

The Planning Inspectorate

Our ref: PR2020

SUBMITTED VIA EMAIL

10 June 2025

Section62anonmajor@planninginspectorate.gov.uk

Dear Sir/Madam,

CHASEFIELD HOUSE, 888 FISHPONDS ROAD, BRISTOL, BS16 3XB

SECTION 62A PROCEDURE

PLANNING APPLICATION FOR CHANGE OF USE FROM FORMER CARE HOME (USE CLASS C2) TO 2NO. LARGE SUI GENERIS HOUSES IN MULTIPLE OCCUPATION (1NO. 9 BED AND 1NO. 10 BED) TOGETHER WITH ASSOCIATED EXTERNAL ALTERATIONS AND BIKE/REFUSE STORAGE

This planning application is submitted on behalf of HAS 7 Limited. It seeks the conversion of part of an existing, vacant care home (Use Class C2) into two large Houses in Multiple Occupation (HMO).

The applicant has chosen to submit the application to the Planning Inspectorate via the Section 62A route and notice of this intention was communicated on 16 March 2025.

This application is supported by this letter, which provides a planning analysis and proportionate heritage assessment, and the items referenced in the submitted Application Schedule.

THE SITE

The application relates to a large Victorian villa on Staple Hill Road/Fishponds Road, which forms the main part of a former 15 bedroom care home vacant since January 2020. The main building accommodates 5 bedrooms with a further 10 in a long single-storey rear wing, which is outside the boundary for this planning application. The existing GIA of the building (and rear link), within the redline application boundary, is 437.7sqm. The site area within the redline boundary is 531sqm.

The building currently has metal external staircases on the side and rear, and informal parking at the front for approximately two cars accessed via two separate entrances on Fishponds road either side of the boundary wall and hedge. There is no cycle or bin storage.

The site benefits from a highly sustainable location on a main bus route, close to bus stops and minutes from the defined Town Centre (see the area on Figure 1 outlined in blue) and in easy walking distance of parks and open spaces; a wide range of key services and facilities; and local employment opportunities. The nearby UWE campuses at Glenside and Frenchay are easily accessible by bus, within relatively short journey times.

The site sits in the Stapleton and Frome Valley Conservation Area and benefits from a location in Flood Zone 1 (Low Risk). The property is not listed (either nationally or locally).

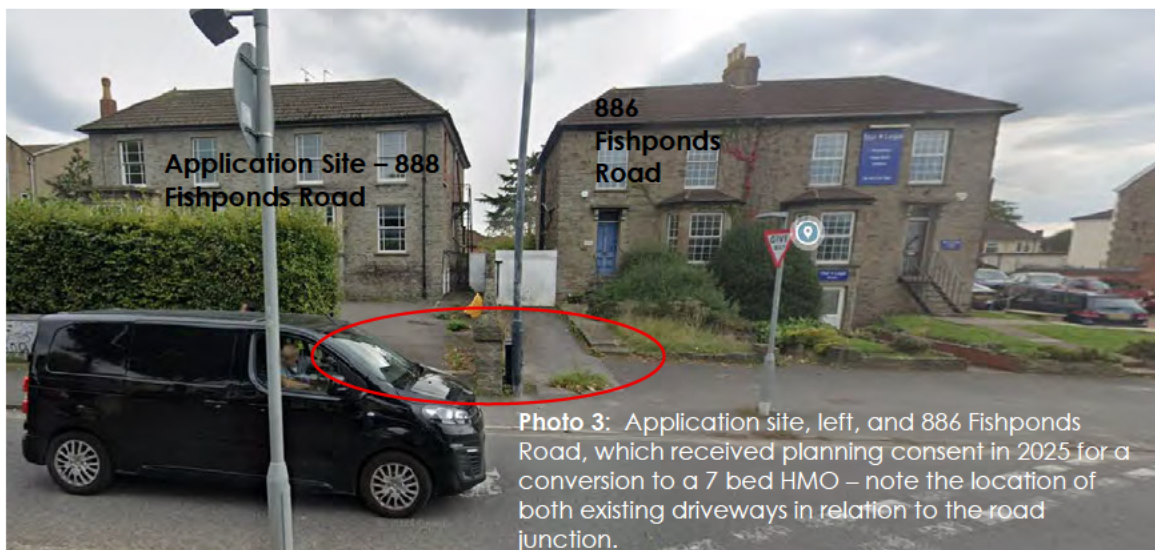




Photo 5: Rear of Chasefield House with link extension to be retained. Note the two metal staircases to be removed.

Figure 1: Policy Map Extract



Defined Town Centre defined with dark blue line and protected retail frontages in cyan.

Application site starred.



Figure 2: Vehicular Access Locations (source: GE)

Application site (starred) with existing vehicular accesses onto Staple Hill Road circled and adjacent vehicular access for 886 also circled (source: Google Earth).

AUTHORISED USE & PLANNING HISTORY

The existing Victorian villa, which is identical in appearance and size to the adjacent semi-detached properties (no's. 884 and 886 Fishponds Road) was previously assumed to have been two separate properties but it is now understood (based on historic maps) that the villa was constructed as one property.

The site was last used as a 15 bedroom care home (Use Class C2) for up to 11 people¹, with consent granted for that use under approval reference 90/01293/G, and was operated as a hostel prior to that, but has been vacant for approximately five years (since January 2020).

Planning consent was granted in 2005 to convert and extend the nursing home to a foyer-style project incorporating flats and bedsits in the main building, coach house, and in a new two-storey building (ref. 05/02537/F). It is assumed that the permission was not implemented and subsequently lapsed.

Planning approval was later granted in 2012 (ref. 12/00411/F) for replacement windows and doors to the main building; single-storey wing; and workshops (coach house).

The most relevant planning history is a refused planning application (ref. 22/02990/F) for the **conversion of the frontage building into two separate large HMO's (sui generis)** to provide supported living for people with mental health, learning disabilities, and autism, together with associated external alterations. The application proposed 1no. 9bedroom HMO and 1no. 10 bedroom HMO (the same as currently proposed). The Council initially had concerns regarding the loss of the site as a care home but supported the change of use following an amendment to the description to reference supported living on the basis the accommodation would **"...still offer a clear social/welfare benefit to the community"**². The Council had been minded to recommend approval but, in the absence of a Parking Survey demonstrating there was sufficient capacity to accommodate additional demand, it was concluded there would be an unacceptable increase in demand for on-street parking, which would result in harm to highway safety and residential amenity contrary to the NPPF and policies BCS10; DM2 and DM23. The reason for refusing the application was as follows:

- 1. Based on the level of detail provided, the proposed development would fail to provide an appropriate level of safe, secure, accessible, and useable parking and would instead give rise to unacceptable traffic and highway safety conditions, would harm residential amenity and the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on the surrounding streets given the location of the application site in an area which currently experiences high levels of parking stress. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS10; Site Allocations and Development Management Policies (2014) DM2 and DM23 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).*

The decision notice for the refused application (ref. 22/02990/F) is attached to this letter at Appendix 1.

An application for the redevelopment of the rear site to provide 7no. dwellings under application reference 22/04673/F was refused on 27/09/23 for five reasons concerning (i) loss of the existing community facility (a C2 use); (ii) loss of a tree deemed to have significant amenity value within

¹ According to the Care Quality Commission's Inspection Report dated 24 December 2019 – Appendix 5

² Delegated officer report for 22/02990/F, page 27

the Conservation Area; (iii) design and green infrastructure issues associated with the layout; (iv) unacceptable access arrangements and highway safety issues; and (v) the ecological implications of tree removal. The delegated report and decision notice are included at Appendix 2.

A revised scheme for 5no. dwellings was registered on 14/03/25 under application 25/11020/F and is pending consideration. The proposed site plan is attached at Appendix 3.

Neighbouring Planning History

It is pertinent that planning consent was granted on 11/10/24 for the change of use of 886 Fishponds Road (adjacent to the application site) from a dwelling (Use Class C3) and separate office (Use Class Eg(i)) to a large HMO for up to 7 occupants (Sui Generis) under application reference 24/01860/F. It should be noted that:

1. A parking survey was not requested for the application despite car parking concerns being raised and a survey requested for the proposed HMOs on the adjacent site at 888 Fishponds Road (the current application site), which was refused on parking/highway safety and neighbour amenity grounds (parking stress); and
2. The Transport Development Management Team, in commenting on 24/01860/F, identified that the existing vehicular access was unsafe because it *"...opens right out onto the beginning of the 'give way' road marking onto Staple Hill Road"* and *"...further parking near the junction would result in a detrimental impact to highway safety in an area which has been the subject of myriad vehicular incidents in the past few years – including a serious two vehicle collision in 2021"*³ (see Photo 3 and Figure 2 for location and proximity to 888 Fishponds Road).

The decision notice and delegated report for application 24/01860/F are attached at Appendix 4.

THE PROPOSAL

The submitted application seeks consent for the change of use of the vacant, former care home (Use Class C2) to two large HMOs (1no. 9 bed and 1no. 10 bed – all to be single occupancy) together with associated external alterations.

The proposed HMOs, to be funded by the residential redevelopment of the rear part of the site under a separate planning application (ref. 25/11020/F), would be operated under the **applicant's registered company** Creative Independent Living Ltd⁴, which owns and operates multiple housing projects for vulnerable people across Bristol on behalf of the Council's Social Services Department.

The proposal, with respect to the floor plan arrangement and external alterations, follows the previously refused scheme⁵ on the basis that no concerns were raised regarding the quality of the living accommodation or on design grounds.

The room sizes for the bedrooms and communal kitchen/living/dining areas are specified on the submitted floor plans and would meet the **Council's** minimum standards for licensable HMOs as

³ Delegated officer report for 24/01860/F, page 2



⁵ ref. 22/02990/F

set out in Appendix B of the Council's SPD 'Managing the development of houses in multiple occupation' adopted in November 2020 (hereafter referenced 'HMO SPD'). Each bedroom would exceed 6.51sqm and both combined kitchen and living rooms would exceed 11sqm.

Fully enclosed, secure bike storage is proposed for both HMOs in a communal store to the eastern side of the building with capacity for 20no. bikes and a communal refuse/recycling store is proposed alongside the front boundary wall.

There is currently space for two parked cars at the front of the building accessed off Staple Hill Road, and two formalised parking spaces are shown on the Proposed Site Plan.

The existing metal fire escape staircase to the western side of the building is to be removed to accommodate a wider pedestrian/cyclist access for the proposed rear development under separate planning application reference 25/11020/F.

External alterations include:

- Removal of existing timber gates and railings to the eastern side of the building to facilitate the creation of the bike store for both HMOs (the bin store would sit behind it where the plant room is currently located);
- Removal of the existing metal staircases to the western side and rear (south) elevation of the building;
- Installation of a new porch entrance with associated steps on the front (north) elevation to match the existing entrance;
- The replacement of windows on the rear (south) elevation with doors; and
- The erection of a 1.8m high rendered wall to the rear of the building to separate the application site from the rear land and create an enclosed communal courtyard. A gate is proposed at the end of the wall to provide pedestrian and cyclist access from the rear site (currently the subject of a separate planning application for redevelopment to provide 5no. houses – ref. 25/11020/F) to Fishponds Road.

PLANNING ANALYSIS

Loss of Former Care Home

In combination with the separate planning application for a housing redevelopment at the rear, there would be loss of a vacant former care home with 15no. bedrooms (with 5no. bedrooms within the application site and 10no. in the long rear wing).

As previously identified, the applicant owns and operates multiple housing projects for vulnerable people across the city on behalf of Bristol City Council's **Social Services Department** and these are all HMOs (both licenced and unlicenced). The previous application⁶ originally sought HMOs without any reference to vulnerable people or a specific demographic to be consistent with the **applicant's existing** premises across the city and to allow flexibility in use and operation. However, the description of development was amended to include supported living on the suggestion of the planning officer to overcome his concerns regarding a loss of care home accommodation, which he considered to be a 'community facility' protected under Policies DM5 and BCS12 because *"the term community facility is 'wide ranging' and does not provide an exhaustive list of all uses."* Further commentary on the relevance of both policies is set out on page 8 of the delegated report for 22/04673/F (see Appendix 2).

⁶ 22/02990/F

Policy BCS12 advises that *“Existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made.”*

Policy DM5 states:

“Proposals involving the loss of community facilities land or buildings will not be permitted unless it is demonstrated that:

i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or

ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or

iii. The community facility can be fully retained, enhanced or reinstated as part of any redevelopment of the building or land; or

iv. Appropriate replacement community facilities are provided in a suitable alternative location.”

The site and former care home has been vacant for over five years. The premises were last used for 11no. people with learning difficulties and autism. The facility was closed in early 2020 after a negative inspection by the Care Quality Commission (CQC) in 2019 – see Appendix 5. The care home has been de-registered by the CQC and as such, could not be reused as a registered care home without modernisation to meet current CQC standards (all new registrations, whether for existing or new buildings, must meet current standards). The applicant has advised that even with an unrestricted budget, it would not be possible to refurbish and modernise the buildings to meet current regulations and consequently, it is highly unlikely that the existing villa (or the combined site including the rear buildings) could ever be reused as a care home.

The previous application (ref. 22/02990/F) demonstrated that there were six (currently operating) care homes within a 600m radius of the site, providing a total of 109 bedspaces (see Figure 3), which is deemed a high number in such a small radius. It was identified that there are numerous, additional existing care homes in the wider local area as demonstrated by Figure 4, which includes both the Bristol and South Gloucestershire Administrative Areas.

A recent search has revealed the same results – thus, no change in existing provision.

Given that the site has not contributed to care home provision for approximately five years, and the existing buildings cannot be re-operated as a care home due to their physical limitations within the context of current mandatory CQC requirements, it cannot reasonably be concluded that the loss of the care home at Chasefield House would create or add to a shortfall of care homes in the locality.

Equally, the site has not contributed to ‘community facilities’ (if indeed a care home can reasonably be deemed a genuine community facility) since the premises ceased operation in January 2020 therefore its loss to housing would not have any material impact on the existing provision of ‘community facilities’.

The applicant purchased the site at auction in June 2021 and the agents, Hollis Morgan, have advised that of the 100 groups that viewed the property, there was only one party interested in care home use, but the property was discounted by them due to the amount of work required to bring the site back up to current standards. **To the agents' knowledge, there was no interest from any groups seeking a 'community type' use** – see the agent letter at Appendix 6. Therefore, it is considered that there are no reasonable prospects of the existing site being re-used to provide a care home or to be used as a community facility.

Consequently, it is considered the requirements of Policy BCS12 and DM5 (i) have been met.

It is pertinent as a strong material consideration in the assessment of this planning application that planning permission was recently granted by Bristol City Council for conversion of a larger care home (with 17no. bedrooms) on Henleaze Road, Bristol, into a large HMO (Sui Generis) and a studio apartment (C3). The care home use ceased in March 2023 and the planning application was submitted circa one year later, and registered on 21 March 2024. The delegated report for the application (reference 24/00724/F – see Appendix 7) identified that there was a *“....sufficient number of care homes in the north of the City to meet demand and no objection of the loss”* of the care home was raised. The report goes on to state *“On the basis of the evidence provided it is not considered that the loss of the application site would create, or add to, a shortfall in the provision or quality of elderly care uses within the locality, in accordance with caveat (i) of policy DM5”*. It is notable that no assessment on suitability for an alternative community use was undertaken as required by Policy DM5.

The Council is unable to demonstrate a Framework compliant five year housing supply and it is understood that Bristol is reliant on neighbouring authorities to help meet its acute housing need. **It is pertinent that South Gloucestershire Council's emerging New Local Plan has suggested in the Regulation 18 Topic Paper for Housing Land Supply and Bristol Unmet Need that no capacity exists to assist Bristol City Council, either in full or in part, with its unmet housing need.** The re-use of this former care home, which has been vacant for over five years, to provide two large HMOs would provide an alternative form of housing, which could reduce the demand for and pressure on existing family housing within the city and this is a further material consideration in favour of the proposal.

Furthermore, the proposed residential redevelopment to the rear of the site would fund existing community care projects operated by the applicant as well as new projects coming forward, including the HMOs proposed on the site in this application. This is another material consideration in favour of the proposed change of use.

Bristol City Council's insistence (in assessing the previous application for HMOs on the site and the previous application to redevelop the rear site for housing) that this long-term vacant site should be retained as a **'community facility' at the expense of housing to meet demonstrably critical need** is deemed both irrational and unreasonable. It is also inconsistent with the more pragmatic approach taken for the larger former care home in Henleaze (reference 24/00724/), which was only vacant for a year and where, according to the online planning record and content of the Planning and Design Statement, no information on the availability of other care homes in the area was requested or provided.

