



Statement of Case

SITE BACKGROUND

The site is located at the junction of Elmdale Road with Priory Road and is occupied by a large Victorian-era villa dwelling, which has since been subdivided into 7 flats. Owing to its corner location the property has access from Priory Road to the front and Elmdale Road to the rear.

The site is located within the Whiteladies Road Conservation Area and the Article 4 (Central) area restricting permitted development rights for change of use from Class C3 to Class C4.

RELEVANT HISTORY

21/06911/F Partial demolition of boundary wall, altered access and construction of a two-storey residential single dwelling house. GRANTED 23 September 2022

APPLICATION

Partial demolition of boundary wall, altered access and construction of a two storey 5-bedroom Use Class C4 small house in multiple occupation.

RESPONSE TO PUBLICITY

Application was advertised by neighbour letters. Expiry 18th June. No responses received.

STATEMENT

1. PRINCIPLE OF LAND USE

- Policy

Policy DM2 of the Site Allocation and Development Management Policies states that proposals for the conversion of existing dwellings or construction of new buildings to be used as 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

Policy DM2 is supported by the HMO SPD (2020) which sets out quantitative tests informed by research into the typical impacts of HMOs at a street and a neighbourhood level in order to reinforce assessment of impacts set out within policy DM2. Specifically, these tests consider impacts stemming from a harmful 'sandwiching' effect of new HMOs on surrounding properties, as well as the existing HMO concentration within 100 metres of the subject property.

Policy BCS18 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.

- Discussion

The site is situated within a highly sustainable location close to the Whiteladies Road Town Centre and its associated amenities, while the immediate setting is that of a predominantly residential character. The land to the rear of No. 9 Priory Road received planning permission in 2022 for the erection of a single, two storey (3 bedroom) dwellinghouse in C3 use. In pure land use terms therefore, the principle of additional residential development here is supported, subject to assessment of all other matters.

- HMO Use

The revised proposal in this location seeks consent for the creation of a small HMO (Use

class C4) comprising of 5-bedrooms, and as such assessment against policy DM2 of the SADMP and the HMO SPD is triggered.

In terms of compliance with the tests of the HMO SPD, current records available suggest that 20 licensed HMOs are located within 100m of the site, giving a density percentage of 18.87% and thus well above the 10% cut-off as set out in the SPD. This suggests there is an existing harmful concentration of HMOs at a neighbourhood level in this location, and that further HMO development should be resisted in order to avoid an exacerbation of the issues set out within point (i) of policy DM2.

Moving to the sandwiching test, there are licensed HMOs to Nos. 6 and 12 Tyndall's Park Road due north of the proposal site and to Nos. 23, 24 and 26 Elmdale Road to the west. When assessed against the criteria of the SPD, this layout would result in a sandwiching impact to No. 8 Tyndall's Park, as it adjoins an existing HMO to No. 6 and shares a section of boundary to the rear with No. 9 Priory Road.

More generally and in addition to a failure to meet the tests of the SPD, No. 25 Elmdale Road, which is already sandwiched to the north, (26) to the south (23 and 24) and to the rear (Prince Rupert House student accommodation would likely incur an exacerbation of impacts set out in policy DM2 as a result of sandwiching and increased harmful concentration in the neighbourhood.

There is also considered to be a degree of additional impact to No. 25 Elmdale Road in this regard, which while not directly opposite to the proposed HMO development, would be set

In response to point (ii) of DM2, 2021 census data indicates that within the Woodland Road Lower Super Output Area (LSOA) there is a dominance of flatted accommodation at 82.4% versus 17.6% single dwelling houses. This substantial imbalance is also reflected at ward level, with the Central ward showing 93.2% of dwelling units being flats. While to some extent an imbalance can be expected in a central part of the city, there is nevertheless a clear shortage of single dwellinghouses in this location. While the previous consent on this site would positively address that shortage to a modest degree, the current proposal would fail to offer such a contribution to the mix and balance of the local housing stock, and would therefore fail to accord with policy BCS18 in this regard.

Overall, it is concluded that there is an existing concentration of HMOs at a neighbourhood level which the proposed development would exacerbate, that there would be detrimental sandwiching of adjacent No. 6 Tyndall's Park Road as a result of additional HMO development in this location and that on this basis there is clear conflict with policies DM2 and BCS18 as well as adopted policy guidance within the HMO SPD.

2. IMPACT ON CHARACTER AND HERITAGE

- Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay specific regard to the character and appearance of Conservation Areas.

Policy BCS21 states that new development should be of high quality, and should contribute positively to an area's character and identity.

Policy BCS22 states that development proposals should safeguard or enhance heritage

assets and their character and setting.

