



## Bristol City Council Statement of Case

Town and Country Planning Act 1990 (Section 62A Applications)

Appeal: S62A/2025/0109

Site address 237 - 237A Gloucester Road , Bristol, BS7 8NX

### **APPLICATION**

Change of use from 2no. self-contained flats used by a single person or household (Use Class C3a) to 2no. small dwellinghouses in multiple occupation (Use Class C4)

### **PRINCIPLE**

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

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

The document recognises that HMOs form part of the city's private rented housing stock and contribute positively to people's housing choice. This form of accommodation is generally more affordable and flexible and therefore suitable for younger people, including students, and other households that are not living as families. It is however recognised that HMOs are more intensive form of accommodation than traditional flats or dwellings. Typically, this increases dependent on the level of occupancy.

The SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a single family dwelling (use class C3) becomes sandwiched with HMOs at both adjacent sites. This can happen within a flatted building with HMOs above and below also. With regards to the wider area, a harmful concentration is found to exist where a threshold proportion of 10% HMOs within a 100m radius of the site occurs.

This is generally identified as a tipping point, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.

The Council also has access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. This data indicates that within 100m of the application site, there are 7 HMOs. This means that the percentage of HMOs within 100 metres of the site is 4.46%. If this property turned into a HMO the concentration would still be below the 10% therefore there would not be a concentration of HMOs that would be detrimental to the area.

#### *Sandwiching effect*

The HMO SPD states that a potential sandwiching situation can include where single HMO properties are located in any two of the following locations; adjacent, opposite and to the rear of a single residential properties. The SPD states sandwiching situations apply irrespective of limited breaks in building line, such as a vehicle or pedestrian access, apart from a separating road.

In this instance, the proposed development would not result in an unacceptable sandwiching effect on the neighbouring properties

To conclude the scheme would not result in a concentration of HMOs that would undermine the area or compromise the mix of housing available.

## **STANDARD OF ACCOMODATION**

Policy BCS18 (Housing Type) of the Core Strategy outlines that residential developments 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. Homes can also be used more flexibly and adapted more easily by their occupants to changing life circumstances'.

The HMOs SPD (2020) outlines that to meet the policy expectation (Policy BCS18) for HMOs development should have regard to the minimum room size standards applied by the Council to licensable HMO properties.

The Local Authority 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 room sizes will meet the specific HMO space standards therefore no objections are raised to the standard of accommodation.

## **DESIGN**

No physical alterations are proposed to the building. Bin storage and cycle storage is proposed in the front garden. This is acceptable.

## **HIGHWAY SAFETY**

Section 9 of the NPPF (2024) states that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects.

Policy BCS10 in the Bristol Core Strategy (2011) states that developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise.

Policy DM23 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions.

The proposal provides sufficient cycle storage and is located in a highly sustainable location and the scheme would not raise any highway safety issues. No objections are raised.

## **IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES**

Paragraph 96 of the National Planning Policy Framework (2024) states that planning decision should ensure 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 in the Site Allocations and Development Management Policies (2014) states that shared housing will not be permitted where it would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents.

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels. DM30 expands on this commenting that alterations to existing buildings will be expected to safeguard the amenity of neighbouring occupiers.

There are no proposed alterations/extensions on the property, and as such, no concerns are raised in relation to increased overlooking, overshadowing or overbearing on neighbours.

#### *Noise/Disturbance*

Pollution control officers were consulted regarding noise and disturbance, and had no objections on amenity grounds. As assessed in the principle key issue, the use as shared housing would not compromise neighbouring amenity based on the concentration of shared housing in the area.

The application is subsequently considered acceptable on amenity grounds.

#### CONCLUSION

The proposal is considered compliant with the Bristol Local Plan subject to conditions

#### 1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

#### 2. 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 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.

### 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.

Drawing no. 4415.PL.01 rev A – site location plans;

- Drawing no. 4415.PL-02 rev A – existing and proposed block plans
- Drawing no. 4415.PL-03 rev A – existing and proposed floor plans

reason: For the Avoidance of doubt.