In view of the above material considerations, we are hopeful that there will be no objection to the loss of the redundant, vacant care home and the proposal to provide shared housing to meet high and unmet demand will be supported.

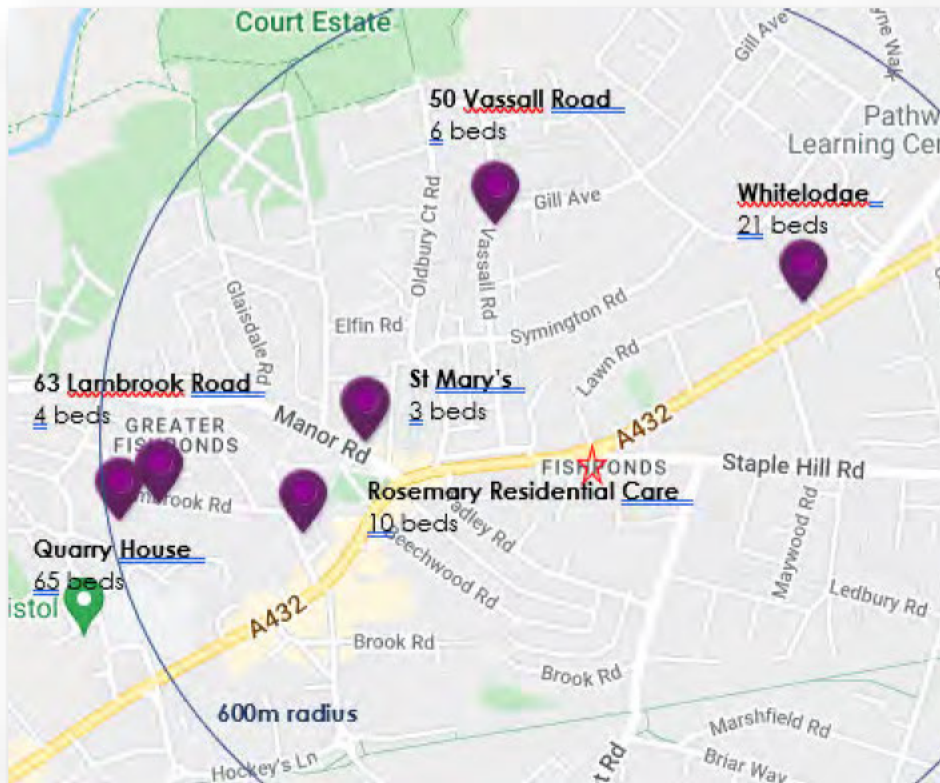
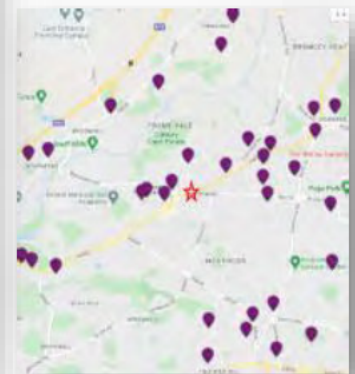


Figure 3: Quality Care Commission Care Home Map

Total of 109 bedspaces within 400m radius

Figure 4: QCC Larger Map



Housing Mix

Policy Context

The NPPF states at paragraph 61:

*"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. The overall aim should be to **meet an area's identified housing need**, including with an appropriate mix of housing types for the local community."* [Stokes Morgan emphasis in bold.]

Paragraph 63 advises that the "need, size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies."

The adopted Development Plan for Bristol does not allocate sites for shared housing or for housing for specific groups. Although there is a policy relating to shared housing (DM2), this is a restrictive policy intended to control rather than support it.

Policy BCS18 requires all new residential development to maintain, provide or contribute to a mix of housing tenures, types, and sizes to help support the creation of mixed, balanced, and inclusive communities.

The supporting text to Policy DM2 recognises that the supply of sub-divisions; shared housing; specialist student accommodation and housing for older people provides an important contribution to people's housing choice and the policy aims to ensure that such housing provides a good standard of living and is suitably located. The policy also seeks to avoid harmful

concentrations of these types of housing in the interest of preserving residential amenity and the character of an area.

The policy advises that the conversion of existing dwellings into houses in multiple occupation (HMOs) will not be permitted where (i) the proposal would harm the residential amenity or character of the area due to levels of activity that cause excessive noise and disturbance to residents; levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; cumulative detrimental impact of physical alterations to buildings or structures; or inadequate storage for recycling/refuse and cycles; and/or (ii) the development would create or contribute to a harmful concentration of such uses within a locality as a result of exacerbating existing harmful concentrations or reducing the choice of homes in the area by changing the housing mix.

The adopted Supplementary Planning Document on HMOs (November 2020) supports Policy DM2 and explains how the Council will assess proposals for sub-divisions; HMOs; student and specialist housing. It provides guidance on when harmful concentrations are likely to arise at **street, neighbourhood, and ward levels**. These include the 'sandwiching' of residential properties and areas where more than 10% of dwellings are occupied as HMOs within a 100m radius. The required assessment is provided below under the sub-heading 'Assessment'.

Need

The SHMA was updated in February 2019 for the wider Bristol area. This states that single person households are expected to represent 40% of the overall household growth: an increase of 34,000 from 2016 to 2036. The proportion of single person households is therefore predicted to increase from 31.7% to 33.3%, whilst households with children are predicted to remain constant, at 26.2%. 'Other households' (which would include shared accommodation) are predicted to increase from 8.3% to 9.8%.

The 2019 SHMA states that, *"whilst there is projected to be an increase of 34,000 extra single person households, only 14,600 extra dwellings have one bedroom (5,000 market homes and 9,600 affordable homes). This reflects that many single person households will continue to occupy family housing in which they already live."* (para 2.20). It therefore follows that the provision of accommodation for single households (which HMO rooms provide) would potentially free up family housing, in addition to meeting an identified need. The SHMA predicts that the need for 1-bed accommodation will increase by 16.8% over the period.

Further to the 2019 SHMA, the LPA has recently published the "City of Bristol Local Housing Needs Assessment Report of Findings" (November 2023), as a background paper to the new Local Plan. This predicts that, for the period 2020-2040, single person households will represent almost a third of the overall household growth (15,000, 32%).

In terms of rental property more broadly, Bristol City Council has publicly acknowledged that the city has a *"rent crisis"*⁷, with over one-third of the population (134,000 people) currently renting privately in Bristol. As the Council itself notes, *"Over the last decade, private rents in Bristol have increased by 52%, while wages have only risen by 24%. On average, Bristol residents now need almost nine times their annual salary to buy a house. The spiralling costs mean housing is becoming increasingly unaffordable, pushing many further away from their place of work, family, and support networks."*

⁷ <https://www.bristol.gov.uk/council-homes/tackling-the-rent-crisis>

There is no doubt that a shortage of supply of rental accommodation in the city has had an impact on rentals costs. A recent (October 2023) report by Unipol and HEPI8 shows that average student rental costs in Bristol, at £9,200 per room for the 2023/24 period, are the highest outside London, and have increased by 9% from 2021/22. It is not unreasonable to suggest that the Council's adoption of Article 4 Directions, removing Part 3, Class L PDR to create small houses in multiple accommodation, introduced to limit the spread of HMOs, has also contributed to rising rents, for both young people in employment and students. Restricting supply will naturally increase demand.

The Bristol City Council 'JSNA Health and Wellbeing Profile 2024/25' reported a near-trebling in the number of households in temporary accommodation from 2019/20 Q3 (573) to 2024/25 Q1 (1554).

In this context, the provision of HMO accommodation on the site would help to meet an identified need for accommodation for single households.

Context & Considerations

The site is located on a busy main road (being the A432), on the doorstep of the defined Town Centre, where there are shops, bars, restaurants, cafes and take-aways that operate into the evening. This is an area of mixed land uses with a vibrant character where residents would expect a degree of noise and activity throughout the day and evening.

Furthermore, there are no Article 4 Directions controlling the change of use of dwellings to small HMOs (Use Class C4), and (according to the planning history), the site was used as a hostel prior to its use as a care home. These are 'shared' and 'specialist housing' uses respectively that fall under the remit of Policy DM2. This would suggest that both the site and local context are suitable for these types of housing.

The proposed HMOs would be a similar scale to the previous care home use and any change in the character of the use would be unlikely to cause excessive noise and disturbance to neighbouring residents in view of the location on the A432 opposite the defined town centre and close to evening orientated uses. Should any antisocial behaviour issues arise, this can be adequately controlled through separate legislation operated by the Licencing and Pollution Control departments within the Council.

It is pertinent that the former hostel and care homes uses existed prior to both the previous and current Development Plan and so the accommodation will be deficient against current Development Plan policies in respect of parking; cycle and waste/recycling storage. It is also likely that the care home permission is not subject to any restrictive conditions controlling, for example, the management of the site and facilities such as waste/recycling and bike storage. This proposal would therefore provide the opportunity to improve on the adequacy of provision as well as the quality of the accommodation for the benefit of the visual and residential amenity of the locality.

The site's proximity to public transport services on the A432 and the cycle route along the Bristol and Bath Railway Path would reduce the need for residents to travel by car (which in any event would be restricted by the low availability of both on and off-street parking) and adequate provision is made for bike, waste, and recycling storage. The scheme would deliver a good standard of living accommodation consistent with the licensing standards for an HMO. The gardens would be small, but there are parks and open spaces in walking distance (such as

Fishponds Park, approximately 350m to the west), which could meet the recreational needs of future residents of the HMOs.

Assessment

The Council's Pinpoint Map indicates that the proposal would not result in any 'sandwiching' effects (the street level assessment in the SPD) – see Figure 5.

The delegated report for the previous application (22/02990/F) identified that data⁹ indicated there were 141 residential properties within a 100m radius of the site and 9no. of those were HMOs. This equated to 6.38%, below the 10% desirable threshold. An extract from the Council's Pinpoint map (see Figure 4) identifies that there are now 7no. licenced HMOs within 100m of the site and two with planning consent, totalling 9no. HMOs. The proposal would increase this to 11no. HMOs, increasing the level to 7.8% but retaining it below the 10% threshold.

Consequently, the proposed conversion to provide two large HMOs would not unacceptably harm the mix and balance of the local area.

Housing Mix Conclusion

The proposal would not result in any sandwiching effects and the recommended 10% threshold set out in the HMO SPD would not be breached.

As set out above, there are compelling material considerations relevant to the site and context that would further justify the approval of two large HMOs on this site.

The proposal would not demonstrably result in any population imbalance within the context of creating and maintaining mixed and balanced communities and would not harm the amenity of the local area.

The proposal would not result in the loss of family housing (being a former care home and a hostel prior to that) and there would be no reduction in the choice of homes available within the area. In fact, the proposal would provide greater housing choice and could help to relieve the pressure to convert existing houses to shared accommodation.

The proposal is therefore in accordance with the provisions of policies BCS18 and DM2, and the adopted HMO SPD.

It is pertinent that the previous application for two large HMOs at Chasefield House was deemed acceptable and in accordance with adopted policy and guidance. This remains the case with this re-application on the basis that housing mix has not changed significantly to result in a harmful concentration of shared housing.

⁹ in relation to the number of licensed HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence.

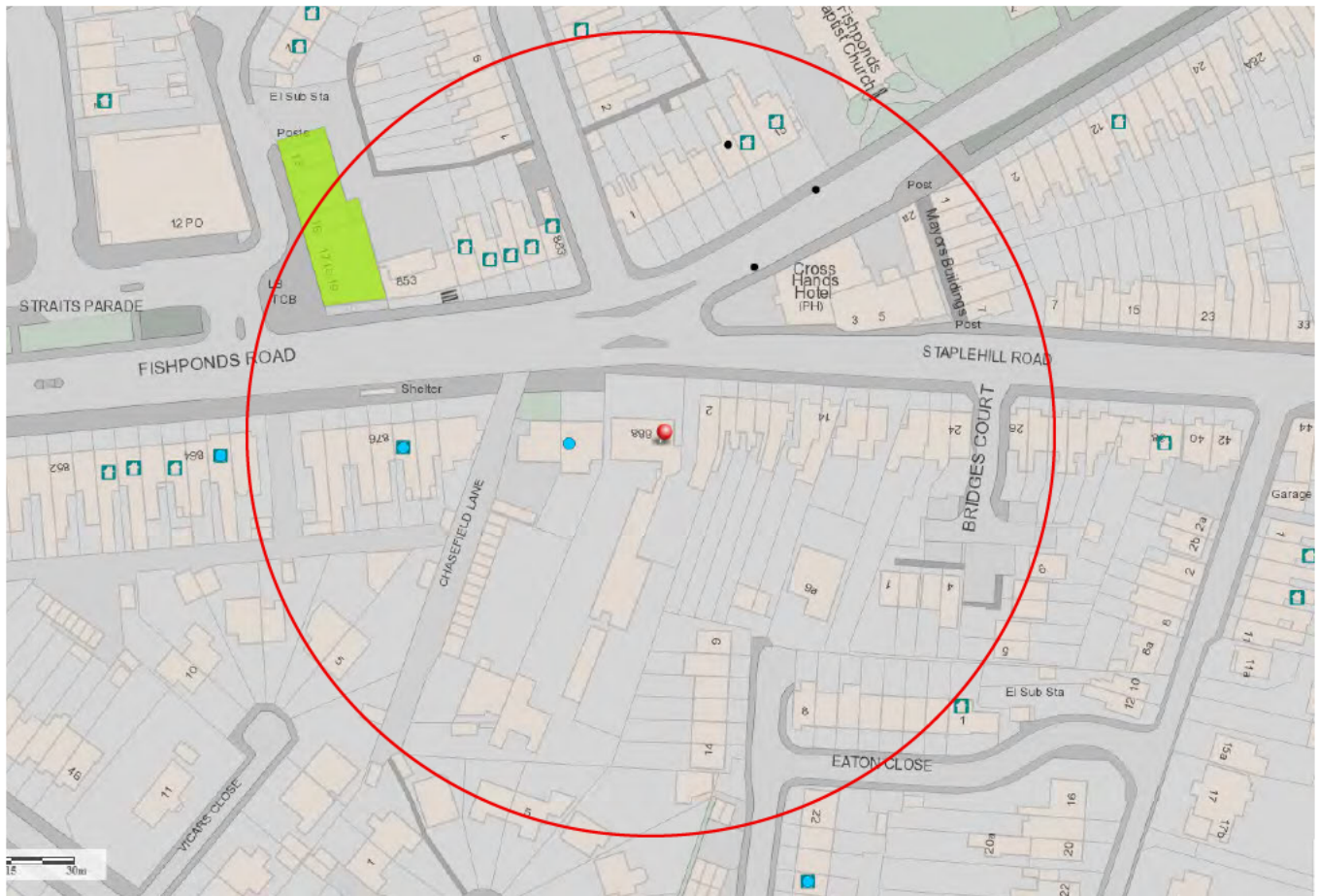


Figure 5: HMOs within 100m of the site (red circle denotes BLPU point for application site)

Accessibility & Parking

Policy Context

In seeking to “actively manage patterns of growth”, the NPPF at paragraph 110 advises “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and omissions, and improve air quality and public health.”

Paragraph 112 states:

“If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development; c) the availability of and opportunities for public transport; d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

Maximum parking standards are supported at Paragraph 113 in locations that are well served by public transport (Bristol City Council’s parking standards are expressed as a maximum).

Paragraph 115 advises that assessments on planning applications should (inter alia); (a) prioritise sustainable transport modes taking account of the vision for the site, the type of development proposed, and its location; (b) ensure safe and suitable access can be achieved for all users; and (d) ensure any significant impacts from the proposal on the transport network (in terms of

capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 116 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

Paragraph 117 advises that planning applications should (inter alia) *“...give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas, and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.”*

Core Strategy (CS) Policy BCS10 advises that proposals will be determined to reflect a specific user hierarchy, which priorities access by walking, cycling and the use of public transport over the private car. It directs development to *“...locations where sustainable travel patterns can be achieved”* to *“...minimise the need to travel, especially by private car”* and *“maximise opportunities for the use of walking, cycling and public transport.”* It adds *“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.”*

Site Allocations and Development Management Policies (SADM) Policy DM23 seeks to avoid unacceptable traffic conditions arising from proposals and requires (inter alia) *“...adequate access to public transport”*. It requires proposals to *“...provide an appropriate level of safe, secure, accessible and usable parking provision having regard to the parking standards, the parking management regime and the level of accessibility by walking, cycling and public transport.”*

Site Location and Proximity to Town Centre & Public Transport

The site is deemed to be very sustainably located in accessibility terms by non-car modes in view of the location on a main bus route just outside a defined Town Centre and primary shopping area (see Figure 6).

