

# Bristol City Council – LPA S62A Statement

Planning Inspectorate reference: S62A/2025/0090

LPA reference: 25/10970/PINS

Address: 2 Merton Road, Bristol, BS7 8TL

## Summary

This statement of case relates to a full planning application (LPA reference: 25/10970/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the erection of a second-floor extension to the property and the change of use to 6no. small houses in multiple occupation (Use Class C4).

The LPA considers that the application does not accord with a number of planning policies and would therefore recommend refusal on the following grounds:

1. The proposed development would increase the already harmful concentration of HMOs within 100 metres of the application site and will subsequently exacerbate and intensify the negative impacts to residential amenity and character already being experienced and further weaken housing choice and community cohesion at area level. The application is therefore recommended for refusal due to conflict with the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014); Policy BCS18 of the Bristol Core Strategy (2011) and the National Planning Policy Framework (2024).
2. The proposed development by virtue of the design, materials, fenestration and lack of detailing/relief would appear poor quality and out of keeping with the existing building, immediate context and would fail to incorporate a high quality or active frontage with a clearly defined main entrance facing the street/public realm. The design, layout, scale, siting and fenestration would also prejudice the future development potential of adjoining sites which would overall fail to contribute to the creation of quality urban design. The application is therefore recommended for refusal due to conflict with Core Strategy (2011) Policy BCS21; Site Allocations and Development Management Policies (2014) DM2, DM26, DM27, DM29 and DM30, the National Planning Policy Framework (2024) and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).
3. The proposed development by virtue of its scale, height, layout, siting, design and fenestration in close proximity to neighbouring properties to the south-west along Gloucester Road would have an unacceptable overbearing impact on those properties (including private external amenity spaces) and would result in an unacceptable sense of enclosure, loss of light and outlook to the detriment of the amenity of occupiers of those properties. The development would also result in harmful levels of direct and perceived overlooking of the rear elevation windows and external amenity spaces of properties to the south-west along Gloucester Road to the detriment of the amenity and privacy of occupiers of those properties. The application is subsequently recommended for refusal due to conflict with the Policy BCS21 of the Bristol Core

Strategy (2011); Policies DM2, DM27 and DM29 in the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2024).

4. Based on the level of detail provided, the proposed development would give rise to unacceptable traffic and highway safety conditions by reason of the density of development and likely increase in demand for on-street parking in an area which currently experiences high levels of parking stress. The application is subsequently recommended for refusal due to conflict with Core Strategy (2011) Policy BCS10; Site Allocations and Development Management Policy (2014) DM23 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020) and the National Planning Policy Framework (2024).
5. The proposal fails to demonstrate that it will be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. The application is therefore recommended for refusal due to conflict with the National Planning Policy Framework (2024) and Core Strategy (2011) Policies BCS13, BCS14 and BCS15.

## SITE DESCRIPTION

This application relates to the site known as 2 Merton Road which is located within the boundary of the Bishopston and Ashley Down ward.

The application site comprises a two-storey warehouse and associated hardstanding, to the rear of 369-375 Gloucester Road and accessed from Merton Road. It was most recently used in connection with the former electrical retail store (AE Horders) which occupied 369-375, and has now been converted to office accommodation (within the same Class E Use Class).

It lies within the Merton Road Industrial Estate (non-designated), which comprises a mixture of single and two-storey commercial and industrial buildings. The building adjoins the Gloucester Road Town Centre, and the Gloucester Road Primary Shopping Area. The site is not located within a conservation area, nor is it within the immediate vicinity of any listed buildings or designated TPO trees. The application site is however located in an Article 4 area where permitted development rights for the conversion of Use Class C3 dwellings to small HMOs (Use Class C4) have been removed.

