on any party walls

The sound insulation assessment shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings. Any approved scheme of mitigation measures shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

**TDM COMMENTS:**

There is insufficient detail of the cycle shed. It doesn't show how the cycles will be secured within the shed. Given this is a HMO and not a standalone residential dwelling this can lead to the cycle storage going unused due to issues around security. In respect to the number of spaces would be insufficient. Whilst 6 would meet the minimum standard for the bedspaces, no visitor cycle parking would be provided contrary the DM23 of the local plan.

Refusal reason: There is insufficient detail lacking the demonstration of secure and covered cycle parking and there is insufficient cycle parking numbers in line with the Local plan.

**RELEVANT POLICIES**

National Planning Policy Framework – September 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

**KEY ISSUES**

**(A) PRINCIPLE OF DEVELOPMENT**

Policy DM2 (supported by the HMO Supplementary Planning Document, adopted 3 November

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2020) aims to ensure that new/intensified HMOs preserve the residential amenity and character of an area and that harmful concentrations of HMOs do not arise.

Part 1 of Policy DM2 states that new/intensified HMOs will not be permitted if they would harm the residential amenity or character of the locality as a result of any of the following:

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

Part 2 of Policy DM2 refers to whether or not the development would create or contribute to a harmful concentration of HMO's; of which there are two parts:

- Harmful due to worsening effect on existing conditions (including 1-4 above); and or
- Harmful due to a reduction in the choice of homes in the area by changing the housing mix

Policy DM2 resists new HMO's if the proposed development would create or contribute to a harmful concentration in the area, on either (or both) of the above grounds.

The HMO Supplementary Planning Document (adopted 3 November 2020) explains that a harmful concentration of HMOs is present/would arise in either or both of the following two scenarios;

- 1) A proposed HMO would sandwich up to three single residential properties (use class C3) between two HMO's (being the proposed/intensified HMO and an existing HMO), and/or, would sandwich a single residential property (use class C3) between two HMOs (being the proposed/intensified HMO and an existing HMO) in any two of the following locations: adjacent, opposite and to the rear.
- 2) A proposed HMO would be sited in an area (defined as a 100 metre radius of the application property) where the development would result in more than 10% of the total dwelling stock being occupied as HMOs.

The assessment also includes the concentration and location of purpose-built student accommodation (PBSA) in relation to the development, and also the type/nature of the PBSA.

The HMO count is the number of licenced HMOs - referring to discretionary licences for 3 or 4 person HMOs and mandatory licences for 5 or more person HMOs - plus any properties that have been given planning permission for HMO use and do not currently have a licence.

**Scenario 1 (sandwich test)**

There is a HMO to the south east of the site two dwellings away, however the HMO property is on the far side of South Street, and is therefore considered a separating road. However, there is a further HMO to the north west along Redland Road (number 91a), There are only three residential properties between the existing HMO and this proposal. This is considered to create a sandwiching effect as detailed within the SPD and therefore this proposal does not pass this first test.

**Scenario 2 (10% test)**

The latest planning and licencing data shows that 4.88% of residential properties within 100m radius of the site fall within the HMO count - this is based on 123 residential properties and equates to 6 HMOs.

Therefore, falls below the harmful concentration of 10% of HMOs within a 100 metre radius of the property, and passes this test.

On the basis of these assessments the proposal would have a harmful concentration of HMOs in

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the area and in particular would have significant impact upon the residential properties located between the existing HMO and this proposed HMO. In addition, the proposal would have a material impact on the choice of homes in the area, the loss of the two existing dwellings would have an impact upon this and would not support the creation of mixed, balanced and inclusive communities. This is contrary to Policies DM2 and BCS18.

There are 9 purpose-built student accommodation (or other large scale student accommodation) within a 200m radius of the site, giving it a density of 0.7 beds per hectare. The average density within the City is 34.1. Therefore, on this occasion, PBSA or similar accommodation does not impact the assessment.

Standard of accommodation (part 3 of Policy DM2) is addressed under Key Issue D

**(B) SCALE, DESIGN, AND APPEARANCE**

Whilst there is no larger scale operational development, there are new windows proposed, however these are to the rear and side. It is not considered that this will have a detrimental impact upon the visual amenity of the surrounding area and the dwellings.

**(C) RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS INCLUDING NOISE AND DISTURBANCE**

Policy BCS21 requires development to safeguard the residential amenity of surrounding properties.

Policy DM2 states that new HMO's will not be permitted where they would harm the residential amenity of the locality as a result of excessive noise and disturbance.

No details have been provided with the application to demonstrate how excessive noise and disturbance could be restricted however, conditions are considered sufficient to address these elements through effective property management of tenancy agreements and additional/mandatory licencing conditions.

**(D) RESIDENTIAL AMENITY OF FUTURE OCCUPIERS**

Policy BCS18 states that development should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards. The supporting text of the policy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities.

Policy BCS21 states that development will be expected to create a high-quality environment for future occupiers.

Policy DM2 states that 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 (with particular reference to layout, internal living space, external amenity space, outlook, privacy, adaptability, security, cycle and car parking and refuse and recycling storage).

The council's HMO licencing amenity standards (2018), under the Housing Act 2004, are applicable. Bedroom sizes are required to be 6.51m<sup>2</sup> for single occupancy and 10.22m<sup>2</sup> for dual occupancy. 6 person HMO's are required to have kitchens of 9m<sup>2</sup> and total communal space (kitchen and living room) of 20m<sup>2</sup>, for 7 person HMOs the kitchens are required to be 10sqm and total communal space (kitchen and living room) of 22sq m.