Future residents would not need a car to access local services and facilities (or employment) due to the abundance within short walking distance and scope to travel by bus or bike for any higher level facilities beyond Fishponds, with bus stops offering a range of services and the Bristol and Bath Cycle Path being close by (see Figure 6).

It is also pertinent that there are car club bays at Lawn Road and Elfin Road (approximately 170-430m distant, respectively), providing a further incentive not to use a car.

Thus, consistent with national planning guidance, a car free development or a scheme with a reduced parking level against relevant adopted standards would be appropriate.

Indeed, this appears to have been the conclusion in dealing with the application for the 7no. bed HMO at 886 Fishponds Road (ref. 24/01860/F) bearing in mind that application only had one off-street parking space and the Transport Development Management Team simply requested

that an advice note is included on the permission advising the applicant that residents would not be eligible for a parking permit should a controlled parking zone be introduced in the future. A similar approach could have been taken for the HMOs proposed in the previous application (ref. 22/02990/F) for 888 Fishponds Road.

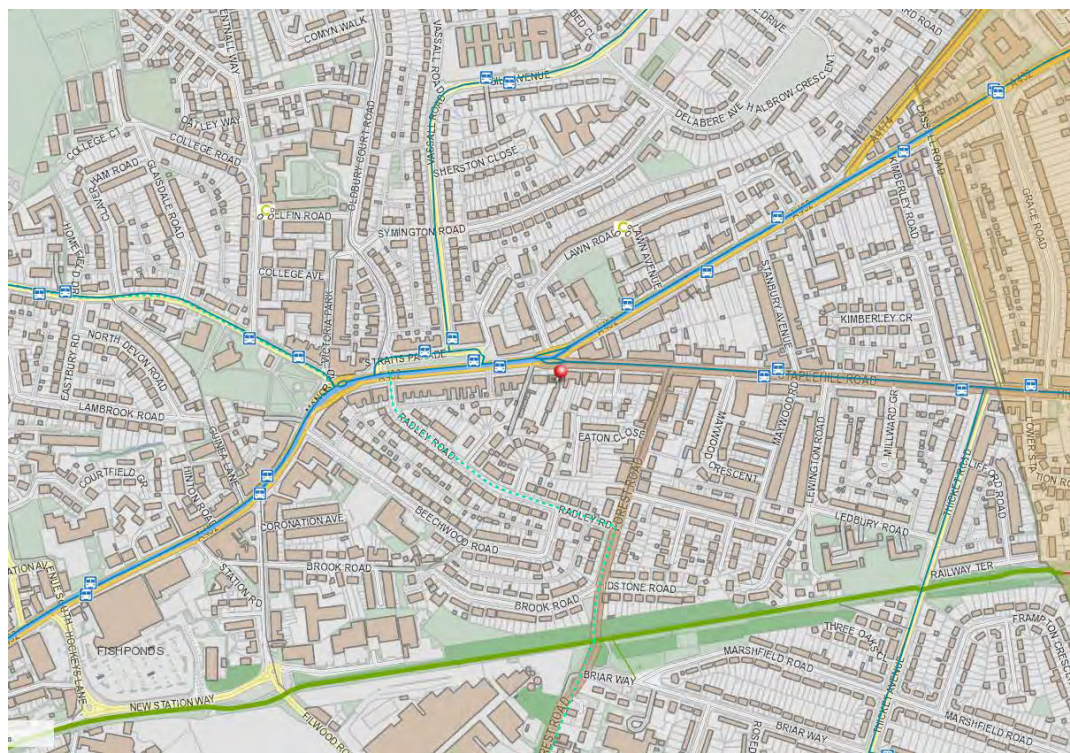


Figure 6: Extract from maps.bristol.gov.uk /pinpoint

This shows the site (see red circle); the bus routes (blue lines); bus stops (bus symbol); the Bristol and Bath Railway Path (green line); and Car Club bays (see the C symbol).

Assessment

The Adopted Development Plan for Bristol does not include any parking standards for HMOs and in assessing application 22/02990/F, the Council used car ownership data (from the 2011 census) to identify the number of parking spaces required for the proposed HMOs.

No consideration was given by the Council to the parking demand associated with the existing lawful use (Use Class C2, for which there are adopted parking standards) and it would seem (from the officer assessment set out in Key Issue D of the delegated report) that no consideration was given to the highly sustainable location of the site where future residents could live without need for a car.

The Council noted that Policy DM2 resists HMOs where it would harm residential amenity through levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures and insisted on a parking survey being provided to support the application despite:

- The highly sustainable location of the site, which would reduce the need for a car;
- The close proximity to two car club bays; and
- The ability to reject any parking permit applications associated with any future controlled parking scheme (which was the approach taken for the later permission for 686 Fishponds Road, adjacent to the site).

In refusing application 22/02990/F, the Council considered that the proposal would generate a demand for on-street car parking and, in the absence of a Parking Survey (consistent with the

Council's methodology) that demonstrated that there was existing on-street capacity to accommodate any increase in demand (alleged to be 7no. car parking spaces), the Council concluded that the scheme would result in unacceptable traffic and highway safety conditions and associated harm to residential amenity.

It is pertinent that the *"high levels of parking stress"* noted in the reason for refusal for application ref. 22/02990/F was not referenced in the Transport Development Management consultation response or officer report for application 24/01860/F (the 7 bed HMO application at 686 Fishponds Road).

In view of the highly sustainable location of the site for the reasons identified above, it is unclear why HMOs in this highly sustainable location could reasonably be deemed to generate a demand for car parking and one which would result in unacceptable traffic conditions or highway safety impacts, as concluded by the Council in refusing the previous application (22/0299/F).

It is also unclear why the Council has concluded the scheme to be contrary to the NPPF (as set out in the decision notice for 22/02990/F) given that the NPPF clearly directs development to sustainable locations where the need to travel is minimised and services, facilities, education and employment can be accessed on foot, by bike, or by bus.

A location within or close to a defined Town Centre and near bus stops on a main bus route is inherently sustainable in accessibility terms, and therefore reduced or nil parking should not just be acceptable, but expected.

The proposal is entirely consistent with the aims and objectives of the NPPF in sustainable location and accessibility terms, and there is no conflict with Policies BCS10 and DM23.

Additionally, given that the Council's Transport Development Management Team identified that further parking near the junction (Staple Hill Road and Fishponds Road, outside properties 684, 686 and 688 Fishponds Road) would be detrimental to highway safety¹⁰, it is considered the Council should be supporting new planning uses that generate less parking demand than a lawful one and where, as part of a planning application, off-street car parking can be removed or reduced and formalised; bike storage can be provided and protected in perpetuity; and safeguards can be put in place to ensure residents are not eligible for parking permits should a controlled parking scheme be implemented in the future; rather than encouraging car use by insisting on a parking survey being undertaken to demonstrate that there is existing on-street capacity to accommodate additional residents.

Residential Amenity

Existing

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity; does not result in harm due to excessive noise and disturbance; any impact upon street parking; the character of the dwelling; or through inadequate refuse or cycle storage. Policy DM30 relating to alterations to existing buildings seeks to safeguard the amenity of host premises and neighbouring occupiers.

¹⁰ Delegated officer report for 24/01860/F, page 2

It has been demonstrated that the proposal would not result in any sandwiching of an existing dwelling and the desired 10% threshold in respect of HMOs within a 100m radius would not be breached. Therefore, the proposal is unlikely to result in any demonstrable harm to existing residential amenity.

Furthermore, the requirement for a mandatory HMO licence will help ensure that the property is well-managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regard to HMO conversions is an increase in noise and disturbance, these issues, should they arise, can be dealt with through separate legislation operated by the Licencing and Pollution Control departments as identified in the delegated report for the refused application. Therefore, although a Management Plan was submitted for the previous application, this is deemed unnecessary within the context of the tests for a condition set out in NPPF Paragraph 58, and it is pertinent that a Management Plan was not submitted for the planning application for the adjacent 7no. bedroom HMO at 686 Fishponds Road. Thus, there are adequate safeguards already in place associated with non-planning legislation that could ensure an acceptable noise climate is maintained for neighbouring residential properties and no additional control as part of this application is deemed necessary.

With respect to the proposed external alterations, the Council previously concluded that there would be no harm to neighbouring residential amenity and given that the scheme design has not changed, the same conclusion applies to this reapplication.

Proposed

Policy BCS18 requires proposals to provide sufficient space for everyday activities and to meet appropriate space standards.

The proposal would meet the current standards for a licensable HMO with bedrooms exceeding 6.51sqm and both combined kitchen and living rooms exceeding 11sqm. The number of bathrooms and toilets is also commensurate with the licensing requirements.

Refuse/recycling and bike storage is proposed for the HMOs consistent with adopted policy requirements and communal external courtyards are also proposed.

The Council identified the previous scheme to be acceptable in terms of natural light and outlook for future residents and this remains the case with this re-application, which is almost identical in layout/arrangement.

Thus, the proposal would provide an acceptable standard of living accommodation consistent with policy expectations.

Design & Heritage

The site sits within the Stapleton and Frome Valley Conservation Area. As an attractive, period building, it makes a positive contribution to the character and appearance of the Conservation Area.

The proposal would bring an empty building back into active use and the proposed alterations to the building, which include (inter alia) the removal of metal staircases on the side and rear, and the addition of a new front porch on one villa to match one that exists on the other villa, would improve the visual appearance of the building and its contribution to the character of the Conservation Area, representing heritage gain. This was acknowledged by the Council in assessing the previous application.

The proposal for formalised, enclosed refuse/recycling storage replacing the exposed 1100 litre bins that sit to the front of the building would improve its setting and subsequently the visual and environmental amenity of the immediate locality. The refuse/recycling store that is proposed to the front of the building is long but would be lower than the existing boundary hedge and only visible from the public realm in the autumn/winter months when the hedge is not in leaf (see Photo 1). Its timber construction would, however, camouflage it to a certain extent and as such, there would be no harm to visual amenity or the character or appearance of the Conservation Area.

A new wall is proposed to the rear of the building to create two external amenity spaces for each HMO and to separate the HMOs from the garden land to the rear. These amenity spaces would be small within the context of the existing, long garden, but would have capacity for soft landscaping to relieve the visual impact of the wall and the physical subdivision of the building from the remainder of the site. The building is not listed, and it is pertinent that the adjacent semi-detached pair (an identical design to the application property), have no rear garden, with parking occupying the entire area to the rear of the two properties. Historic maps¹¹ demonstrate that the adjacent semi-detached pair had a long garden, however this was reduced in size to accommodate garages (possibly in the 1950's/60's) and reduced further in 2019 to accommodate a pair of semi-detached houses as part of a wider development on the adjoining garages site. This suggests, therefore, that the sub-division of the grounds to the application property (888 Fishponds Road) would be acceptable in heritage terms and it is noted that the Council had no objection to this in assessing the previous planning applications.

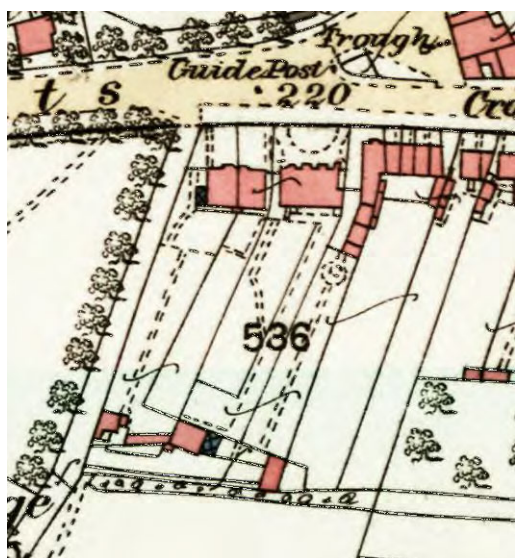


Figure 7: 1884-1888 OS 25" 1st Ed
www.maps.bristol.gov.uk/kyp



Figure 8: 2019 Q2 Basemap
www.maps.bristol.gov.uk/kyp

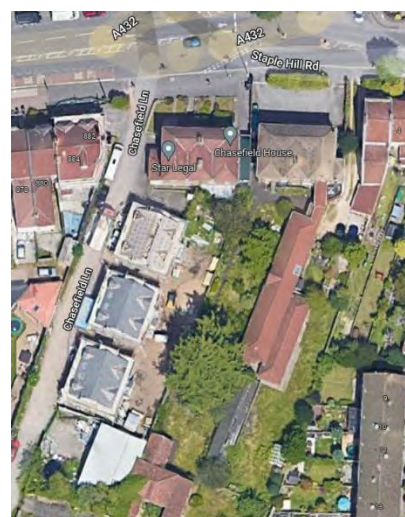


Figure 9: Aerial View
www.google.com

It is acknowledged that the (now outdated) Conservation Area Enhancement Statement identifies the "...sub-division of large garden plots" to be a "...particular problem", and so "...will not normally be permitted", however, the garden of the application site is already occupied by buildings and structures, and it is not readily visible from any public vantage points within the Conservation Area. It is accepted that the reduction in the size of the garden serving the main building would result in some harm to the character and appearance of the Conservation Area,

¹¹ 1844-1888 OS 25" First Edition, Know Your Place

however that harm is deemed to be less than substantial (and a low level) for the reasons outlined above.

The site has not been in use for approximately five years and the proposal would allow this large building to be brought back into active use, while also improving its visual appearance and subsequently its contribution to the character and appearance of the Conservation Area, in public views, consistent with the aims of the NPPF at Paragraph 202.

The existing site is too large for the proposed HMOs and the sub-division of the plot would facilitate a more efficient use for much needed housing at a time when the Council is unable to demonstrate a five-year housing land supply and has failed the Housing Delivery Test. The proposal would deliver public benefits through increased housing choice and supply, and economic benefits through increased local spending and support for existing facilities and services, and these would justify the reduction to the size of the plot and the resultant less than substantial harm to the character and appearance of the Conservation Area.

The proposal is therefore deemed to be acceptable in design terms, and would preserve the character and appearance of the Conservation Area, consistent with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 16 of the NPPF; and policies BCS21 and BCS22; and DM30 and DM31.

Sustainability and Renewable Energy

The submitted Energy Statement demonstrates that the 20% policy requirement set out in policy BCS14 could be achieved through a PV array. The policy requirement to consider the renewable energy hierarchy was undertaken and explains why this measure is the most viable.

Biodiversity Net Gain

The Environment Act 2021 introduces the mandatory "biodiversity net gain" (BNG) requirement for new housing and commercial development in England, subject to any exemptions that may apply. The exemptions that apply to the BNG requirements are habitats below a 'de minimis' threshold of 25 metres squared; or five metres for linear habitats like hedgerows.

The proposal does not include an area habitats of 25sqm or linear habitat of 5m, and would not result in the loss of any existing on-site vegetation. Therefore, the triggers for statutory BNG are not met and the application is exempt.

Should the Inspector consider that the NPPF Paragraph 187d requirement to provide net gains for biodiversity applies to the application site, then the provision of bird and/or bat boxes could be secured by condition.

Conclusions

The proposal for two large HMOs is deemed appropriate for the application site and mixed-use context in view of its highly sustainable location on a main road and opposite the defined town centre. This is substantiated by the previous hostel and care home uses, which were similar in nature and scale to the proposal. The proposal would not result in sandwiching, or a breach of the 10% threshold set out in the adopted HMO SPD.

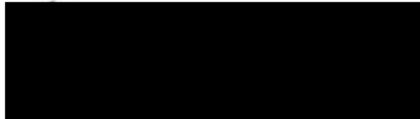
There would be no loss of a dwelling and the proposal would not, therefore, result in any loss to the stock of housing in the local area. Equally, there are multiple care homes in the locality and loss of this vacant site for C2 purposes would not compromise existing provision, to the detriment of the balance and mix of housing within the area.

The proposal would deliver public and heritage benefits through the proposed improvements to the visual appearance of the existing building; the formalisation of bike and refuse storage; and the reuse of the long-term vacant building for housing at a time when the Council is unable to demonstrate a Framework compliant housing supply.

It is therefore hoped that this planning application will be considered favourably.

Should there be any queries or requests for further information, do please get in touch and we will endeavour to assist as best we can.

Yours faithfully,

A black rectangular box redacting the signature of Rebecca Morgan.

Rebecca Morgan BA (HONS) MTP MRTPI
Director
Stokes Morgan Planning Ltd

A black rectangular box redacting contact information, likely a phone number or email address.