## HISTORY

63/01236/U\_U: Demolition of the existing dwellinghouse (subject to a closing order) and erection on the site of a workshop for use in connection with lorry building works. Date Closed 20 June 1963, Refused

65/03060/P\_U: Convert storage space to office use on upper floor of property coloured red on plan. Date Closed 28 September 1965, Granted

67/03493/P\_U: Install machinery at ground floor level to form office and work shop (N/C Machines). Date Closed 5 December 1967, Granted

07/00101/F: "Storegap" Supermarket Application:- Mixed use redevelopment comprising demolition of existing buildings and the erection of a Class A1 retail building (supermarket), 4 business units, car parking, service provision, landscaping and other associated development. Erection of extension to 371 /375 Gloucester Road to provide additional A1 (retail) floorspace and cafe at ground floor level and amenity space at first floor level to serve 9 flats on upper floors (already approved Application No. 01/04367/F). Date Closed 30 November 2007, Refused

23/02268/F: Conversion of Class E(a) ancillary warehouse to 6no. Class C3 dwellings. GRANTED on 03.09.2024

24/02386/PREAPP: The erection of a second-floor extension to the above property, and the change of use to 6no. self-contained flats (4no. four-bed, 2no. three-bed). (HMO/PBSA). RESPONSE ISSUED on 25.10.2024

## APPLICATION

Planning permission is sought change the erection of a second-floor extension to the property and the change of use to 6no. small houses in multiple occupation (Use Class C4).

## RESPONSE TO PUBLICITY AND CONSULTATION

Application advertised via site notice, expiry date 16.07.2025. Neighbours were consulted via individual letters sent on 18.06.2025.

## OTHER COMMENTS

Comments have been received from the following consultees:

- Bristol City Council Urban Design – refer to Key Issue B
- Bristol City Council Transport Development Management – refer to Key Issue E
- Bristol City Council Contaminated Land – refer to Key Issue G
- Bristol City Council Pollution Control – refer to Key Issues A, C and D

## KEY ISSUES

### (A) PRINCIPLE OF DEVELOPMENT

#### *Loss of Employment*

The application site comprises a two-storey warehouse and associated hardstanding, to the rear of 369-375 Gloucester Road and accessed from Merton Road. It was most recently used in connection with the former electrical retail store (AE Horders) which occupied 369-375, and has now been converted to office accommodation (within the same Class E Use Class).

Employment uses are protected through the following policies, and therefore justification would be required for the loss of the employment floorspace.

Policy BCS8 of the Core Strategy (2011) seeks to protect employment floorspace where it makes a valuable contribution to the economy and employment opportunities. Policy DM12 in

the Site Allocations and Development Management Policies (2014) more specifically states that employment sites should be retained for employment use unless it can be demonstrated that:

- i. There is no demand for employment uses; or
- ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
- iii. A net reduction in floorspace is necessary to improve the existing premises; or
- iv. It is to be used for industrial or commercial training purposes.

The applicant has confirmed that the building is in use as office accommodation, having changed within the same use class from the previous ancillary retail storage. No supporting information has been submitted to justify the loss of the existing office/employment floorspace in accordance with the above policy. However, in this instance the LPA recognises that the site benefits from extant planning permission for the conversion of the employment/office space to residential (ref: 23/02268/F). In this context it would be unreasonable to refuse the application due to the loss of employment/office floorspace given that permission has recently been established and granted by the LPA for this, and the permission doesn't expire until 5<sup>th</sup> September 2026. Therefore, the applicant could convert the building to 6no. Class C3 dwellings in accordance with the previous permission up until that date, resulting in the loss of the employment floorspace.

#### *Impact on Local Centre and Shopping Frontage*

The application building covered by the red line is not located within the designated boundary of the Gloucester Road Town Centre or primary shopping area though the blue line does encompass land of which does fall within these parameters (369-375 Gloucester Road). Whilst the building was previously used in connection with the former electrical retail store (AE Horders) which occupied 369-375 it has now been converted to office accommodation (within the same Class E Use Class) and benefits from extant permission to convert to residential (Use Class C3) as noted above. Therefore, the proposed development will not result in the loss of any floorspace (including storage space) which provides an important role to the vitality and viability of the Gloucester Road Town Centre or primary shopping area which will remain unaltered by the proposal.