The size of all of the bedrooms is compliant with the above. The size of the kitchen and living room

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provided in both HMO's is also compliant.

The size and layout of the HMO's is therefore appropriate for use class C4 and sui generis (HMO) occupation.

Most of the rooms have windows providing natural light, outlook, and ventilation. However, bedroom 1 of the lower maisonette only has one window which faces out to the north on the lower ground floor, in addition, the existing conservatory will further block a majority of light and outlook into the window. It is not considered that this would provide sufficient light and outlook for the bedroom.

In addition, bedroom 5 and, in particular bedroom 6, on the Upper Maisonette second floor, have very limited full head height space and with only one rooflight in each room it is not considered that this would provide sufficient outlook and suitable living conditions for the proposed residents.

Overall, the proposal does not provide good standards of accommodation and the residential amenity for future occupiers is not considered to be acceptable in bedroom 1 of the lower maisonette and bedrooms 5 and 6 of the upper maisonette, and is contrary to policies BCS21 and DM29.

**(E) MIX AND BALANCE OF HOUSING TYPE AND TENURE**

Policy BCS18 states that all new residential developments should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. This is, in part, by contributing to the diversity of housing in the local area and helping to redress any housing imbalance that exists.

The proposal would have a material impact on the choice of homes in the area, with the loss of two C3 dwellings.

**(F) TRANSPORT AND HIGHWAYS**

Policy BCS10 states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density development at accessible centres and along or close to main public transport routes. Policy DM23 requires that development does not give rise to unacceptable traffic conditions; proposals are to provide a level of safe, secure and accessible car and cycle parking in line with the adopted parking standards.

Policies BCS15 and DM32 require shared housing schemes to provide recycling and refuse storage of sufficient capacity to serve the proposed development. Storage should be secure, safe, conveniently sited, and separate from cycle storage and circulation areas.

Policy DM2 states that where development is permitted it must provide a good standard of accommodation including provision of adequate cycle storage and refuse and recycling storage. Appendix 2 to the Development Management Policies document requires that HMO's (use class C4) provide off-street parking for a maximum of 1.5 spaces per dwelling and storage for a minimum of 3 cycles per dwelling, plus space for visitor cycle parking.

There is no space available for off-street parking. Redland Road has restricted parking for permit holders, it is noted that occupiers of the proposed HMOs would not have access to residential parking permits in this area. Whilst the adjacent streets do not have residential permit restrictions, and some parking could be available it is acknowledged from comments received that this area already has high numbers of on street parking, and the provision of further 6 and 7 bedroom HMOs

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would make the existing situation worse and fails to comply with Policies DM2 and DM23.

Cycle storage provision is detailed to be within the shed at the rear, the plans show a total of 6 spaces would be available. No details of the storage provision within the shed have been provided, in addition there is insufficient spaces provided and therefore fails to be in accordance with BCC guidance and Policy DM2. BCC Transport Development Management has been consulted, and have stated that the proposals are not in accordance with the BCC cycle provision and parking guidance.

**CONCLUSION**

The application is recommended for refusal.

**EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

**RECOMMENDED    REFUSED**

The following reason(s) for refusal are associated with this decision:

**Reason(s)**

1. By reason of the site being located adjacent to residential properties (total 3) which already have a HMO located to the north west of this proposal, then the proposed change of use from Use Class C3 to HMOs would create a sandwiching effect of three residential properties directly between 2 licenced HMOs, and fails the sandwich test detailed in the HMO Supplementary Planning Document (adopted 3 November 2020). Consequently, the proposed development fails to support the creation of a mixed, balanced and inclusive community in this part of the city contrary to Core Strategy Policy BCS18 (2011) and Site Allocations and Development Management policies Local Plan (2014) policy DM2.
2. The proposal is unable to demonstrate sufficient and suitable provision for cycle parking therefore cannot demonstrate onsite cycle parking in accordance with BCC guidance. In addition, no off-street parking is available on the site and existing on road parking is limited to parking permits only on Redland Road, with adjacent streets already at capacity therefore the proposal would exacerbate the existing unacceptable traffic and highway safety conditions by reason of the density of development, site context and likely increase in demand for on-street parking in an area which currently experiences high levels of parking stress. Therefore this proposal fails to comply with the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020), Site Allocations and Development Management policies Local Plan (2014) Policies DM2,

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DM23 and Core Strategy (2011) policy BS21, and the NPPF.

3. The development would fail to provide a high-quality, flexible and acceptable living environment for future occupants by virtue of the poor outlook and limited natural light for bedroom 1 of the lower maisonette, and poor outlook and restricted full headheight space within bedrooms 5 and 6 of the upper maisonette. The application is therefore contrary to Policy BCS21 of the Core Strategy (2011); Policy DM29 of the Site Allocations and Development Management Policies (2014) as well as the National Planning Policy Framework (2023).

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

PL01 REV Location plan, received 11 April 2022

PL02 REV Existing site plan, received 11 April 2022

PL06 REV A Proposed site plan, received 11 April 2022

PL03 REV Existing lower maisonette floor plans, received 11 April 2022

PL04 REV Existing upper maisonette floor plans, received 11 April 2022

PL04 REV Existing elevation, received 11 April 2022

PL07 REV A Proposed lower maisonette floor plan, received 11 April 2022

PL08 REV A Propose upper maisonette floor plans, received 11 April 2022

PL09 REV A Proposed elevation, received 11 April 2022

PL11 REV Existing and proposed street scene, received 11 April 2022

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Case Officer: Gemma Webster

Authorisation: Jonathan Dymond

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