Policy DM26 sets out that the proposed design is expected to contribute towards local character and distinctiveness.

Policy DM29 sets out the design principles for new buildings. New dwellings will be expected to respect the siting, scale, form, proportions materials, details and overall design and character of the plot and surrounding area.

Policy DM31 sets out that development proposals are expected to conserve and where appropriate, enhance heritage assets or its setting.

- Discussion

In this regard it is noted that planning consent for a materially similar building was granted in 2022, and there have been no significant revisions to relevant local or nationally adopted policy in the intervening period.

Officers previously concluded that that the building would adopt a recessive form which would not appear prominently on the street scene, while certain positive architectural details would be maintained such as the bulk of the boundary wall and a quoined entrance. Officers considered that the scheme demonstrates a sympathetic design informed by site context while adopting a contemporary material palette to differentiate it from the host property and other character buildings in the area. A single dwelling was also consented adjacent to the subject proposal site to the rear of No. 6 Tyndall's Park Road in 2020 (ref: 20/01279/F) and officers noted that the proposed dwelling would not conflict with the extant consent in design or heritage impact terms.

The current proposal does not differ significantly from the previous consent, except for internal alterations and minor changes to fenestration, and therefore the original assessment continues to hold substantial weight, the previous conclusions in relation to design, character and heritage are upheld, and the scheme is not resisted in this regard.

3. IMPACT ON THE LIVING CONDITIONS OF SURROUNDING RESIDENTS

- Policy

Policy BCS21 states that new development should safeguard the amenity of existing development.

Policy DM29 states that new buildings should not jeopardise the residential amenity of adjacent occupants in terms of privacy, overlooking, overshadowing and overbearing.

- Discussion

As noted above, proposals are materially similar or identical in most regards to a previous consent under which the amenity impacts were concluded to be acceptable. While there are minor changes to fenestration, this would not allow for any additional overlooking or loss of privacy to surrounding residents. The modest form and proportions and relatively low profile of the structure would avoid unreasonable impacts on neighbours stemming from overbearing, loss of outlook or loss of light.

The proposal is not resisted in this regard.

4. TRANSPORT IMPACTS

- Policy

Policy BCS10 states that developments should be designed and located to ensure the provision of safe streets. Development should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 states that parking must be safe, secure, accessible and usable.

- Discussion

The occupancy of the house would increase by 2 bedrooms, however proposals do continue to propose policy compliant bin and bicycle storage for a 5-bedroom HMO. No off-street parking is proposed, but owing to the sustainable location and the residents parking zone in place this is not considered to render the proposal unacceptable in transport terms.

Overall, the proposal is acceptable in this regard.

5. SUSTAINABILITY

- Policy

Since the adoption of the Bristol Development Framework Core Strategy (2011) and with it Policies BCS13-16 applications are required to demonstrate how the proposed development would secure a saving in CO2 emissions from energy use through efficiency measures and incorporate of renewable forms of energy as well as protecting and ensuring against flooding

- Discussion

A supporting sustainability statement proposes the installation of a small solar PV array and the use of ASHP for heating and this is compliant with relevant local policies relating to sustainability and climate change.

6. ARBORICULTURE

The proposal is accompanied by a draft unilateral undertaking for the loss of trees on site. This would facilitate the removal on 1no. holly tree on site to be compensated through the Bristol Tree Replacement Standard and was initially approved as part of application 21/06911/F. Normally, this would be secured prior to determination and added to the list of approved plans, however processing this would be at the discretion of the Inspector should permission be forthcoming.

7. RECOMMENDATION

Overall, the proposal fails to overcome the tests of the HMO SPD, indicating that the proposal would exacerbate an identified harmful concentration of HMOs at neighbourhood level, conflicting with policies DM2 and BCS18, as well as leading to a likelihood of increased anti-social impacts as listed in policy DM2 of the SADMP due to the sandwiching of No. 8 Tyndall's Park Road. On this basis it is recommended that permission be refused against these policies.

8. RECOMMENDED CONDITIONS

Should the Inspector be minded to grant permission, the following conditions are recommended for consideration.

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.

Pre occupation condition(s)

2. 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.

3. Completion of Pedestrians/Cyclists Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

4. 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.

5. Compliance with Sustainability Statement

All works shall be carried out in full accordance with the recommendations and conclusions contained within the sustainability statement hereby approved, and the air source heat pump and rooftop solar array shall be installed prior to occupation and be maintained in perpetuity thereafter.

Reason: In order to demonstrate adequate compliance with policies BCS13-BCS15 of the Core Strategy as well as the Climate Change and Sustainability practice note.

Post occupation management

6. No further extensions

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) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this (these) dwelling(s) or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

7. External Works to Match

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reason: In the interests of visual amenity and the character of the area.