#### *Shared Housing*

The NPPF (2024) highlights the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and 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", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing

needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (average of 1,500 residents).

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.

General issues associated with HMOs include:

- Noise and disturbance
- Detriment to visual amenity (through external alterations and poor waste management)
- Reduced community facilities
- Highway safety concerns (from increased parking)
- Reduced housing choice
- Reduced community engagement
- Reduced social cohesion

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 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 (as of July 2025) indicates that within 100m of the application site there are a total of 125 residential properties, 14 of which are HMOs. This means that the percentage of HMOs within 100 metres of the site is 11.2%.

The percentage of HMOs within 100 metres of the site is therefore above the 10% desirable threshold quoted within the SPD. Using the definition within the SPD, the community and choice of housing around the application site is therefore already imbalanced by the concentration of HMOs. As per the SPD guidance, this suggests that negative impacts to residential amenity and character are currently likely to be experienced and housing choice and community cohesion currently starting to weaken.

The proposed development will introduce 6 additional HMOs to the application site, which will result in the number of HMOS within 100 metres of the site being 20. This would increase the percentage of HMOs within 100 metres of the site to 16%. This would represent a relatively significant increase in the number and percentage of HMOs within 100 metres of the application site which would exacerbate the existing conditions and undermine the objectives of Policies BSC18, DM2 and the SPD.

Looking more specifically at issues highlighted in the SPD and Policy DM2 it is currently found that the proposal would exacerbate and contribute towards the following negative impacts:

- Impacts on social cohesion through intensification of HMOs in an area which already exceeds the 10% threshold
- Reduced community engagement from residents resulting from an increase in the transient population in the area
- Detriment to visual amenity through poor quality external alterations (refer to Key Issue B)
- Highway safety concerns (from increased parking) (refer to Key Issue E)

The proposed development will exacerbate these negative impacts and as such would result in a harmful concentration of HMOs at area level.

At street level, the SPD advises that a harmful concentration is found to exist where 'sandwiching' occurs. This is where a dwelling (Use Class C3) is sandwiched on both sides by HMOs. 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 sandwiching would not occur given the positioning of

the surrounding HMOs in the townscape in relation to the application building, including the presence of separating roads.

However, given that the proportion of HMOs within a 100m radius of the site is above 10% and the development will considerably increase the percentage due to the introduction of 6.no additional HMOs the development would result in a harmful exacerbation and concentration of HMO uses at area level. The LPA recommends that the application is refused on this basis.

It is noted that a similar conclusion was reached by the Inspectorate at a nearby site (No.489 Gloucester Road, reference: APP/Z0116/W/23/3321613, appended to this letter) which is located adjacent the same Town Centre location, adjacent to the same busy road, and with a similarly significant mix of uses in the vicinity.

**(B) WOULD THE PROPOSAL BE INCOMPATIBLE OR OUT OF SCALE WITH THE BUILDING AND WOULD IT HARM THE CHARACTER OR APPERANCE OF THE WIDER AREA?**

Policy BCS21 in Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design that safeguards the amenity of existing development. Policies DM26 and DM27 in the Site Allocations and Development Management Policies (2014) state that new development should respond appropriately to existing land forms and respect that character and appearance of existing development. Further, Policy DM30 states that extensions and alterations to existing buildings will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene. This policy further states that extensions should be physically and visually subservient to the host building, and should not dominate it by virtue of their siting and scale.

Policy DM29 states that proposals for new buildings should incorporate active frontages and clearly defined main entrances facing the public realm and should ensure as far as possible that active rooms face the public realm. This is also set out in Policy DM27 which states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to enable active frontages to the public realm and natural surveillance over all publicly accessible spaces.

Policy DM27 states that proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form.