Enc

Appendix 1
Appendix 2
Appendix 3
Appendix 4

APPENDIX 1



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Decision :	REFUSED
Application no:	22/02990/F
Type of application:	Full Planning
Site address:	Chasefield House, 888 Fishponds Road, Fishponds, Bristol, BS16 3XB.
Description of development:	Conversion of existing care home (Use Class C2) to provide shared supported living accommodation (a 9 bed and a 10 bed) for people with mental health, learning disabilities and autism (Use Class Sui generis) together with associated external alterations to the building.
Applicant:	HAS 7 Limited
Agent:	Stokes Morgan Planning Ltd
Committee/Delegation Date:	01.08.23
Date of notice:	01.08.23

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

DECISION: REFUSED

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

Reason(s)

1. Based on the level of detail provided, the proposed development would fail to provide an appropriate level of safe, secure, accessible, and useable parking and would instead give rise to unacceptable traffic and highway safety conditions, would harm residential amenity and the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on the surrounding streets given the location of the application site in an area which currently experiences high levels of parking stress. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS10; Site Allocations and Development Management Policies (2014) DM2 and DM23 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

1001 A - Existing block plan, received 24 May 2023
3300 A - Proposed Section A-A, received 8 June 2023
Premises Management Plan Version 2 prepared by Stokes Morgan Planning, received 24 May 2023
1010 B - Proposed site master plan, received 23 June 2022
1301-21/SLP_A - Location plan Site A, received 23 June 2022
1000 B - Existing site plan, received 24 May 2023
3001 G - Proposed block plan, received 24 May 2023
1100 - Existing basement plan, received 23 June 2022
1101 - Existing ground floor plan, received 23 June 2022
1102 - Existing first floor plan, received 23 June 2022
1103 - Existing roof plan, received 23 June 2022
1200 A - Existing front north elevation, received 24 May 2023
1201 - Existing south elevation, received 23 June 2022
1203 - Existing west elevation, received 23 June 2022
3000 I - Proposed site plan, received 8 June 2023
3100 F - Proposed basement plan, received 24 May 2023
3101 H - Proposed ground floor plan, received 24 May 2023
3102 E - Proposed first floor plan, received 24 May 2023
3103 E - Proposed roof plan, received 8 June 2023
3200 E - proposed north elevation, received 24 May 2023
3201 F - Proposed south elevation, received 8 June 2023
3202 C - Proposed east elevation, received 8 June 2023
3203 D - Proposed west elevation, received 24 May 2023
3500 C - Proposed bin and bike store, received 24 May 2023
Energy and Sustainability Statement Rev A dated 30 May 2023 prepared by WH Architects, received 7 June 2023

Article 35 Statement

The council always wants to work with the applicant in a positive and proactive manner. Unfortunately the proposed development is contrary to the policies of the Development Plan as set out in the officer report. Clear reasons have been given to help the applicant understand why planning permission has

not been granted.

The right to appeal

You have the right to appeal against this decision. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Negotiations

Before making an appeal, you may wish to contact the case officer who dealt with your application, who may be able to advise you, how the council's objections to your proposal might be overcome if you amend your scheme. Please note that if negotiations are successful, you will need to submit a new planning application, which may, of course, be refused by committee.

Lodging an appeal will not prejudice your negotiations but you may need to agree with the council to postpone the appeal, to allow negotiations to take place.

Complaints

Only planning matters can be considered at an appeal. If you think that the council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.

Extension: Revised expiry date	2 August 2023
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No: 22/02990/F Registered: 23 June 2022

Type of Application: Full Planning
Case Officer: [REDACTED] Expiry Date: 18 August 2022

Site Address:

Chasefield House
888 Fishponds Road
Fishponds
Bristol
BS16 3XB

Description of Development:

Conversion of existing care home (Use Class C2) to provide shared supported living accommodation (a 9 bed and a 10 bed) for people with mental health, learning disabilities and autism (Use Class Sui generis) together with associated external alterations to the building.

Ward: Frome Vale

Site Visit Date:

Date Photos Taken:

Consultation Expiry Dates:

Advert 27 Jul 2023
and/or Site 28 Jun 2023
Notice:

Neighbour: 20 Jun 2023

SITE DESCRIPTION

The application concerns Chasefield House located at No.888 Fishponds Road.

The application relates to two semi-detached Victorian villas which form the main part of a former 20 bedroom care home (Use Class C2), which has been vacant for approximately two years. The villas would historically have been separate properties. The online public record (application reference 90/01293/G) suggests that the use changed during the 1990's from a hostel to a nursing home.

The wider site, outside the application boundary, includes a long single-storey wing attached to the main building by a link extension, and an extended coach house. The building currently has metal external staircases on the side and rear, and informal parking at the front for approximately 2-3 cars. There is no cycle or bin storage.

The surrounding suburban area is predominately residential however the site is located in very close proximity to the eastern boundary of the Fishponds Town Centre.

The site is located within the Stapleton and Frome Valley Conservation Area.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

RELEVANT HISTORY

22/04673/F: Demolition of existing buildings and redevelopment of site to provide 7no. dwellings with associated access improvements; parking; hard/soft landscape works and drainage. APPLICATION PENDING.

17/01469/VC: Felling of a Cedrus Lebani (Lebanese Cedar) tree. APPLICATION WITHDRAWN.

12/00411/F: Proposed replacement windows and doors to the property, including the single storey annex and workshops to the rear of the main house. GRANTED on 29.03.2012

05/02537/F: Convert and extend existing nursing home into a Foyer-style project, including three self-contained flats, two self-contained bed-sits and three non self-contained bedsits; convert an existing outbuilding to two self-contained flats and construct an adjacent two storey building to be used as four self-contained flats. GRANTED on 03.01.2006

90/01293/G: Conversion and extension of hostel to a nursing home. GRANTED on 08.08.1990

APPLICATION

Planning permission is sought to change the use of the property from a care home (Use Class C2) to 2.no large Houses in Multiple Occupation (Use Class Sui generis) to provide accommodation for people with mental health, learning disabilities and autism (a 9 bed and a 10 bed).

Fully enclosed, secure bike storage is proposed for both HMOs and separate bin/recycling storage is also proposed, for each property to the frontage.

There is currently informal car parking for approximately 2-3 cars at the front of the building however this is to be removed and the development proposed no off-street parking.

Following amendment, external alterations include:

- Removal of existing timber gates and railings to the eastern side of the building to facilitate the creation of a bike store;
- Removal of the existing metal staircases to the western side and rear (south) elevation of the building;
- Installation of a new porch entrance with associated steps on the front (north) elevation to match the existing entrance;
- The replacement of windows on the rear (south) elevation with doors;
- The erection of a 1.8m high rubblestone wall to the rear of the building to create two separate communal areas/outside spaces; and
- Erection of a timber refuse/recycling store along the front boundary
- Installation of new plant bed with soft landscaping

The rear land, which can be accessed via Chasefield Lane, would be physically separated from the semi-detached villas at the front of the site through the installation of a new boundary wall to create communal gardens for the two HMOs and a planning application is currently being considered for its residential redevelopment (ref: 22/04673/F).

RESPONSE TO PUBLICITY AND CONSULTATION

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Application advertised in press and via site notice, expiry date 27.07.2022. Neighbours were consulted via individual letters sent on 21.09.2022.

47.no objections received, which in summary stated that:

- There are already too many HMOs in the local area
- There is more of a need for family housing in this area
- The building should remain in community use
- Short term leases will have a negative impact on local community cohesion through a high turnover of transient occupants
- The living environment for future occupants is not sufficient
- The development will result in increased traffic in the local area, and consequently congestion, air quality and highway safety issues
- The development will impact negatively on green space
- The development will result in the removal of prominent and important trees
- There isn't enough parking on site for the number of residents, which will have an impact on the availability of parking for existing nearby residents as future occupants would park on surrounding streets
- The development would result in increased noise and disturbance
- The development is too dense for the property
- The development would impact negatively on the character and appearance of the local area
- The development will contribute to a lack of affordable housing in the city
- The development would overlook surrounding properties
- The development would have a negative impact on the local area in terms of care, cleanliness and security
- The development will put a strain on local resources and services
- The development would result in harm to ecology and biodiversity at the rear of the site
- It is not clear who will be living in the HMOs
- More information must be provided with regards to the tenancy and the length of each contract within the proposed development
- The development should include CCTV
- The consultation undertaken has been inadequate
- Further information is required on the future planned development to the rear of the site
- The development will have a negative impact on local property prices (Case Officer note: this is not a material planning consideration)

1.no letter of support received, which in summary stated that the development will provide much needed accommodation and make use of an existing space.

In response to concerns raised by Officers and following public consultation revised plans and additional information was provided. As such a second round of public consultation was undertaken. Application advertised in press and via site notice, expiry date 28.06.2023. Neighbours were consulted via individual letters sent on 30.05.2023.

10.no objections received following re-consultation, which in summary stated that:

- The submitted parking survey is incorrect and misleading
- There isn't enough parking on site for the number of residents, which will have an impact on the availability of parking for existing nearby residents as future occupants would park on surrounding streets
- The impact on parking would impact on the ability by emergency service vehicles to access

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

surrounding properties

- The development will result in increased traffic in the local area, and consequently congestion, air quality and highway safety issues
- The development will impact negatively on green space
- The development will put a strain on local resources and services
- The living environment for future occupants will be inadequate with regards to external amenity space
- The development would result in the loss of historic value and character

OTHER COMMENTS

Crime Reduction Unit has commented as follows:-

'Prior to commencement of use I ask that details of measures to be used within the development to design out crime (including security lighting; and CCTV), shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun.'

Transport Development Management has commented as follows:-

'Having regard to submitted details of the proposed property layout and parking survey, TDM is unable to confidently assert that the proposed development will not give rise to unacceptable traffic conditions and will provide an appropriate level of safe, secure, accessible, and useable parking. This development is considered unacceptable and TDM therefore recommends refusal of the application.' Refer to Key Issue D for full comments.

The Coal Authority has commented as follows:-

'I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that the application site falls partly within the defined Development High Risk Area.

The Coal Authority's information indicates that a coal seam outcrops at or close to the surface within the site, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering the nature of this particular development proposal, it does not appear that the proposed conversion of the existing building to two HMOs and the associated external works will require substantial foundations or earthworks.

On this basis, we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and we do not object to this planning application.

However, the Coal Authority does recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note on any planning permission granted.'

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Pollution Control has commented as follows:-

'I would confirm my reasons for not objecting to this application as follows.

With HMO applications I am usually most concerned with the transmission of noise through the walls of the property to adjoining properties and normal everyday activities such as people using kitchens, walking up and down stairs, talking etc) cause noise disturbance to the occupants of those adjoining properties. As this one is a standalone property I would not expect there to be any breakout of normal living noises that would cause disturbance to neighbouring properties.

One of the main concerns for residents with HMOs is with the increased potential for parties ,social gatherings and comings and goings late at night. There is an inevitable increase in the risk of this occurring with the building being converted to two HMOs housing 19 people. A Premises Management Plan has been submitted with the application and this suitably details the management of the premise and its tenancies. I would also agree with the supporting letter which states 'Should any antisocial behaviour issues arise, this can be adequately controlled through the HMO Management Plan (as submitted) and through separate legislation operated by the Licencing and Pollution Control departments within the Council'. Whilst I can clearly not guarantee that tenants of an HMO will not cause any noise I do not feel that in this case normal residential use of the two proposed HMOs should cause harm, by way of noise, to neighbouring properties.'

RELEVANT POLICIES

Managing the development of houses in multiple occupation SPD - November 2020

PAN 2 Conservation Area Enhancement Statements (November 1993)

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2021

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

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

KEY ISSUES

(A) PRINCIPLE OF DEVELOPMENT

The application relates to two semi-detached Victorian villas which form the main part of a former 20 bedroom care home (Use Class C2), which has been vacant for approximately three years.

Planning permission is sought to change the use of the property from a care home (Use Class C2) to 2.no large Houses in Multiple Occupation (Use Class Sui generis) to provide accommodation for people with mental health, learning disabilities and autism.

Loss of Care Home (Use Class C2)

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

The proposal will result in the loss of a care home with 20 beds. It is the position of the Local Planning Authority that care homes are community facilities, requiring assessment under Policies BCS12 and DM5. This approach has been consistently applied to numerous applications for the loss of care homes across the city.

The supporting text of DM5 specifically notes that the term community facility is 'wide ranging' and does not provide an exhaustive list of all uses. A use does not need to be specifically referenced in the policy to be considered a community facility and community facilities are not defined by a specific use class (or classes) i.e. Class F, or previous Classes D1 and D2. The policy does however identify that community uses can include 'health and social care facilities'. The policy also identifies that 'community facilities include all uses, commercial or non-commercial, that provide a social or welfare benefit to the community.' It is considered that care homes such as the application site provide a clear social and welfare benefit to the community and can be defined as a facility offering health and social care. Whilst it is accepted that the site can be defined as being in use as shared housing/specialist housing this does not mean it cannot also be a community facility offering health and social care. As such there is a requirement to assess the application against Policy DM5 of the Site Allocations and Development Management Policies (2014) and Policy BCS12 of the Bristol Core Strategy (2011).

Paragraph 93 of the National Planning Policy Framework (2021) also states that to provide the social, recreational and cultural facilities and services the community needs planning decisions should plan positively for the provision and use of community facilities.

Policy BCS12 of the Core Strategy states that existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. The supporting text clarifies that the term community facilities is wide-ranging and can include health and social care facilities.

Policy DM5 in the Site Allocations and Development Management Policies (2014) more specifically states that proposals involving the loss of community facilities land or buildings will not be permitted unless it is demonstrated that:

- i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or
- ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or
- iii. The community facility can be fully retained, enhanced or reinstated as part of any redevelopment of the building or land; or
- iv. Appropriate replacement community facilities are provided in a suitable alternative location.

It is recognised that the development will result in the loss of the care home facilities from the site. The applicant has however noted that the site has been vacant for three years, and therefore hasn't offered community facilities for the local area for some time. The development will introduce two new shared housing units to the site; a 9 bed and a 10 bed.

The applicant has confirmed that the two units will be operated by Creative Independent Living

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

(CIL) Ltd for people with mental health, autism and learning disabilities. CIL provide supported living accommodation, care, and support for people with mental health and learning difficulties, and autism. CIL currently operate a number of projects from existing facilities in Bristol on behalf of Bristol City Council Social Services. Following Case Officer advice, a Premises Management Plan has been provided which sets out how the properties will be used and function. It is evident that whilst the new accommodation will be in Sui generis use as two large Houses in Multiple Occupation they will still offer a clear social/welfare benefit to the community. This will be similar to the existing use of the site as a care home, in that (as noted above) the accommodation will be used as shared/specialist housing but will also be a community facility offering health and social care.

The LPA is therefore satisfied that there will be no harmful loss of community facilities from the site, with the existing use (care home) being replaced by a new use which will offer similar levels of health, social and welfare benefit to the community. This is considered to be an appropriate replacement community facility and alternative provision, in accordance with criterion iv) of Policy DM5 and Policy BCS12. The change of use is therefore considered acceptable in this respect.

Principle of Shared Housing/Mix and Balance

The NPPF (2021) 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

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

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 recently adopted 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 application site is located within the Staple Hill Road North Lower Super Output Area (LSOA) in the From Vale Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data.

With regards to household types, census data for the ward indicates there are 1764 (31.4%) one person households, 3202 single family households (57%) and 652 (11.6%) multiple person households. Therefore, based on census data 88.4% of households within the ward are single households and only 11.6% are shared or multiple occupancy households. The census data for the overall From Vale ward therefore does not indicate a particular over proliferation or significant bias towards shared, multi-occupancy housing.

At a more local level, the census data can be reviewed at Lower Super Output Area (LSOA) level to provide an idea of demography more immediately surrounding the site. The site is located within

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

the Staple Hill Road North LSOA. With regard to household types within the Staple Hill Road North LSOA, census data indicates there are 227 (31.7%) one person households, 395 (55.2%) one family households and 93 (13%) multiple person households.

Therefore, based on census data 86.9% of households within the LSOA are single households and only 13% are shared or multiple occupancy households. As such single households remain the prevailing type within the immediate area and shared housing is not disproportionately represented.

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 (as of July 2023) indicates that within 100m of the application site there are a total of 141 residential properties, 9 of which are HMOs.

