

Bristol City Council – LPA S62A Statement Note

87A Redland Road, Bristol, BS6 6RD

LPA application reference: 25/11956/PINS

PINS reference: S62A/2025/0102



1. Introduction

This statement of case relates to a full planning application (LPA reference: 24/03623/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use from two maisonettes (Class C3), to a large dwellinghouse in multiple occupation (sui generis) for 10 people at 87a Redland Road, BS6 6RD.

2. Relevant Planning History

70/03879/U_U - Conversion of ground floor into three bed-sitters. (Refused)

72/01323/U_U - Provision of 1 additional flatlet on the ground floor. (Refused)

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. (GRANTED)

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 (Withdrawn)

22/01845/F - 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. (Refused) (Appeal Dismissed)

3. Consultations

Pollution Control were verbally consulted on the application: -

I've just read the inspectors report on the previous app and I find it hard to think they'd be any significantly less disturbance from the coming & goings of 10 HMO occupants than there would be from 13 so following on from the appeal I'd have to say it would be an issue. Looking at the application and the previous appeal judgement I would think its sufficient for refusal and I don't think it could be suitably covered off by any pre-commencement conditions.

4. Main Planning Considerations

Principle of Development

Policy BCS18 (Housing Type) of the Core Strategy states that all new residential development 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.

Policy DM2 (supported by the HMO Supplementary Planning Document, adopted 3 November 2020) aims to ensure that the intensification of use of existing HMOs preserves the residential amenity and character of an area and that harmful concentrations of HMOs do not arise.

Part 1 of Policy DM2 states that the intensification of use of existing HMOs will not be permitted if it 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 cycle

Part 2 of Policy DM2 refers to whether or not the development would create or contribute to a harmful concentration of HMOs; 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

The HMO Supplementary Planning Document (adopted 3 November 2020) explains that a harmful concentration of HMOs, in either or both of the following two scenarios, is unlikely to be consistent with Local Plan policy:

- 1) A proposed HMO would sandwich up to three single residential properties (use class C3) between two HMO's (being the proposed HMO and an existing HMO), and/or, would sandwich a single residential property (use class C3) between two HMOs (being the proposed 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 10% or more of the total dwelling stock is already 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 plus any properties that have been given planning permission for HMO use and do not currently have a licence.

The HMO Supplementary Planning 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 form of accommodation than traditional flats or dwellings. Typically, this increases dependent on the level of occupancy.

Scenario 1 – Sandwiching:

As per the report for the previous application on this site (LPA ref. 22/01845/F), there are two licensed HMOs that are two-three buildings away from the application site. The HMO to the southeast of the site (No.85 Redland Road) is two dwellings away but is separated by Zetland Road which is considered a separating road.

The HMO to the northwest is three properties away from the application site. The previous report erroneously referred to all the intervening properties as being C3 dwellinghouses. This is not the case, and as highlighted within the cover letter, No. 89A Redland Road operates as a dental practice. Given that the HMO SPD refers to residential properties within its sandwiching assessment, and that the appeal inspector for that case stated that the 'exact scenarios set out in the SPD [in reference to sandwiching] do not apply here', the LPA does not have objection based on sandwiching between three dwellinghouses for this application.

However pertinent to the assessment and highlighted by the appeal inspector from the previous refusal, is the impact that the addition of the HMO would have on residential amenity. The previous appeal was dismissed partly based on the amount of occupancy having a detrimental impact on No.87 – particularly in regard to the comings and goings from the two HMOs.

This application proposes one HMO with a slightly decreased occupancy rate. 10 occupants are proposed – though single bedspaces are not shown on the provided plans. The access to the lower ground and ground floor of the property remains unchanged, but the existing external staircase leading to the first floor has been removed from the proposal. The access to the cycle stores remains unchanged in this proposal compared to the last.

Given that the proposal has only marginally reduced the amount of occupants and that; 1/ there would still be an increase from the existing amount of occupants using the side access and 2/ the side access would be used to access cycles - the application has not demonstrably been amended enough (in terms of access) to overcome the reasoning from the previous appeal decision. Namely, that there would still be an increased intensification of activities from a cumulative impact of 10 or more individuals in close proximity to No.87 Redland Road, as well as bicycles being brought through the side passage to the rear cycle store. As such, the LPA considers that the application has not adequately overcome this reason of dismissal from the last appeal on the site and is contrary to Policy DM2 and DM35 as well as Policy BCS18.

Scenario 2 – 10% Threshold

The planning and licensing 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 the LPA considers that the application is acceptable in this regard.

Mix and Balance

The application site is located within the Zetland Road Lower Super Output Area (LSOA). The majority of housing stock, according to 2021 Census Data, is of 4 or more bedrooms in size (42.2%). Flats or maisonettes is the most prominent accommodation type within the local area (53.7%). Whilst the proposal does have a minor impact in the removal of two flats, this would not have a material impact on the choice of housing in the wider locality.