Policy DM2 in the Site Allocations and Development Management Policies states that proposals for the construction of new buildings to be used as houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of the cumulative detrimental impact of physical alterations to buildings and structures.

Whilst the scale and height of the building will increase the development will not result in the building considerably exceeding the height of the existing and it will not appear noticeably incongruous or out of keeping with the surrounding context or buildings. The total eaves/parapet height will only marginally exceed the existing, and the mansard roof will not exceed the height of the existing pitched roof to the two storey element of the building. Whilst it is recognised single storey elements of the building towards the northern part of the site will

increase to two/three storeys this will accord with the scale and height of the wider building, which is already established, and as such it is considered to respond appropriately to the immediate site context.

Notwithstanding the above, concerns are raised by the LPA to the detailed design and materials proposed. As noted by the applicant in their statement, the building is “an attractive, brick-built” building. The proposed building following development/extension will consist of a large amount of render to the prominent upper portions of the building, which would fail to respond to the existing character or materials and would appear out of keeping with the surrounding context where brick is the predominant material. It is noted that the scheme proposed at pre-application stage consisted solely of brick.

The development will also result in the loss of existing detailed design elements such as the twin gables facing the Merton Street and introduction of a large, blank front facade facing the street with only two windows in this prominent elevation. This would fail to provide suitable activity or interest to the street and would fail to deliver a clearly defined main entrance facing the public realm. Whilst it is recognised that the existing building doesn’t include a particularly active frontage to Merton Street it does provide a pleasing and attractive appearance due to the twin gables, which will be removed and replaced with a larger blank expanse of solid frontage within limited relief. The proposed development will transform the site from commercial to residential and therefore opportunities should be taken to introduce a higher quality, active frontage to the building facing the public realm in accordance with DM27 and DM29 as referenced above. The proposed development would fail to achieve this.

The proposal would also prejudice the future development potential of adjoining sites to the south-east as it includes many habitable room windows in the south-east elevation at first and second floor levels which will directly face those adjoining sites. The sites to the north are predominantly industrial and consisting of low-level buildings. None of the sites are protected through planning policy designations and it would be reasonable to assume that they hold future development potential for residential uses (as per the emerging context and application site). The inclusion of such a significant number of habitable room windows directly facing the south-east at upper levels in close proximity would make it difficult to develop any of the adjoining industrial sites to the south-east as there would be overlooking from the windows and/or the windows would be enclosed harming residential amenity. Whilst conditions could be attached to any permission requiring that the south-east facing windows are obscure glazed this would not be acceptable as it would restrict outlook and light to the habitable rooms (which are main living spaces and bedrooms) which would result in a poor quality and unacceptable living environment for future occupants. It is therefore concluded that the development would prejudice the future development potential of adjoining sites in conflict with Policy DM27. It is noted that the previous extant planning permission to convert the building to residential (ref: 23/02268/F) only included one non-habitable window in the south-east elevation, which was obscure glazed, meaning the development potential of sites to the south-east wasn’t/isn’t prejudiced by that proposal.

#### **(C) WILL THE PROPOSAL PROVIDE A SATISFACTORY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?**

Bristol City Council Site Allocations and Development Management (2014) Policy DM2 states that 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.

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.

Adopted Bristol Core Strategy Policy (2011) 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. 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 HMO's 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.

Planning permission is sought for the extension and the change of use of the property to 6no. small houses in multiple occupation (Use Class C4).

Every bedroom in the each property will comply with the 6.5 square metre footprint for a 1 person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015).

Each HMO will also include an adequate amount of internal communal living space which will also meet the Council's HMO licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards.

Though the LPA would typically expect to see all dwelling units be dual aspect, officers appreciate the constraints of the site and the fact this is a change of use and therefore consider this acceptable in this instance. Every habitable room will contain a window, providing adequate light for future occupants, however as noted above under Key Issue B concerns are raised that the windows in the south-east elevation would prejudice the development potential

of adjoining sites and therefore the inclusion of windows in this elevation aren't deemed appropriate.