This means that the percentage of HMOs within 100 metres of the site is 6.38%, which is below the 10% desirable threshold quoted within the SPD. As per the SPD guidance, this suggests that negative impacts to residential amenity and character are not likely to be experienced and housing choice and community cohesion is not currently starting to weaken. With regards to purpose built student accommodation, it is also noted there are no properties in use for this purpose within 100m of the site.

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 the application site will not result in any sandwiching as defined by the SPD.

Given the above, the principle of development would be acceptable in land use terms and would not unacceptably harm the mix and balance of the local community in this instance.

(B) 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.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

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 to change the use of the property from a care home (Use Class C2) to 2.no large Houses in Multiple Occupation (Use Class Sui generis) - a 9 bed and a 10 bed. The properties will be of the following specification:

Unit 1

Bed 1 - 13 square metres
 Bed 2 - 10 square metres
 Bed 3 - 9 square metres
 Bed 4 - 15 square metres
 Bed 5 - 13 square metres
 Bed 6 - 13 square metres
 Bed 7 - 10 square metres
 Bed 8 - 11 square metres
 Bed 9 - 17 square metres
 Bed 10 - 17 square metres
 Kitchen/Living/Diner - 29 square metres

Unit 2

Bed 1 - 12 square metres
 Bed 2 - 10 square metres
 Bed 3 - 15 square metres
 Bed 4 - 14 square metres
 Bed 5 - 10 square metres
 Bed 6 - 10 square metres
 Bed 7 - 10 square metres
 Bed 8 - 14 square metres
 Bed 9 - 14 square metres
 Kitchen/Living/Diner - 28 square metres

Every bedroom in the 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). The scheme also includes 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.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

All habitable rooms will contain windows which will offer adequate natural light and outlook for future occupants. It is noted that some of the bedrooms and living spaces will be sited at basement level. Following the submission of sectional drawings however it is evident that these spaces will include adequate headroom, and will all include windows which will offer adequate outlook for future occupants. Detail of the proposed air source heat pumps would be secured via condition if an approval was forthcoming to ensure they cause no harm to the amenity of future occupants in terms of noise and disturbance.

Following the above, it is concluded that the development would provide an acceptable standard of accommodation for future occupiers. It is considered that the proposed units could easily be converted to Use Class C3 dwelling houses in the future, offering a degree of flexibility. The application is subsequently considered acceptable with regards to living environment.

(C) 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 new front porch extension will be of a limited size and sited in a position which would cause no unacceptable harm to the amenity of any surrounding neighbouring properties in terms of overbearing, overshadowing or overlooking. No further external alterations are proposed which could result in any overbearing or overshadowing impact to neighbours.

Overlooking

The proposed new window to the side (west) elevation at first floor level will take the place of an existing glazed door and will therefore offer no increased overlooking of neighbouring property No. 886 Fishponds Road than the existing situation. This window will also serve a bathroom and will be partially obscure glazed to restrict overlooking even further. The removal of the existing external staircase to the west elevation will also reduce any overlooking impact of No.886 Fishponds Road.

No alterations are proposed to the east elevation which could have any harmful overlooking impact on neighbouring property No.2 Staple Hill Road.

To the rear of the site there are no residential properties located in close enough proximity to be harmfully overlooked by the proposed development. It is noted that the rear of the site is subject to

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

an application for residential development (ref: 22/04673/F). The LPA would ensure that any development approved to the rear of the site will not be harmfully overlooked by any of the habitable rooms within the accommodation approved under this application. Given the scale of the site and surrounding context there potential to develop the rear of the site for residential purposes whilst maintaining a suitable separation distance from the application property to ensure that future occupants are not harmfully overlooked.

Noise and Disturbance

Following consultation, the Council's Pollution Control Team confirmed that it is unlikely that the change of use of the property to two large HMOs (with a total occupancy of 19 occupants) would lead to any significant increase in noise at neighbouring properties.

It is accepted that large, shared houses can result in noise and disturbance, however the Council's Pollution Control Team confirmed that this is normally due to the transmission of noise through the walls of the property to adjoining properties and normal everyday activities such as people using kitchens, walking up and down stairs, talking etc causing noise disturbance to the occupants of directly adjoining neighbours.

The application property is a large standalone building which is sited a relatively significant distance away from all neighbours. The Council's Pollution Control Team therefore concluded that they would not expect there to be any breakout of normal living noises that would cause disturbance to neighbouring properties. This is also relevant to any use associated with the supported accommodation proposed under the application.

One of the main noise related concerns associated with HMOs is the potential for large parties, social gatherings and comings and goings late at night. There is an obvious increase in the risk of this occurring with the building being converted to two HMOs housing 19 people. A Premises Management Plan has however been submitted with the application which sets out that the development will provide accommodation for people with mental health, learning disabilities and autism. It is therefore unlikely that the future occupants will cause noise and disturbance as per the aforementioned reasons.

The Council's Pollution Control Team further confirmed that the Premises Management Plan suitably details the management of the premise and its tenancies. They also confirmed that should any antisocial behaviour issues arise, this can be adequately controlled through the Management Plan (compliance with this would be secured via condition if an approval was forthcoming) and through separate legislation operated by the Licencing and Pollution Control departments within the Council. Whilst it can't be guaranteed that tenants of the accommodation will not cause any noise overall the LPA is satisfied give the end users and site context any noise and disturbance would not be harmful to the amenity of surrounding properties.

The application is subsequently considered acceptable on amenity grounds.

(D) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?

Section 9 of the NPPF (2021) 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. This policy further states that development

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

proposals should ensure that net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.

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. Proposals 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 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol 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. Policy DM32 in the Site Allocations and Development Management Policies 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 the above requirements and 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. Development will not be permitted if recycling and refuse provision that meets the above capacity, design and access requirements cannot feasibly or practicably be provided.

Policy DM23 also states that the provision in new development of safe, 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 DM2 in the Site Allocations and Development Management Policies 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.

The Council's managing the development of houses in multiple occupation, SPD (Adopted)

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

November 2020 identifies that harmful impacts associated with developments of new HMOs can include highway safety concerns resulting from congested on-street parking and poor waste management.

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

Highway Network

Recent recorded traffic incidents on the nearby highway network include the following at the confluence (no formal crossing facilities) of Fishponds Road and Staple Hill Road immediately in front of the site:

- on 13/01/2017, a motor vehicle and pedestrian incident with one casualty; and

the following near the Fishponds Road/Guinea Lane/New Station Road junction (no formal crossing facilities) 450m Southwest of the site:

- on 05/03/2019, a motor vehicle and pedestrian incident with two casualties;
- on 13/02/2020, a motor vehicle and pedestrian incident with one casualty;
- on 27/09/2020, a motor vehicle and pedestrian incident with one casualty;
- on 11/08/2021, a motor vehicle and pedestrian incident with one casualty; and

the following at the Staple Hill Road/Maywood Road junction (no formal crossing facilities) 300m to the East of the site:

- on 30/03/2021, a motorcycle and pedestrian incident with one casualty.

Access

Following a request from TDM, the applicant has clarified that no off-street parking will be retained at the site. Therefore, the two existing dropped kerbs to the front of the site are now redundant. The applicant would therefore need to reinstate to full height the redundant dropped kerbs (subject to retaining a short length of dropped kerb for use in refuse collection) under a combined Sections 171 & 184 Licence. Details of how to reinstate a dropped kerb, and licences and fees payable are available online at the Council's website.

Waste

The applicant has provided a revised design for waste storage at the site. The proposed storage is acceptable.

Cycle Storage

Following amendment, adequately sized and located cycle parking is proposed within the curtilage of the site.

Car Parking

TDM confirmed that the scale and type of residential development that is proposed will have a high likelihood to increase the vehicle trips to and from the property, including visitor parking and the need for overnight parking. It is accepted that the HMO accommodation will provide

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

accommodation for people with mental health, learning disabilities and autism; a demographic less likely to have access to a car. However, TDM noted that there is no guarantee future occupants won't own a car and such accommodation could generate a significant amount of visitor parking. There is further no provision to prevent the operator/owner of the site from renting the bedrooms in the HMOs to other residents, who have fewer additional needs than the intended vulnerable residents and may be more likely to drive and park cars locally. Without a means to prevent such repurposing in the future, TDM confirmed that they cannot be expected to consider this reasonable grounds to overlook the lack of parking.

Based on 2011 census data for the Frome Vale Ward the percentage of car ownership per HMO bedroom is 38.71%. It is recognised that this census data is now over 10 years old, with the data on car ownership for the most recent census completed in 2021 not yet available. This is an issue with the frequency of census data gathering which is unfortunately outside the control of the Council. It is recognised that the profile of the area may have changed in the intervening period, however it is unlikely that any change would be significant. Nevertheless, the currently available census data indicates a requirement of approximately 7 cars for the proposed development.

It is noted that the applicant suggests the existing lawful use of the site (15-bedroom care home) would generate a need for 10.5 parking spaces, 7.5 of which would need to be found on the local highway network (accounting for the three existing parking spaces on-site) in accordance with the Council's parking standards schedule for a Use Class C2: Residential Institution. This requirement (7.5 spaces) is similar to the amount required to be found for the proposed development as referenced above. TDM have confirmed that this does not indicate that this number of cars can be accommodated locally, however, because the Council's parking standards sets out the maximum permitted number of on-site car parking spaces, rather than estimating the number of vehicles the site is likely to attract. Census data estimates the actual level of car ownership in an area and therefore the likely parking need, which needs to be considered in balance with other factors. On the other hand, parking standards set out the maximum number of off-street parking spaces generally permitted for certain sizes of dwelling and are a means of parking control but can be applied flexibly in certain circumstances.

No car parking will be retained on site. TDM therefore requested that a parking survey was undertaken in accordance with the Council's methodology to demonstrate that there is sufficient parking capacity surrounding the site for the proposed new use so that no harm would be caused in terms of highway safety, to residential amenity or the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on street. A parking survey (dated April 2022) was therefore submitted to support the application.

Following review, TDM raised concern that the survey ignores a number of the provisions of the Council's Parking Survey Methodology. The Council's methodology states that "an available parking space is defined as unrestricted parking on-street", however the estimated 28-30 available spaces identified in the survey include a large number of time-restricted spaces (between 9 and 14). TDM confirmed that only unrestricted spaces would be considered acceptable for the purposes of the parking survey, in accordance with the methodology. The survey methodology's definition of an 'unrestricted' space can only reasonably be understood as one not subject to restrictions.

TDM noted that the principle of excluding time-restricted spaces is sensible because parking in such spaces is not only prohibited during working hours, but also between 8am-6pm on Saturdays (as stated at p.3 of the submitted parking survey), when many cars tend to remain at home, rather than being used for commuting/work. If the survey relies upon those spaces being free, it is unclear where the additional cars resulting from the development will be parked on Saturdays and by those who do not commute by car. In these circumstances, it is likely that inappropriate parking would

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

occur in proximity to the site, leading to unacceptable traffic conditions on a major strategic route.

The Council's methodology states that parking surveys should "not include streets on the opposite side of classified roads". TDM therefore raised concern that the submitted parking survey (Point 1.4) states that the fact the site is located on a classified road should disapply the rule that discounts spaces on the far side of a classified road. Properly applied, the rule would limit the survey area to spaces on the south side of Fishponds Road and Staple Hill Road (both classified roads), whether or not the parking surveyor encountered difficulty crossing the road. TDM noted that where crossing facilities are limited, as is the case here, it is not credible that residents at the site would walk over 300m to the site from the 'available' spaces on Lawn Road or Fishponds Road via the Pelican crossing at Straits Parade, as stated in the survey. Far likelier is that they would instead cross the road directly, endangering themselves and road users, in particular at peak times. Council records (as set out above) show a history of incidents on Fishponds Road/Staple Hill Road where vehicles have collided with pedestrians crossing without dedicated crossing facilities. The Council's methodology discounts parking spaces on the far side of classified roads where suitable crossing facilities are absent to avoid encouraging inappropriate crossing movements that would result in highway safety.

Although crossing a classified road is not prohibited under the Highway Code, it makes clear that pedestrians should only cross where it is safe to do so, and they should use any nearby crossings. An A-road is defined as 'a major road intended to provide large-scale transport links' and thus unlikely to be suitable to host frequent informal crossing by pedestrians. TDM confirmed that Fishponds Road (A432) and, to a lesser though still significant extent, Staple Hill Road (B4465) fall within this definition.

Given the above, TDM considers that the submitted parking survey is likely to overestimate (at between 9 and 14) the number of qualifying and available spaces within 150m walking distance of the application site. The parking survey also includes spaces on the opposite side of classified roads, which the Council's methodology dictates should not be included. Accounting also for the fact that no off-street spaces are proposed to be retained at the development, is not therefore clear that the applicant has shown that nearby streets can accommodate the likely needs of the development, which is estimated to be 7 parking spaces (38.71%) based on car ownership statistics taken from the 2011 Census.

As such, based on the level of detail provided it is concluded that the development would give rise to unacceptable traffic conditions and would fail to provide an appropriate level of safe, secure, accessible, and useable parking. Based on the level of detail provided, the development would also harm residential amenity and the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on the surrounding streets. The application is considered unacceptable and is recommended for refusal on this basis.

(E) WOULD THE PROPOSAL BE INCOMPATIBLE OR OUT OF SCALE WITH THE BUILDING AND WOULD IT HARM THE CHARACTER OR APPEARANCE OF THE STAPLETON AND FROME VALLEY CONSERVATION AREA?

The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2021 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 202 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In addition, Bristol Core Strategy (2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets in the city with Policies DM30 and DM31 in the Site Allocations and Development Management Policies (2014) expressing that alterations to buildings should preserve or enhance historic settings. Policy BCS21 also requires new development in Bristol to deliver high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 more specifically states that the design of development proposals should contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes. Policy DM27 further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. 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.

The property is located within the Stapleton and Frome Valley Conservation Area. The Stapleton and Frome Valley Conservation Area enhancement statement identifies that unsympathetic extensions and alterations to houses will threaten the character of the Conservation Area.

Planning permission is sought to change the use of the property from a care home (Use Class C2) to 2.no large Houses in Multiple Occupation (Use Class Sui generis) to provide accommodation for people with mental health, learning disabilities and autism (a 9 bed and a 10 bed).

Fully enclosed, secure bike storage is proposed for both HMOs and separate bin/recycling storage is also proposed, for each property to the frontage. The bin store will be largely obscured from public view, being sited behind the existing boundary wall and hedge to the front of the property, which will be retained. The bike store will be located to the eastern elevation of the building and will be a subservient scale, set back from the front elevation of the property and street so it will not appear overly visible. As such the bin and bike store will have no detrimental impact on the character and appearance of the building, streetscene or wider conservation area.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

The development will remove existing metal staircases to the western (side) elevation of the building. The staircase is considered a poor quality and incongruous feature on the building; the removal is subsequently welcomed as it will result in an enhancement to the character of the building and wider conservation area.

A new entrance porch with associated steps is proposed to the front (north) elevation to match the existing entrance porch located towards the east. The design, scale and siting of this porch will match the existing, improving the visual symmetry and is therefore acceptable in design terms. Further large scale detailed drawings of the porch, as well as material samples, would be secured via condition if an approval was forthcoming to ensure it matches the existing property.

Permission is sought to replace windows on the rear (south) elevation with doors. The new doors will closely match the size, design and scale of the existing and will have no harmful impact on the design and character of the building. Large scale detail would be secured via condition if an approval was forthcoming to ensure the replacement features are of a suitable design quality.

The rear land, which can be accessed via Chasefield Lane, would be physically separated from the semi-detached villas at the front of the site through the installation of a new boundary wall to create communal gardens for the two HMOs and a planning application is currently being considered for its residential redevelopment (ref: 22/04673/F). A new 1.8m high rubblestone wall is proposed to the rear of the building to create two separate communal areas/outside spaces. Originally this wall was proposed to be rendered, however was amended to rubblestone following Case Officer advice. This is welcomed as it will match the rubblestone design of surrounding boundary treatment and be in keeping with the character of the conservation area; random stone walling is identified as an architectural treatment in the character statement. Following Case Officer advice a new planting bed is also proposed to the front elevation to soften the frontage, which is welcomed.

Following amendment the application is acceptable on design grounds and the proposals will preserve the character and appearance of the Stapleton and Frome Valley Conservation Area.

(F) SUSTAINABILITY

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. 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

As the application relates to a change of use and extension to the property the proposal is required to address the above policies related to sustainability. An Energy and Sustainability Statement has

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

therefore been provided. This sets out that following the LZC feasibility assessment, it is proposed that the development will benefit from Air Source Heat Pumps (ASHPs) Heating and Hot Water. As a result of the ASHPs and other energy saving measures, the predicted site wide reduction in CO₂ over Part L 2013 of the Building Regulations will be 25.92% with SAP 9 carbon factors. The heating and hot water will also be achieved via these heat pumps. This is acceptable in principle, however further detail would be secured via condition if an approval was forthcoming to ensure the chosen ASHPs are appropriate in terms of appearance, noise levels and renewable/energy saving capability.