Scale, Design and Appearance

There only design changes to the appearance of the property is the removal of part of the external staircase, and the first-floor door. Therefore, it is not considered that this application has a detrimental impact upon the character of the surrounding area or application dwelling.

Residential Amenity of Neighbouring 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 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.

Policy DM35 states that in assessing a scheme of mitigation for noise-sensitive development, account will be taken of:

- i. The location, design and layout of the proposed development; and
- ii. Measures to reduce noise within the development to acceptable levels, including external areas where possible; and
- iii. The need to maintain adequate levels of natural light and ventilation to habitable areas of the development

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.

No objection in regard to overbearing impacts or overshadowing and overlooking due to no increase in footprint or any additional windows proposed.

As stated, the LPA also considers that this application does not adequately overcome the previous reasoning for dismissal regarding excessive noise and disturbance.

Amenity of Future Occupiers

Paragraph 135(f) of the NPPF states that decision should ensure that developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.

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).

Adopted Bristol Core Strategy Policy 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.

The size of all of the proposed bedrooms is compliant with the Local Authority's HMO Licensing Amenity Standards. Similarly, the application accords with the minimum requirements for communal areas and amount of bathrooms for 10 occupants.

The LPA considers that within an HMO, occupants rely on their bedrooms as their sole private space within a shared living environment, making the quality of the bedroom as a principal living area particularly crucial.

The previous application on the site was refused, and subsequently dismissed, for not offering acceptable standards of accommodation for three bedrooms within the proposal.

One of the bedrooms that was refusable (Bedroom 01) is no longer proposed to be a bedroom within this application.

Bedroom 04 – shown on the Existing First and Second Floor Plans (drawing number PL04) – is now, given that only one HMO is proposed within this application, the bedroom is to remain as is. Previously, the bedroom was to be split in two for the upper HMO. Therefore, the LPA has no objection to the living environment within this bedroom. Whilst this bedroom (Bedroom 10 within the HMO) still has limited head height, adequate amounts of sunlight and daylight would be afforded due to two rooflights serving the room. Similarly, whilst the amount of outlook is not ideal, it is no different to that of the existing situation within the upper maisonette within the property. Whilst the quality of the bedroom is particularly crucial within an HMO, the LPA does not consider that this bedroom would be detrimental enough to warrant objection to future occupiers given it is now effectively unchanged.

Transport Considerations

Policy BCS10 of the Core Strategy 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 BCS15 of the Core Strategy 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. Major developments should include communal facilities for waste collection and recycling where appropriate.

Policy DM23 of the Site Allocations and Development Management Policies (Adopted July 2014) outlines that development should not give rise to unacceptable traffic conditions and would be expected to provide safe and adequate access onto the highway. It also states that parking must

be safe, secure, accessible and usable. It also 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.

Policy DM32 of the Site Allocations and Development Management Policies (Adopted July 2014) states that all new residential properties will be expected to provide, sufficient space for the storage of individual recycling and refuse containers to reflect the current collection regime; or communal recycling facilities and refuse.

Appendix 2 of the Development Management Policies document does not cover large HMOs, but it does cover smaller HMOs under Use Class C4.

The submitted documents include a proposed Cycle Store plan (drawing number: PL13) shows 10 cycle spaces for the proposed HMO which is covered. The store is located within the rear garden of the dwelling. The access is considered to be acceptable enough in terms of accessibility, with the side appearing to show a ramp for the future occupiers.

The proposed bin stores are located at the front of the dwelling, next to the front boundary wall. These generally meet the required quantum and location requirements, and would not detrimentally affect the character of the dwelling through their location.

The previous application was refused based on no off-street parking being available to future occupants. In line with the appeal decision of that application, the LPA has no objection this time around in regard to this given that the application site is within a sustainable location.

Other Considerations

No sustainability statement is required due to the application involving a change of use which does not result in an increase in floor space or subdivision of units and so is exempt from these energy demands.

The submitted BNG Exemption Form is also acceptable, and the LPA considers that the application meets the 'de minimis' exemption.

Conclusion

Accordingly, following the assessment above, the LPA would recommend that the application is refused as the proposal would harm residential amenity conflicting with Policy DM2 and DM35 of the SADMP and Policy BCS18 of the Core Strategy (2011).

Suggested Conditions

Without prejudice to the case set out within this Statement Case, the LPA would recommend consideration of the following conditions should the Inspector reach a different conclusion with regards to the merits of the case.

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. 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.

3. 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.

4. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

****Insert relevant plans and documents****

Reason: For the avoidance of doubt.