With regards to noise and disturbance of existing industrial/commercial uses in the local area impacting the amenity of future occupants, the Council's Pollution Control Team have reviewed the Noise Assessment submitted to support the application and confirmed that subject to all of the recommendations with regards to sound insulation and ventilation of the new residential properties detailed in the report being implemented in full prior to the occupation of the residential properties and retained in perpetuity then no objections/concerns are raised. It is recommended that this is secured via condition if an approval is forthcoming.

Paragraph 200 of the NPPF (2024) states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. The application site is located in close proximity to existing commercial/industrial uses however a suitable scheme of noise mitigation measures are included in the submitted Noise Assessment and a condition is recommended to require that these measures are implemented prior to the occupation of the residential accommodation and retained thereafter. Subject to these measures being implemented by the applicant/developer as agreed it will avoid prejudicing the ongoing viability of existing businesses through the imposition of undue operational constraints. As such no enforcement action or restrictions could reasonably be placed on existing established businesses, commercial uses and community facilities in the local area.

#### (D) IMPACT ON AMENITY OF SURROUNDING PROPERTIES

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 (Adopted 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 (2014) 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.

#### *Overbearing and Overshadowing*

The proposed development will increase the scale and massing of development at the site by introduction an additional floor and mansard roof. No information has been submitted to demonstrate the relationship between the development and surrounding residential properties

(such as cross-sectional drawings). The application site and proposed development will be sited in relatively close proximity to properties to the north-west along Gloucester Road. The application site extends along the rear boundaries of Nos. 365, 367, 371 and 375 Gloucester Road. Whilst these properties are commercial at ground floor level they included residential elements at first floor level which include habitable room windows in the rear facing the application site. There are also some external amenity spaces to the rear of those properties. Concerns are raised that the increase in scale, depth, plot coverage and separation distance between the development and these residential properties would result in harmful levels of overbearing and a detrimental sense of enclosure on habitable windows and amenity spaces.

No existing residential properties are located directly to the north-east, south-west or south-east in such a position which would cause harm with regards to overbearing and overshadowing, however as noted under Key Issue B the scale, design, layout and siting of the proposed development (particularly the significant number of south-east facing windows) would prejudice the future development potential of adjoining sites to the south-east which is unacceptable.

### *Overlooking*

The proposed development will convert the building from commercial to residential and through the extension and changes to the elevation result in the introduction of a significant number of habitable room windows in the north-west elevation at ground, first and second floor level. No information has been submitted to demonstrate the relationship between the development and surrounding residential properties (such as cross-sectional drawings). The application site and proposed development will be sited in relatively close proximity to properties to the north-west along Gloucester Road. The application site extends along the rear boundaries of Nos. 365, 367, 371 and 375 Gloucester Road and includes a number of windows to habitable rooms at upper levels which will offer direct views towards those properties. Whilst these properties are commercial at ground floor level they included residential elements at first floor level which include habitable room windows in the rear facing the application site. There are also some external amenity spaces to the rear of those properties. Based on the submitted site plan the separation distances between the upper floor habitable windows in the development are 15.3 metres (external amenity space to rear of No.365); 7 metres (external amenity space to rear of No.367); 13.6 metres (rear first floor window to No.367); 16.7 metres (rear first floor window to No.371); 16.7 metres (rear first floor window to No.371). These separation distances are relatively close and smaller than the separation distance normally sought between windows to habitable rooms directly facing one another (approximately 21 metres). Given this and the significant number of habitable room windows introduced through the extension and conversion of the building to shared housing the proposal will result in harmful levels of direct and perceived overlooking to the detriment of the amenity and living environment of occupants of those properties. It is noted that the previous extant planning permission to convert the building to residential (ref: 23/02268/F) included habitable windows in the south-west elevation, however the proposed scheme in this instance is materially different as it will result in significantly more habitable room windows being introduced at a higher level on the building which will increase levels of overlooking to a harmful level.