(G) FLOOD RISK

The development will make no changes to the impermeable area surrounding the site, and as such it is not considered that the development will increase the risk of flooding. New planters are proposed to the front of the site which will offer some benefit with regards to rainwater retention.

(H) COAL RISK

The application site is located within a Development High Risk Area. As such the Coal Authority have been consulted. Following consultation the Coal Authority confirmed that their information indicates that a coal seam outcrops at or close to the surface within the site, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases. However, when considering the nature of this particular development proposal (the proposed conversion of the existing and associated external works will not require substantial foundations or earthworks) the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of the development proposed in this particular case and they do not object to the application. An informative note would be added if an approval was forthcoming so the applicant is aware of the coal risk issues associated with the site.

(I) SAFETY AND SECURITY

The application has been considered by the Avon and Somerset Constabulary Crime Reduction Unit who raised no objections to the proposal on the grounds of safety and security however requested further information with regards to CCTV, lighting and management. This information would be secured via condition if an approval was forthcoming.

Given the nature of the development and end users the LPA is satisfied that the proposal will result in no safety or security issues for existing residents in the local area.

CONCLUSION

Based on the level of detail provided it is concluded that the development would give rise to unacceptable traffic conditions and would fail to provide an appropriate level of safe, secure, accessible, and useable parking. Based on the level of detail provided, the development would also harm residential amenity and the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on the surrounding streets. The application is considered unacceptable and is recommended for refusal on this basis.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

EQUALITIES ASSESSMENT

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

RECOMMENDED REFUSED

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

Reason(s)

1. Based on the level of detail provided, the proposed development would fail to provide an appropriate level of safe, secure, accessible, and useable parking and would instead give rise to unacceptable traffic and highway safety conditions, would harm residential amenity and the character of the locality as a result of levels of on-street parking that cannot be reasonably accommodated on the surrounding streets given the location of the application site in an area which currently experiences high levels of parking stress. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS10; Site Allocations and Development Management Policies (2014) DM2 and DM23 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

- 1001 A Existing block plan, received 24 May 2023
- 3300 A Proposed Section A-A, received 8 June 2023
- Premises Management Plan Version 2 prepared by Stokes Morgan Planning, received 24 May 2023
- 1010 B Proposed site master plan, received 23 June 2022
- 1301-21/SLP_A Location plan Site A, received 23 June 2022
- 1000 B Existing site plan, received 24 May 2023
- 3001 G Proposed block plan, received 24 May 2023
- 1100 Existing basement plan, received 23 June 2022
- 1101 Existing ground floor plan, received 23 June 2022
- 1102 Existing first floor plan, received 23 June 2022
- 1103 Existing roof plan, received 23 June 2022
- 1200 A Existing front north elevation, received 24 May 2023
- 1201 Existing south elevation, received 23 June 2022
- 1203 Existing west elevation, received 23 June 2022
- 3000 I Proposed site plan, received 8 June 2023

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

3100 F Proposed basement plan, received 24 May 2023
3101 H Proposed ground floor plan, received 24 May 2023
3102 E Proposed first floor plan, received 24 May 2023
3103 E Proposed roof plan, received 8 June 2023
3200 E proposed north elevation, received 24 May 2023
3201 F Proposed south elevation, received 8 June 2023
3202 C Proposed east elevation, received 8 June 2023
3203 D Proposed west elevation, received 24 May 2023
3500 C Proposed bin and bike store, received 24 May 2023
Energy and Sustainability Statement Rev A dated 30 May 2023 prepared by WH Architects,
received 7 June 2023

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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V1.0211

APPENDIX 2



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Decision :	REFUSED
Application no:	22/04673/F
Type of application:	Full Planning
Site address:	Chasefield House, 888 Fishponds Road, Fishponds, Bristol, BS16 3XB.
Description of development:	Demolition of existing buildings and redevelopment of site to provide 7no. dwellings with associated access improvements; parking; hard/soft landscape works and drainage.
Applicant:	HAS 7 Ltd
Agent:	Stokes Morgan Planning Ltd
Committee/Delegation Date:	27.09.23
Date of notice:	27.09.23

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

DECISION: REFUSED

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

Reason(s)

1. The application has failed to demonstrate that there is no longer a need to retain the existing community use, nor is suitable alternative provision being made. The application is subsequently considered unacceptable due to conflict with Policy BCS12 of the Core Strategy (2011); Policy DM5 in the Site Allocations and Development Management Policies (2014); as well as guidance contained within the NPPF (2021).
2. The proposed development would result in the loss of a locally important, prominent, mature Category B tree which due to its scale, prominence and appearance contributes positively towards the character and appearance of the townscape and wider the Stapleton and Frome Valley Conservation Area and holds high visual amenity value in an area where there is a lack of mature trees. The loss of the tree in principle would therefore cause unacceptable harm to the character and appearance of the townscape and conservation area. The development is therefore contrary to Policies BCS9, BCS21 and BCS22 of the Bristol Core Strategy (2011); Policies DM15, DM17, DM26, DM27 and DM31 of the Site Allocations and Development Management Policies (2014) as well as the National Planning Policy Framework (2021).
3. The proposed development would fail to integrate important existing trees and green infrastructure assets and would result in the introduction of development which by virtue of the layout, form, pattern, arrangement and design (including extent of hardstanding and off-street parking and lack of boundary treatment and landscaping) would fail to contribute to the creation of quality urban design and deliver a formal sense of place and mews setting required for the backland site to the detriment of the character and appearance of the Stapleton and Frome Valley Conservation Area. The application is therefore contrary to the National Planning Policy Framework (2021); Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Core Strategy (2011) Policies BCS9, BCS21, BCS22 and Site Allocations and Development Management Policies (2014) DM15, DM17, DM21, DM26, DM27, DM29 and DM31 as well as guidance within PAN 2: Conservation Area Enhancement Statements.
4. The proposed development would give rise to unacceptable traffic and highway safety conditions and would fail to provide safe and adequate access onto the highway network by reason of the density of development and inadequate/unsafe access arrangements. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS10 and Site Allocations and Development Management Policy (2014) DM23.
5. The proposed development would result in the loss of features which contribute to nature conservation (mature cedar tree) and fail to provide acceptable net gains for biodiversity. The application is therefore contrary to the National Planning Policy Framework (2021) and Site Allocations and Development Management Policy (2014) DM19.

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

1536-01 B - Landscape Strategy Proposal, received 7 June 2023
SLP - Location plan, received 7 October 2022

1001A - Existing block plan, received 7 October 2022
3001B - Proposed block plan, received 21 August 2023
1000A - Existing site plan, received 7 October 2022
1100A - Existing Block A ground floor plan, received 7 October 2022
1101A - Existing block a roof plan, received 7 October 2022
1102A - Existing Block B Ground floor and roof plan, received 7 October 2022
1103A - Existing block c ground floor plan, received 7 October 2022
1104A - Existing block C first floor plan, received 7 October 2022
1105A - Existing block C roof plan, received 7 October 2022
1200A - Existing block A elevation, received 7 October 2022
1201A - Existing block B elevation, received 7 October 2022
1202A - Existing block C elevation, received 7 October 2022
1400D - Existing site section, received 14 June 2023
3000M - Proposed site plan, received 21 August 2023
3002C - Proposed site plan, received 7 June 2023
3003B - Demolition plan, received 25 May 2023
3100E - Proposed block A floor plans, received 21 August 2023
3102C - Proposed block 1 elevation, received 25 May 2023
3200E - Proposed block 2 floor plan, received 21 August 2023
3202C - Proposed block 2 elevation, received 25 May 2023
3400C - Proposed site section, received 14 June 2023
3500 A - Proposed bin refuse, received 25 May 2023

Article 35 Statement

The council always wants to work with the applicant in a positive and proactive manner. Unfortunately the proposed development is contrary to the policies of the Development Plan as set out in the officer report. Clear reasons have been given to help the applicant understand why planning permission has not been granted.

The right to appeal

You have the right to appeal against this decision. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Negotiations

Before making an appeal, you may wish to contact the case officer who dealt with your application, who may be able to advise you, how the council's objections to your proposal might be overcome if you amend your scheme. Please note that if negotiations are successful, you will need to submit a new planning application, which may, of course, be refused by committee.

Lodging an appeal will not prejudice your negotiations but you may need to agree with the council to postpone the appeal, to allow negotiations to take place.

Application No: 22/04673/F

Complaints

Only planning matters can be considered at an appeal. If you think that the council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.

Extension: Revised expiry date	29 September 2023
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No:	22/04673/F	Registered:	7 October 2022
Type of Application:	Full Planning	Expiry Date:	2 December 2022
Case Officer:			
Site Address:	Description of Development:		
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB	Demolition of existing buildings and redevelopment of site to provide 7no. dwellings with associated access improvements; parking; hard/soft landscape works and drainage.		
Ward:	Frome Vale		
Site Visit Date:	Date Photos Taken:		
Consultation Expiry Dates:			
Advert	28 Jun 2023	Neighbour:	20 Jun 2023
and/or Site	28 Jun 2023		
Notice:			

SITE DESCRIPTION

The application concerns Chasefield House located at No.888 Fishponds Road.

The application relates to buildings and an area of land located to the rear of the main building. The main building is made up of two semi-detached Victorian villas which form the main part of a former 20 bedroom care home (Use Class C2), which has been vacant for approximately three years. The villas would historically have been separate properties. The online public record (application reference 90/01293/G) suggests that the use changed during the 1990's from a hostel to a nursing home. The main building is subject to a separate application to convert it to supported living accommodation (a 9 bed and a 10 bed) for people with mental health, learning disabilities and autism (Use Class Sui generis) - see below history section.

The application site is occupied by a collection of buildings and structures to the rear of the main building, which includes an extended single-storey post-war building of red brick construction with an attached metal frame pergola of considerable depth, which is currently in lawful use as a care home with 15 bedrooms (Use Class C2) however is currently vacant. The application site also includes a stone built Victorian coach house, which has been extended in four places using a combination of brick and render; and a small, dilapidated store and separate garage.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

The site benefits from a right of access (vehicular) access along Chasefield Lane, which is a private lane providing shared access to six newly built semi-detached dwellings on the site of a row of garages; a lock-up unit used for commercial storage; and three domestic garages associated with two houses on Laburnum Grove and a house on Vicars Close.

The surrounding suburban area is predominately residential however the site is located in very close proximity to the eastern boundary of the Fishponds Town Centre.

The site is also located within the Stapleton and Frome Valley Conservation Area.

RELEVANT HISTORY

22/02990/F: Conversion of existing care home (Use Class C2) to provide shared supported living accommodation (a 9 bed and a 10 bed) for people with mental health, learning disabilities and autism (Use Class Sui generis) together with associated external alterations to the building. REFUSED on 27.07.2023

17/01469/VC: Felling of a Cedrus Lebani (Lebanese Cedar) tree. APPLICATION WITHDRAWN.

12/00411/F: Proposed replacement windows and doors to the property, including the single storey annex and workshops to the rear of the main house. GRANTED on 29.03.2012

05/02537/F: Convert and extend existing nursing home into a Foyer-style project, including three self-contained flats, two self-contained bed-sits and three non self-contained bedsits; convert an existing outbuilding to two self-contained flats and construct an adjacent two storey building to be used as four self-contained flats. GRANTED on 03.01.2006

90/01293/G: Conversion and extension of hostel to a nursing home. GRANTED on 08.08.1990

APPLICATION

Planning permission is sought for the demolition of the existing buildings and redevelopment of the site to provide 7no. dwellings with associated access improvements; parking; hard/soft landscape works and drainage.

The development will provide 3no. two person, four bed space dwellings with studies (Block 1) and 4no. two bedroom, four bed space dwellings (Block 2).

Two trees are to be removed (including a large, mature Cedar) and compensated through replacement on-site planting.

Vehicular access to the site would be via Chasefield Lane (the landowner has a right of access to an existing garage) with pedestrian access to Fishponds Road via a gated pathway along the side of Chasefield House. One parking space per dwelling is proposed, which would be provided on-plot.

Chasefield House would be physically separated from the application properties through the installation of a new boundary wall.

A planning application was recently refused for the conversion of the main property to supported living accommodation (a 9 bed and a 10 bed) - ref: 22/02990/F.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

RESPONSE TO PUBLICITY AND CONSULTATION

Application advertised in press and via site notice, expiry date 09.11.2022. Neighbours were consulted via individual letters sent on 31.10.2022.

Objections received from 16.no properties, which in summary stated that:

- The development represents an overdevelopment of the plot
- the application is not suitable in highway safety and capacity terms
- The development will impact negatively on the character and appearance of the conservation area
- The development would be overbearing on surrounding properties
- The site should be used as garden space for the main property
- The development will overlook surrounding properties
- The amount of external amenity space is not sufficient
- The development will result in a harmful loss of trees, greenery and landscaping
- The proposed replacement tree planting is inadequate
- The development will impact negatively on wildlife and ecology
- The development will result in increased cars which will reduce the availability of parking for existing residents
- The development will result in increased noise and disturbance
- The development will result in light pollution through cars using headlights
- The development will result in highway safety issues
- The development could result in safety and access issues for existing residents during the construction period
- The development does not consider Sustainable Development Goals
- The development is contrary to the One City Plan
- The development will impact on local services and infrastructure
- The consultation undertaken has been inadequate
- It is unclear who will have management responsibility of boundary walls

In response to concerns raised by Officers and following public consultation revised plans and additional information was provided. As such a second round of public consultation was undertaken. Application advertised in press and via site notice, expiry date 28.06.2023. Neighbours were consulted via individual letters sent on 30.05.2023.

12.no objections received to this re-consultation, which in summary stated that:

- The development will result in increased cars which will reduce the availability of parking for existing residents
- The development will result in highway safety issues and congestion
- The refuse and recycling provision (including collection and storage arrangements) is inadequate
- The development will result in light pollution through cars using headlights
- The development would harmfully overshadow surrounding residential properties and result in overbearing
- The development will result in increased noise and disturbance
- It is unclear who will have management responsibility of boundary walls
- The construction phase could impact on existing boundary walls
- The site should be used as garden space for the main property
- Efforts should be made for increased trees and landscaping

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

- The development would result in a harmful loss of green space and prominent trees
- The proposed tree replacements are not sufficient to mitigate the loss of the existing Cedar
- The existing building should not be demolished
- The development does not consider Sustainable Development Goals
- The development is contrary to the One City Plan

OTHER COMMENTS

Bristol City Council Arboricultural Team has commented as follows:-

Verbal comments

'The application has been supported by an Arboricultural Impact Assessment which details that there are two existing trees located on the application site, both of which will need to be removed to facilitate the development. One of these trees (an Elder) is identified as being a Category C tree. I have no objections to the loss of this tree in principle given its limited scale and amenity value within the townscape and conservation area.

The other tree on site is a prominent Cedar, identified as being a Category B tree. This tree is a substantial, high quality, mature specimen which contributes significantly to amenity value and the character and appearance of the conservation area through its scale, appearance, landscape quality and biodiversity value. It is one of the few large, mature trees in the local area and has additional value in this respect.

I have reviewed the submitted detail and there is nothing significantly negative regarding the condition of the tree; the tree appears to be in good physiological and structural condition and could reasonably continue to provide high amenity value for a considerable number of years to come. A previous application to fell the tree (ref: 17/01469/VC) was withdrawn in 2017 following concerns raised by the Council's Arboricultural Team. Following concerns raised a static load test for the tree was undertaken which did not reveal any significant issues with the root plate stability.

Mitigation planting for the tree removal is proposed on site (planting of eighteen trees) in accordance with the Council's Tree Replacement Standard. However, any new trees will take a considerable number of years to reach maturity and it is highly unlikely they will ever reach the same size, quality, landscape quality and appearance to match the existing Cedar. As such any on-site planting is not considered to be adequate mitigation for the loss of the existing Cedar in this instance given the prominent scale and identified amenity value.

I therefore recommend that the application is refused unless detailed justification can be provided for the development and loss of the tree.'

The Coal Authority has commented as follows:-

'The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

No development shall commence (EXCLUDING DEMOLITION) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of the conditions to secure the above. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.'