No existing residential properties are located directly to the north-east, south-west or south-east in such a position which would cause harm with regards to overlooking, however as noted under Key Issue B the scale, design, layout and siting of the proposed development (particularly the significant number of south-east facing windows) would prejudice the future

development potential of adjoining sites to the south-east through overlooking which is unacceptable.

### *Noise and Disturbance*

The Council's Pollution Control Team raised no objections to the development impacting the amenity of surrounding residential properties by virtue of noise or disturbance however a condition is recommended requiring that there shall be no commencement of use of the air source heat pump until details including noise levels and any noise mitigation measures have been submitted to and been approved in writing by the Local Planning Authority.

### **(E) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?**

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that the sub-division of dwellings into houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; as well as inadequate storage for recycling/refuse and cycles.

Policy BCS10 in the Bristol Core Strategy (2011) 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. Policy DM23 within the Site Allocations and Development Management Policies (2014) 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. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

Policy BCS15 in the Bristol Core Strategy (2011) 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. Policy DM32 in the Site Allocations and Development Management Policies (2014) states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

The application has been reviewed by the Council's Transport Development Management Team (TDM).

### *Local Conditions*

The site is located on Merton Road, an unclassified road with a 20mph speed limit. 1 collision has been reported close to the junction between Merton Road and Gloucester Road, involving a cyclist, although this was classified as slight only.

The nearest bus stop is 65m from the site on Gloucester Road, serviced by routes 17 (Citylines East), 71, 72, 73 (Citylines), 74, 75, 76, and 77. Frequent buses are available towards the City Centre, Temple Meads, and Hengrove Park. An alternative bus stop is 165m from the site on Gloucester Road, providing frequent services towards North Bristol, including UWE Frenchay, Cribbs Causeway, and Bristol Parkway. The Concorde Way cycle route can be accessed around 0.5 miles from the site, provide a traffic-free/quiet route towards the City Centre.

### *Access*

Access to the rear of the building, including the waste/cycle storage area is via an existing entrance off Merton Road, which provides access to the car parking for other sites, notably 369-375 Gloucester Road.

Whilst TDM raised no objections in principle to the access arrangements a plan for a scheme of lighting along the access from Merton Road would be required to increase the level of real and perceived safety for residents. It is recommended that this is secured via condition if an approval was forthcoming.

### *Car Parking*

The applicant is proposing a zero-car arrangement. Whilst TDM believes the availability of public transport and cycle routes would reduce car ownership levels, there are concerns that any increase in on-street parking could pose a highway safety concern, given the proximity to a classified A-road (Gloucester Road) and it would be unreasonable to expect that every future tenant would rely on public transport or that they will walk or cycle.

TDM confirmed that there is a 40% car ownership assumption for HMO residents, meaning a 22-bedroom HMO development would be expected to create 9 additional vehicles parked on-street.

The applicant has stated that “the site is within a town-centre location and easy walking distance of bus stops (less than 1 minutes’ walk away), offering regular services into Bristol City Centre, and multiple other destinations. As such, a car-free development can be supported in this instance” however no further information has been submitted to support of evidence this assumption.

In such instances it is normally expected that applicants submitted parking surveys to demonstrate that there is sufficient on street capacity within the local area to meet the demand created by the development (in this instance 9 additional vehicles). This parking survey should be completed in accordance with Bristol City Councils Parking Survey Methodology document. Given this lack of detail TDM and the LPA cannot confirm that the quantum of development is suitable for the site context with regards to the impact of additional cars on the surrounding high network in terms of levels of on-street parking.