Urban Design has commented as follows:-

Verbal comments: 'The application is considered unacceptable on design grounds and harmful to character and appearance (including the character and appearance of the Stapleton and Frome Valley Conservation Area). Whilst the harm to the conservation area is considered to be less than substantial insufficient public benefits can be identified to outweigh this, in accordance with paragraph 202 of the NPPF (2021). The development would result in some benefits, and these are acknowledged. However, any benefits are not considered sufficient to outweigh the harm posed for the reasons set out under Key Issue C.'

Contaminated Land Environmental Protection has commented as follows:-

'The planning application has been reviewed in relation to land contamination.

The applicants are referred to the following

' Bristol Core Strategy - BCS23 Pollution

' Local Plan ' DM34 Contaminated Land

' National Planning Policy Framework (2021) Paragraphs 120, 174, 183, 184, 188

' Planning Practice Guidance Note <https://www.gov.uk/guidance/land-affected-by-contamination>

' <https://www.bristol.gov.uk/planning-and-building-regulations-for-business/land-contamination-for-developers>

The proposed development is sensitive to contamination and as such a risk assessment is required. Our main concerns are potential coal mining legacy issues and the age of the buildings earmarked for demolition likely containing asbestos.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

A minimum of a phase 1 desk study looking into contamination must be submitted to the local planning authority and where deemed necessary a phase 2 intrusive investigation shall take place. If any information is already prepared submission prior to determination is encouraged to reduce the burden of pre-commencement conditions.

If not available, it is recommended the standard conditions B11, B12, B13 and C1 are applied to any future planning consent.'

Transport Development Management has commented as follows:-

'Having regard to submitted details of the proposed property layout and associated facilities, TDM is unable to confidently assert that the proposed development will not provide safe and adequate pedestrian and vehicle access and will not give rise to unacceptable traffic conditions. As a result, it is unlikely that the development will minimise the need to travel by private car and give priority first to pedestrian and cycle movements within the scheme.

It is therefore unlikely that the development as proposed will comply with the provisions of Policy DM23, BCS10 and the NPPF.

This development is considered unacceptable and TDM therefore recommends refusal of the application.'

Nature Conservation Officer has commented as follows:-

'The loss of the mature cedar (T02) is substantial. The Preliminary Ecological Appraisal recommends retaining the tree. Trees the size and age of T02 (which is one of the few large trees in the area) will be providing multiple benefits to wildlife (birds, invertebrates and mammals).

The BNG calculation shows a significant loss (-44%) in area habitat units and a 100% gain in hedgerow units (as no hedgerow is present on the site).

Opportunities to offset this loss in biodiversity have been outlined but not explored further or confirmed by the submitted information. There is further no commentary in the BNG assessment on how the mitigation hierarchy has been applied in this proposal which is an important principle of ecological good practice.

The BNG report identifies that mitigation to account for the loss in area habitat would need to be made through off-setting off-site, using an ecology bank. Details of this would need to be explored and agreed with the Council (with the developer choosing a provider and providing details of that) and subsequently a s.106 agreement would be needed to guarantee delivery.

The Council would only be willing to accept off-site mitigation using an ecology bank if it can be evidenced that other design iterations have been fully explored to attempt to retain the tree (as the ecology report recommends that it is retained). Otherwise the scheme simply proposing to lose the tree is not compliant with BCS9 and doesn't follow the mitigation hierarchy which is a key principle of BNG (where everything possible should be done to first avoid and then minimise impacts on biodiversity, only as a last resort should compensation be provided for losses that cannot be avoided).

In accordance with BNG, off-site mitigation can only be considered if it's been demonstrated that efforts have been made to minimise the adverse effects on the biodiversity of the onsite habitat.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

This hasn't been demonstrated, therefore I recommend refusal.'

Flood Risk Manager has commented as follows:-

'There is some demonstration of how sustainable design and construction has been addressed, albeit it very high level. I've checked the British Geological Survey data and the potential for using infiltrating SuDS techniques does look good at this location, which bodes well for usage of soakaways. Since there is existing drainage infrastructure serving the current building as well that should make the fallback option of a sewer connection more plausible. If the following condition could be applied please we can at least look at it in more detail again at a later stage.

B35A Sustainable Drainage System (SuDS)

No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.'

Pollution Control has commented as follows:-

'I have no objection to this application but would ask for the following condition should it be approved.

1. Construction Environmental Management Plan

No development shall take place until a site specific Construction Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Advice

The Construction Environmental Management Plan should also include but is not limited to reference to the following:

' All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.

' Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

' Procedures for emergency deviation of the agreed working hours.

' Control measures for dust and other air-borne pollutants .

' Measures for controlling the use of site lighting whether required for safe working or for security purposes.

' Procedures for maintaining good public relations including complaint management, public

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

consultation and liaison.'

RELEVANT POLICIES

PAN 2 Conservation Area Enhancement Statements (November 1993)

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2021

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

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

KEY ISSUES

(A) PRINCIPLE OF DEVELOPMENT

Principle of Residential Development

The application site is currently occupied by a collection of buildings and structures, alongside garden space, to the rear of Chasefield House as No.888 Fishponds Road.

Government policy in the National Planning Policy Framework (2021) promotes more sustainable patterns of development, including development on previously developed land. There is subsequently no objection to the principle of removing the existing buildings at the site and constructing new residential accommodation in place as the land has already been developed. The local area is also predominantly residential in character and contains a number of houses (of varying scales, forms, design and ages). The principle of introducing residential development to the site is therefore acceptable in this respect.

Loss of Care Home (Use Class C2)

The proposal will result in the loss of care home floorspace with 15 beds. It is the position of the Local Planning Authority that care homes are community facilities, requiring assessment under Policies BCS12 and DM5. This approach has been consistently applied to numerous applications for the loss of care homes across the city.

The supporting text of DM5 specifically notes that the term community facility is 'wide ranging' and does not provide an exhaustive list of all uses. A use does not need to be specifically referenced in the policy to be considered a community facility and community facilities are not defined by a specific use class (or classes) i.e. Class F, or previous Classes D1 and D2. The policy does however identify that community uses can include 'health and social care facilities'. The policy also identifies that 'community facilities include all uses, commercial or non-commercial, that provide a social or welfare benefit to the community.' It is considered that care homes such as the application site provide a clear social and welfare benefit to the community and can be defined as a facility

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

offering health and social care. Whilst it is accepted that the site can be defined as being in use as shared housing/specialist housing this does not mean it cannot also be a community facility offering health and social care. As such there is a requirement to assess the application against Policy DM5 of the Site Allocations and Development Management Policies (2014) and Policy BCS12 of the Bristol Core Strategy (2011).

Paragraph 93 of the National Planning Policy Framework (2021) states that to provide the social, recreational and cultural facilities and services the community needs planning decisions should plan positively for the provision and use of community facilities.

Policy BCS12 of the Core Strategy states that existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. The supporting text clarifies that the term community facilities is wide-ranging and can include health and social care facilities.

Policy DM5 in the Site Allocations and Development Management Policies (2014) more specifically states that proposals involving the loss of community facilities land or buildings will not be permitted unless it is demonstrated that:

- i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or
- ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or
- iii. The community facility can be fully retained, enhanced or reinstated as part of any redevelopment of the building or land; or
- iv. Appropriate replacement community facilities are provided in a suitable alternative location.

The development will result in the loss of care home facilities from the site (15 beds). The applicant has noted that the site has been vacant for three years, and therefore hasn't offered community facilities for the local area for some time. However, the building remains in lawful use as a community facility (care home). There is no evidence to indicate that the buildings/site is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities. The development therefore fails to satisfy criterion ii. of Policy DM5.

The community facility will be completely removed from the site, and therefore will not be fully retained, enhanced or reinstated as part of any redevelopment of the building or land. Appropriate replacement community facilities are also not being provided in a suitable alternative location. It is recognised that a separate application to convert the main building to shared supported living accommodation for people with mental health, learning disabilities and autism was recently refused due to concerns over unacceptable traffic and highway safety conditions (ref: 22/02990/F). Were this separate development proposal acceptable and approved the LPA would be content to allow the loss of the existing care home/community floorspace under this application, as an appropriate (and enhanced) replacement community facility will be provided in a suitable alternative location (in the main building). In the absence of an acceptable scheme for the main building however, and in the absence of any replacement community facilities, the development fails to satisfy criteria iii. or iv. of Policy DM5.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

With regards to criterion i. of Policy DM5, it is noted that information has been provided in relation to other care homes in the local area. Unfortunately this isn't considered to be sufficiently detailed to address the policy. Any application for the loss of the care home will need to demonstrate that the loss of the existing, specific community use will not be harmful to the local area with regards to need, demand and quality of provision. Specifically, and in reference to the above policy, further detail was requested, including evidence such as:

- The number/location of other similar uses (care homes) within the locality, with the radius/area clearly defined
- Evidence/data to confirm that there is capacity at these alternative sites for additional customers/residents
- Evidence to confirm/show that these alternative sites offer the same provision and quality of service as the application site
- Evidence to confirm/show that these alternative sites offer the same nature, pattern and frequency of activities as the application site
- Evidence/data to show that there is no local need and demand for the existing community facility
- Evidence to demonstrate that the other alternative sites are located in an accessible area as the application site (by walking, cycling and public transport)

This information however wasn't forthcoming. It therefore isn't possible to determine whether the loss of the existing community use would create, or add to, a shortfall in the provision or quality of such uses within the locality. Marketing evidence also hasn't been provided to demonstrate that there is no demand for any other suitable community facility that is willing or able to make use of the building. The development therefore fails to satisfy criterion i. of Policy DM5.

Overall, therefore the application has failed to adequately demonstrate that there is no longer a need to retain the existing community use. Further, suitable alternative provision is not being made to account for the loss. The development therefore fails to satisfy Policies BCS12 and DM5.

Development of Private Garden

The development would also result in some loss of private garden space, and should therefore be assessed against Policy DM21 of the Site Allocations and Development Management Policies (2014), which states that development will not be permitted unless:

- (i) the proposal would represent a more efficient use of land where higher densities are more appropriate; or
- (ii) the development will result in a significant improvement to the urban design of the area; or
- (iii) the proposal is an extension to an existing dwelling.

The policy also states that in all cases any development of garden land should not result in harm to the character and appearance of the area.

Policy states that higher densities of development are appropriate in and around the city centre, in or close to other centres and along or close to main public transport routes. The proposed site in this instance is located within approximately 50 metres from the Fishponds Town Centre and is within walking distance to good public transport links to the city centre and UWE's Glenside and Frenchay campuses.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

In this case, it is subsequently considered that the proposal would result in the more efficient use of land in an area where higher densities are appropriate. The loss of the garden space and creation of new residential accommodation is therefore considered acceptable in principle land use terms in this instance.

As noted above however to be acceptable in principle any development of garden land should also not result in harm to the character and appearance of the area. This is covered under Key Issue C below.

(B) MIXED AND BALANCED COMMUNITY ISSUE

The NPPF (2021) reflects 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).

The application site is located within the Staple Hill Road North Lower Super Output Area (LSOA). An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data.

Based on the census data the Staple Hill Road North (LSOA) has a proportion of flats to houses at 22.6% flats and 77.4% houses. One bedroom properties make up 8.2% of the total housing stock, two bedroom properties 35.2%, three bedroom properties 43.7%, four or more bedroom properties 13%.

Overall, the above census data would lead to the conclusion that in this instance there is an imbalance between flats and houses within the local area (Staple Hill Road North LSOA) and that

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

there is more of a need for flats and smaller units rather than houses in the area. Family sized properties (with three or more bedrooms) also account for 56.7% of total properties in the LSOA, meaning there is more of a need for smaller accommodation (with one or two bedrooms).

The development will provide 3no. two bedroom, three person dwellings with studies (Block 1) and 4no. two bedroom, three person dwellings (Block 2). The proposed construction of two bedroom dwelling houses is therefore considered acceptable in relation to mix and balance, as it will introduce a smaller type of accommodation in an area dominated by larger family houses. The application is considered acceptable on this basis.

(C) WOULD THE PROPOSAL BE ACCEPTABLE IN DESIGN TERMS AND WOULD IT PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THIS PART OF THE STAPLETON AND FROME VALLEY CONSERVATION AREA?

The site is located within the Stapleton and Frome Valley Conservation Area.

The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance conservation areas. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2021 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 202 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Para 203 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In addition, Bristol Core Strategy Policy BCS22 (2011) states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including Conservation Areas. Policies DM30 and DM31 in the Site Allocations and Development Management Policies (2014) express that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers, and preserve or enhance historic settings. Policy DM31 also states that development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting.

Policy BCS21 of the Bristol Core Strategy (2011) requires new development in Bristol to deliver

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 in the Site Allocations and Development Management Policies (2014) expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. This policy states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes. Development should also reflect locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion. Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions. This policy also states that the design of development proposals will be expected to contribute towards local character and distinctiveness by incorporating existing green infrastructure assets.

Policy DM27 in the Site Allocations and Development Management Policies expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. DM27 further states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to establish a coherent and consistent building line and setback that relate to the street alignment. This policy further requires that the layout and form of development enables active frontages to the public realm and natural surveillance over all publicly accessible spaces. This requires habitable rooms to be located on the public face of the dwelling, especially at street level, to establish an appropriate relationship with the street.

Policy DM27 also states that through high quality landscape design, development will be expected to contribute to a sense of place. In contributing to green infrastructure, design should incorporate valuable existing natural and manmade landscape features, while reinforcing it with new structural tree planting where appropriate. Proposals for the landscape design and planting of development will be expected to take account of the function, circulation and servicing of places and incorporate hard detailing and materials and planting appropriate to context and fit for purpose, for all elements including surfacing, change of level, boundary treatments, and site furniture.

Policy DM26 in addition to the above states that backland development specifically will be expected to be subservient in height, scale, mass and form to the surrounding frontage buildings. It should not prejudice the opportunity to develop the adjoining land of similar potential. Policy DM27 further 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. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a comprehensive scheme or, by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future.

Policy DM29 in the Site Allocations and Development Management Policies states that new buildings should be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. This policy further states that proposals for new buildings will be expected to be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate,

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

the uses they will serve and the context they will address.

In addition to the above, Policy DM21 in the Site Allocations and Development Management Policies states that in all cases, development of garden land should not result in harm to the character and appearance of an area. Development involving gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

The Stapleton and Frome Valley Conservation Area enhancement statement (included within Policy Advice Note 2: Conservation Area Enhancement Statements) identifies that architectural features include pantiled and slate roofs, random stone walling, painted and rendered walls and red brick walling.

The application site is occupied by a collection of buildings and structures, which includes an extended single-storey post-war building of red brick construction with an attached metal frame pergola of considerable depth, which is currently in lawful use as a care home with 15 bedrooms (Use Class C2) however is currently vacant. The application site also includes a stone built Victorian coach house, which has been extended in four places using a combination of brick and render; and a small, dilapidated store and separate garage.

Planning permission is sought for the demolition of the existing buildings and redevelopment of the site to provide 7 no. dwellings with associated access improvements; parking; hard/soft landscape works and drainage.

No objections are raised to the demolition of the existing structures in principle, which are mainly modern additions which are of a relatively poor-quality construction. They are further not overly visible from public view and therefore do not contribute significantly to the character and appearance of the streetscene or wider conservation area. The loss of the stone built Victorian coach house is regrettable, however it is recognised that it has been extensively altered and isn't an overly prominent feature within the townscape. The siting of the coach house would also make the redevelopment of the site difficult in terms of access; forming an obvious barrier to development. On balance therefore the demolition of the coach house, alongside all other structures, is accepted.

No objections are raised to the introduction of development to the site in principle. The application site is already made up of a number of existing buildings and structures as referenced above, which occupy a large proportion of the site. As such, the principle of development within the site to the rear of the main building has already been established. Further, there have been a number of other developments nearby which have introduced backland and mews style development to this part of the conservation area, including a recent permission at adjacent site No.884-886 Fishponds Road (ref: 19/00820/P and 20/04017/M) facing Chasefield Lane. As such the principle of mews style, backland development at the site is considered acceptable.

The development will consist of two terraces of two storey properties; one terrace containing three properties and one terrace containing four properties. The properties will be smaller in scale, massing and height than the main frontage buildings along Fishponds Road, thus achieving the subservient relationship required by Policy DM26. The properties will also be consistent in scale and height with surrounding backland residential properties and will maintain suitable separation distances with surrounding development. It is therefore considered that the overall scale of development will be appropriate for the context and character of this part of the conservation area.