Any additional pressures generated by this proposal for on-street car parking may encourage future occupiers to consider parking private vehicles illegally. This would result in highway safety issues. As such, based on the level of detail provided, density of residential development proposed and site context (including waiting restrictions and proximity to a busy A-road) it is considered that the proposed development would be harmful to the amenities of the local area and to highway safety by reason of the likely increase in demand for on-street

parking, in an area which currently experiences high levels of parking stress. The application is recommended for refusal on this basis.

### *Waste Storage*

The Council's Waste Guidance states that HMOs require 1 set of containers (a refuse bin, two dry recycling boxes (44ltr & 55ltr), kitchen waste bin (29ltr) and cardboard sack (90ltrs)) for every three bedrooms. For both 3 and 4-bed HMOs, this equates to 1 set of containers, which would be accommodated to the side of the building, and there is level access through to the Merton Road for collection day. TDM confirmed that this arrangement is acceptable.

### *Cycle Parking*

Cycle storage for 22no. bicycles (one per bedroom) is proposed within the rear garden. A stacked system is proposed, with 11no accessible spaces to the bottom tier and 11no. upper tier spaces. As noted above Policy DM23 states that applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on cycle parking. This states that in larger schemes, it is recognised that the space required for full provision of Sheffield type stand cycle parking storage can require a large amount of ground floor space. In recognition of this, good quality stacker type units can be used to save some space, and make up any shortfall of cycle parking provision over and above the 'accessible' provision. Whilst the proposed use of stacker storage isn't ideal, in this instance TDM raised no objections given that at least 1 accessible space will be provided per dwelling. The store will be fully enclosed, covered and secured which is acceptable.

### *Construction Management*

The site is located close to a classified A-road (Gloucester Road) and parking on Merton Road is constrained. The proposals require some extensive external works. As such, a construction management plan should be submitted before the commencement of works, which should be secured via condition if an approval was forthcoming.

## **(F) SUSTAINABILITY AND CLIMATE CHANGE**

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions (policies BCS13, BCS14 and BCS15). This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

Policy BCS14 states that new development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

1. Connection to existing CHP/CCHP distribution networks
2. Site-wide renewable CHP/CCHP
3. Site-wide gas-fired CHP/CCHP
4. Site-wide renewable community heating/cooling
5. Site-wide gas-fired community heating/cooling
6. Individual building renewable heating

The applicant notes in the covering letter that “the extant scheme proposed a communal ASHP for heating, air-to-water heat pumps for hot water, and photovoltaics to the southern roof slope. The energy statement has been updated to reflect the revised scheme, and the same approach to the heat hierarchy has been taken, and a 20% reduction in carbon emissions once more achieved. The photovoltaics would be sited on the flat part of the mansard roof.”

Whilst this approach in principle could be acceptable the application isn’t supported by sufficient information for the LPA to make that conclusion. The submitted Energy Statement is only one page long and includes no supporting information to demonstrate how the Council’s sustainability policies will be met.

The document states that: “In summary, only PV panels or an air source heat pump are suitable for installation on this site, air source heat pump has been selected.” This is contradictory to the information included in the covering letter.

Given the lack of clarity and poor-quality information the proposal fails to adequately demonstrate that it will be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions.

#### (G) DO THE PROPOSALS ADEQUATELY ADDRESS ANY CONTAMINATION ISSUES RELATING TO THE SITE?

Policy DM34 in the Site Allocations and Development Management Policies (2014) states that new development should demonstrate that:

- i. Any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and
- ii. The proposed development will not cause the land to become contaminated, to the detriment of future use

A Preliminary Risk Assessment Desk Study report has been submitted with the application. Following consultation, the Council’s Contaminated Land team confirmed that the desk study is generally acceptable and is recommending future intrusive (Phase 2) site investigation.

The Council hold some more detailed information regarding the sites history, between 1950 - 1973 the Kellys Trade Directories indicate the presence of an onsite engineering works, this is echoed in the planning archives with the presence of NC machines at ground floor level. Elsewhere on the Merton Road development (and this could include the site itself as no numbers are listed in the Trade Directories) uses included a tyre manufacturer, coach builders and coach painters. It should be notified that the suite of contaminants being proposed to be investigated as part of a future intrusive investigation cover most of the contaminants associated with this use. The report does recommend a detailed UXO risk assessment takes place prior to any intrusive investigation takes place.

Conditions are therefore recommended (if an approval was forthcoming) to secure further information as recommended in the submitted Preliminary Risk Assessment and ensure no harm is caused to future occupants with regards to contaminated land.

## (H) ECOLOGY

The application is supported by a Biodiversity Net Gain Exception Statement which confirms that the development will not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. As such it is exempt from BNG requirements. However, bird and bat boxes can be installed to provide an overall net gain and it is advised this is secured by condition in the event that planning permission is granted.

## (I) PLANNING BALANCE AND CONCLUSION

Section 5 (Delivering a sufficient supply of homes) of the NPPF outlines that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". In relation to maintaining sufficient supply and delivery of homes, paragraph 75 of the NPPF outlines: "Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites."

Bristol has a positive approach to boosting the supply of homes. Policy H1 of the emerging Bristol Local Plan (Publication Version November 2023) proposes an ambitious housing requirement of 1,925 homes per year, substantially higher than that of the current Core Strategy (June 2011). The emerging plan offers a large range of potential development sites, areas of growth and regeneration and a variety of policy interventions that will help to ensure that the housing requirement is delivered and preferably exceeded. In doing so the emerging plan seeks to meet as much of the identified housing need as possible, consistent with paragraph 60 of the National Planning Policy Framework (NPPF).

Until the new local plan is adopted, the council is expected to identify and update annually a supply of specific deliverable sites to meet its local housing need for the next few years. If it cannot do this, the presumption in favour of sustainable development applies. For Bristol, only a four year supply must be demonstrated, as the emerging local plan has reached the Publication (Regulation 19) stage (NPPF paragraph 226).

The Government's standard method sets Bristol's local housing need at a very high level due to the inclusion of an additional 35% uplift for the largest cities and urban centres. Consequently, despite a substantial stock of planning permissions and a positive approach, Bristol is currently unable to demonstrate a four year supply of housing land. As a result paragraph 11(d) of the NPPF is engaged and the tilted balance applies.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date. The first is where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Amongst the areas of particular importance that may be relevant to Bristol, the footnote to paragraph 11d includes habitats sites including those designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty; irreplaceable habitats; designated heritage assets and areas at risk of flooding or coastal change.

Or the second, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

This report has set out that the proposal fails to meet a number of adopted planning policies covered by the Core Strategy (2011) and Site Allocation and Development Management Policies (2014).

The fact that policies have to be considered out-of-date does not mean that they can carry no weight. To carry weight, policies must be consistent with the NPPF, as explained in Paragraph 232 which, amongst other things, explains that the closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given to them. As such, it is perfectly possible for policies which are deemed out-of-date for reasons of an inadequate housing land supply to still carry significant weight. Such is the case in this instance, as all the policies cited within this report for reasons to refuse the development are consistent with the NPPF. The policies referenced should therefore still all carry significant weight in the determination of this application. No policies covered by NPPF paragraph 11(d)(i) apply in this case, so the application should be determined in the context of NPPF paragraph 11(d)(ii).

The development would result in some benefits, and these are acknowledged. For example, the proposal would provide additional dwellings to the Council's housing supply in the form of shared housing. There would also be economic benefits, including short term employment associated with building works, community infrastructure levy receipts, and more long term benefits associated with the additional people residing the area, including Council Tax. However, this report demonstrates that the proposal would conflict with a number of development plan policies, particularly those related to achieving mixed communities, well-designed places, amenity standards and sustainability which should still carry significant weight, as all the policies of concern are fully consistent with the NPPF's overall objectives.

Turning to Paragraph 11(d)(ii) of the NPPF, the identified adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. For these reasons, the LPA recommends that the application is refused.