Concerns are however raised in relation to the design, arrangement, layout and siting of residential development within the site. Following consultation, the Council's Urban Design Team noted that

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

the linear design, arrangement and layout of the properties and terraces will fail to contribute to the creation of quality urban design and deliver a formal sense of place and mews setting required for the backland site. There is no street within the site with an obvious frontage, and as such arranging all properties in a line, facing the same direction is not considered to be appropriate in design terms (this approach was appropriate at the adjoining site as it faced Chasefield Lane, with an obvious frontage). A higher quality solution would be to arrange the properties in a formal, mews style layout and courtyard arrangement building on perimeter block principles to create a more defined and higher quality sense of place. This could also retain and include the existing Cedar tree within the centre of the layout.

Significant concerns are raised to the loss of this existing tree (Cedar). The tree is a substantial, high quality, mature specimen (identified as Category B within the Arboricultural Impact Assessment) which contributes significantly to amenity value and the character and appearance of the conservation area through its scale, appearance, landscape quality and biodiversity value. Through the removal of the tree the design of the development proposal will fail to contribute towards local character and distinctiveness by incorporating this existing important green infrastructure asset. The application is considered unacceptable on this basis (refer to Key Issue D for further information).

Mitigation planting for the tree removal is proposed on site (planting of eighteen trees) in accordance with the Council's Tree Replacement Standard. However, any new trees will take a considerable number of years to reach maturity and it is highly unlikely they will ever reach the same size, quality, landscape quality and appearance to match the existing Cedar. As such any on-site planting is not considered to be adequate mitigation for the loss of the existing Cedar in this instance given the prominent scale and identified amenity value.

Whilst additional landscaping is proposed concerns are also raised that the layout still includes a significant amount of parking and hard-surfacing. The lack of greenery, planting and soft landscaping would not represent high quality landscape design and would fail to contribute to a sense of place. The lack of front boundary treatments to all properties would also fail to contribute towards local character and distinctiveness within the Stapleton and Frome Valley Conservation Area where random stone walling for example is identified as forming the architectural character within the conservation area enhancement statement.

Initial concerns were raised regarding the materials proposed, particularly the use of composite weatherboarding, which was not considered appropriate for the historic setting. As such, following Case Officer advice the proposal was amended so that the properties will be faced in white render with brick detailing and will include red roof tiles. This will be in keeping with the character of the conservation area and is therefore acceptable. Whilst the use of uPVC windows and doors is not ideal within a historic setting such as this it is recognised that the same materials were recently permitted to the adjacent development at No.884-886 Fishponds Road (ref: 19/00820/P and 20/04017/M) and a number of other residential properties in area have such windows and doors. On balance therefore the proposed materials are considered to be acceptable as a whole.

For the reasons set out above the application is considered unacceptable on design grounds and harmful to character and appearance (including the character and appearance of the Stapleton and Frome Valley Conservation Area). Whilst the harm to the conservation area is considered to be less than substantial insufficient public benefits can be identified to outweigh this, in accordance with paragraph 202 of the NPPF (2021). 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. There would also be economic benefits, including short term employment associated with building works, community infrastructure levy receipts, and more long term benefits

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

associated with the additional people residing the area, including Council Tax. However, these benefits are not considered sufficient to outweigh the harm posed for the reasons noted above.

For the reasons set out above, the application is considered unacceptable and is recommended for refusal.

(D) WOULD THE PROPOSED DEVELOPMENT RAISE ANY ARBORICULTURE ISSUES?

Paragraph 131 of the NPPF (2021) states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change and that planning policies and decisions should ensure that new streets are tree-lined. This paragraph of the NPPF also states that existing trees should be retained wherever possible.

Policy BCS9 in the Bristol Core Strategy (2011) states that the integrity and connectivity of the strategic green infrastructure network should be maintained, protected and enhanced and that individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required. Policy BCS21 in the same document states that development should contribute positively to an area's character and identity and proposals should deliver high quality inclusive buildings and spaces that integrate green infrastructure. Policy BCS22 also states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including conservation areas.

Policy DM17 in the Site Allocations and Development Management Policies (2014) states that all new development should integrate important existing trees. Where tree loss of damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the tree compensation standard. Policy DM15 in the same document states that green infrastructure provision facilitates a positive effect on people's health by providing space and opportunities for sport, play, and social interaction. The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development. Policy DM26 states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to and incorporating existing green infrastructure assets. Policy DM27 states that development will be expected to incorporate existing green infrastructure to reinforce the character of streets and spaces. Policy DM31 states that development that has an impact upon a heritage asset will be expected to conserve and, where appropriate, enhance the asset or its setting. Development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

The application has been supported by an Arboricultural Impact Assessment which details that there are two existing trees located on the application site, both of which will need to be removed to facilitate the development. One of these trees (an Elder) is identified as being a Category C tree. The Council's Arboricultural Team raised no objections to the loss of this tree in principle given its limited scale and amenity value within the townscape and conservation area.

The other tree on site is a prominent Cedar, identified as being a Category B tree. This tree is a substantial, high quality, mature specimen which contributes significantly to amenity value and the character and appearance of the conservation area through its scale, appearance, landscape quality and biodiversity value. It is one of the few large, mature trees in the local area and has additional value in this respect.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

The Council's Arboricultural Team have reviewed the submitted detail and commented that there is nothing significantly negative regarding the condition of the tree; the tree appears to be in good physiological and structural condition and could reasonably continue to provide high amenity value for a considerable number of years to come. It is noted that a previous application to fell the tree (ref: 17/01469/VC) was withdrawn in 2017 following concerns raised by the Council's Arboricultural Team. Following concerns raised a static load test for the tree was undertaken which did not reveal any significant issues with the root plate stability.

The submitted Arboricultural Impact Assessment states the following:

"Design considerations were exhaustively considered to find a design that allowed the site to be developed including the retention of T02. The design process considered the large RPA of T02 that would need to be protected and also the mature life stage of the tree which predisposes it to limb failures (plate 7) which arguably makes the tree unsuitable to be growing in the centre of a residential development. It was decided that development options including tree retention were unfeasible and that T02 would be proposed for removal and the impact on public visual amenity would be mitigated through additional on-site tree planting".

The Local Planning Authority is not satisfied that sufficient evidence has been provided to support and justify the removal of the tree. No evidence of the exhaustive design considerations has been provided, nor has information been provided setting out why alternative design considerations with fewer residential properties (i.e removing residential properties from the RPA of the tree) were not supportable. The application site is of a significant scale and it is the view of the LPA that the introduction of residential development could feasibly occur whilst also retaining the locally important, prominent tree. It is accepted that sensitive ground protection measures may be necessary at parts, alongside some pruning, however there is not considered to be adequate justification or public benefit for the total removal of the tree in this instance for the reasons set out above.

Mitigation planting for the tree removal is proposed on site (planting of eighteen trees) in accordance with the Council's Tree Replacement Standard. However, any new trees will take a considerable number of years to reach maturity and it is highly unlikely they will ever reach the same size, quality, landscape quality and appearance to match the existing Cedar. As such any on-site planting is not considered to be adequate mitigation for the loss of the existing Cedar in this instance given the prominent scale and identified amenity value.

It is recognised that the proposal will introduce 7.no additional residential units to the local area which will contribute towards the local housing stock. However, for the reasons set out in this report the proposal as a whole is considered to represent an unacceptable form of development. This is due to concerns over urban design, ecology and highway safety. As such, the removal of the tree will not help achieve the policy aims of the Core Strategy, and the proposed removal of the tree cannot be supported in this instance given its recognised amenity value. The application is subsequently considered unacceptable and is recommended for refusal on this basis.

(E) DOES THE PROPOSAL PROVIDE A SATISFACTORY LEVEL OF RESIDENTIAL ACCOMMODATION?

Paragraph 130 of the NPPF (2021) 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. Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The adopted Bristol Core Strategy Policy BCS18 (2011) makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

Policy DM29 in the Site Allocations and Development Management Policies (2014) also states that new development should be dual aspect where possible, particularly where one of the aspects is north-facing. 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.

Planning permission is sought for the demolition of the existing buildings on site and redevelopment to provide 3no. two bedroom, three person dwellings with studies (Block 1) and 4no. two bedroom, three person dwellings (Block 2).

In accordance with Core Strategy Policy BCS18 and national guidance, the required minimum gross internal floor area for a two bedroom, three bed space residential unit set over two storeys is 70 square metres.

All dwellings within Block 1 will have an internal floorspace of approximately 96 square metres. All dwellings within Block 2 will have an internal floorspace of approximately 71 square metres. All two person bedrooms will measure approximately 12 square metres, which meets the national space standard requirement for a two bed space bedroom. The single person bedrooms will measure approximately 8 - 10 square metres, which meets the national space standard requirement for a single bed space bedroom.

It would therefore appear that the new dwellings would meet the minimum standards. Consequently the application as a whole will provide sufficient space to meet everyday activities and to enable an adaptable and flexible environment and the application is considered acceptable on these grounds.

With regards to outlook and light levels, all dwellings will be dual aspect, with a sufficient amount of windows to both elevations to provide future occupants adequate light and outlook. Every dwelling will also include a sufficient amount of external amenity space. The overall living environment is therefore considered acceptable.

(F) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE RESIDENTIAL AMENITY OF NEIGHBOURING RESIDENTIAL PROPERTIES?

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

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

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.

Impact on Chasefield House (No.888 Fishponds Road)

The northern most end of terrace dwelling will be the property sited closest to the rear elevation of the main building (Chasefield House). The separation distance between the northern flank wall of the end of terrace property and the rear boundary with Chasefield House will be approximately 15 metres, with the separation distance between the flank wall and rear elevation of Chasefield House itself being approximately 21 metres. The proposed development will be two storeys in height which will be considerably smaller than the scale and height of Chasefield House. Given the significant separation distance and limited scale of development in relation to Chasefield House the development would have no harmful overbearing or overshadowing impact on Chasefield House. The side flank wall of the proposed development facing Chasefield House also contains now windows, meaning the development would result in no harmful overlooking of Chasefield House or any other residential properties located to the north.

Impact on Chasefield Lane

A terrace of semi-detached properties is located to the west of the site along Chasefield Lane. The rear elevations of these properties contain habitable room windows which directly face the application site and the proposed development includes new properties which will have windows to their front elevations facing Chasefield Lane. However, the separation distance between the facing windows will be approximately 21 metres. This is a relatively substantial separation distance and is considered sufficient to ensure that any overlooking between windows will not be harmful to the amenity of existing occupants within the properties along Chasefield Lane to the west, or future occupants. Further, the separation distance and limited scale of the proposed dwellings (two storeys) is sufficient to ensure that there will be no harmful overbearing or overshadowing impact.

It is recognised that the development will introduce a new 1.8-metre-high trellis fence above the stone boundary wall with the properties to the west along Chasefield Lane. This will improve the privacy for existing and future occupants at ground floor level and will be of a height that will result in no harmful overbearing, overshadowing or loss of light to any existing properties.

Impact on Eaton Close

A terrace of properties is located to the east of the site along Eaton Close (numbers 9 - 14). The rear elevations of these properties contain habitable room windows which directly face the application site and the proposed development includes new properties which will have windows to their rear elevations facing Eaton Close. However, the separation distance between the facing windows will be approximately 20 metres. This is a relatively substantial separation distance and is considered sufficient to ensure that any overlooking between windows will not be harmful to the amenity of existing occupants within the properties along Eaton Place to the east, or future occupants. Further, the separation distance and limited scale of the proposed dwellings (two storeys) is sufficient to ensure that there will be no harmful overbearing or overshadowing impact.

It is recognised that the development will introduce a new 1.8-metre-high trellis fence above the stone boundary wall with the properties to the east along Eaton Place. This will improve the privacy for existing and future occupants at ground floor level and will be of a height that will result in no harmful overbearing, overshadowing or loss of light to any existing properties.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Impact on Laburnum Grove

Following a request from the Case Officer existing and proposed sectional plans have been provided showing the proximity/relationship between the development and Laburnum Grove, which is located to the south. Most residential properties within Laburnum Grove are located in such a position and distance away from the development so that they will not be harmfully impacted upon with regards to overlooking, overbearing or overlooking. It is noted however that the eastern most end of terrace dwelling within Block 2 will be sited in relatively close proximity to the western southern boundary of the site and subsequently the rear garden and elevation of Nos. 2 and 5 Laburnum Grove. It is evident from the sectional plan provided however that Nos. 2 and 5 Laburnum Grove will retain an unobstructed 25 degree angle view of the sky following the construction of the development. This, as a general rule of thumb, indicates that the development will not have a detrimental or harmful overbearing impact on those residential properties. Similarly, given the limited scale of development and separation from Laburnum Grove it is considered that the proposal will result in no harmful overshadowing. Further, the eastern most end of terrace dwelling within Block 2 contains no windows in the side (south facing) elevation and as such no concerns are raised that the development will harmfully overlook any properties to the south along Laburnum Grove.

Future Development Potential of Surrounding Sites

Given the separation distance from all boundaries and site context it is considered that the development, if approved, will not prejudice the future development potential of any surrounding sites.

Noise and Disturbance

Following consultation, the Council's Pollution Control Team raised no objections to the application on the grounds of noise and disturbance. The development will introduce 7 no new two bedroom residential properties to an established residential context. The properties will be sited a relatively significant distance away from all existing properties in the area, meaning any noise and disturbance would not be harmful for existing residents. To ensure that the air source heat pumps proposed to the properties do not result in harmful noise and disturbance further detail would be secured via condition, if an approval was forthcoming. A Construction Environmental Management Plan would also be secured via condition to ensure no harm is caused to existing residents during the demolition/construction period.

Light Pollution

Following consultation the Council's Pollution Control Team confirmed that any light caused by the use of the properties or vehicles accessing the properties will not be dissimilar to the level of light commonly found in residential areas. As such it is not considered that the development will result in any harmful light pollution for existing residents.

(G) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES

Section 9 of the NPPF (2021) 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. This policy further states that development proposals should ensure that net environmental gains, and patterns of movement, streets, parking

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

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. Proposals 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 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol 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. Policy DM32 in the Site Allocations and Development Management Policies 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 the above requirements and 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. Policy DM23 also states that the provision in new development of safe, 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.

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

Pedestrian/Cycle Access

It is proposed that a pedestrian/cycle link to Fishponds Road is created by removing an existing set of stairs to the side of the main building. Whilst this area of land is outside of the application red-line it falls within the same ownership and therefore TDM confirmed it could be secured via a Grampian style condition. This pedestrian/cycle route is necessary, as without it residents would be required to move refuse containers to the adopted highway for collection over an unacceptably large distance.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Vehicle Access

Initial concerns were raised by TDM that Chasefield Lane would be wide and largely straight, which encourages high vehicle speeds to the detriment of pedestrian safety. This would not serve as a safe and adequate primary pedestrian access to the proposed dwellings. To restrict vehicle speeds, revised plans were therefore provided including localised narrowings on both sides of Chasefield Lane (existing and proposed) in the form of street trees and LED bollards. TDM confirmed that subject to receiving details of the proposed trees and planted kerb built-outs (which would be secured via condition if an approval was forthcoming) no objections are raised about vehicle speeds and pedestrian access along the existing and proposed lengths of Chasefield Lane.

Safety at Chasefield Lane/Fishponds Road/Staple Hill Road junction

TDM raised concern that the additional trips created by the 7.no new houses will give rise to unacceptable traffic conditions and would fail to provide safe and adequate access onto the highway network in accordance with Policy DM23.

TDM noted in response to the adjacent development along Chasefield Lane for 6.no houses (ref: 19/00820/P) that it considered the proposed additional vehicle right-hand turns into and out of Chasefield Lane from Fishponds Road and onto Staple Hill Road during peak hours, would give rise to highway safety concerns at the junction. In particular, it was considered likely that drivers exiting Chasefield Lane would attempt to cross the carriageway dangerously in order to turn right onto Fishponds Road (NB). Poor visibility from the Chasefield Lane junction was expected to exacerbate these issues.

Despite the concerns of TDM, the application was approved, and the development has since been completed. Since completion, TDM have noted that on 09/09/2021 a serious nose-to-tail incident occurred immediately in front of the junction. A further collision occurred on 03/05/2022, as outlined in the Transport Technical Note dated August 2023. These, in addition to the two collisions identified at Page 5 of the Transport Statement dated September 2022, indicates that the existing junction already experiences highway safety problems and intensifying the additional turning movements, particularly right-hand turns into and out of Chasefield Lane, could exacerbate the existing collision cluster. Taking the applicant's data within the Transport Statement, the development would likely give rise to two-way vehicle trips numbering 5x in the AM Peak, 5x in the PM Peak, and 59x over 12x hours. TDM therefore concluded that the intensification of vehicle trips at a junction which hosts a growing cluster of traffic incidents, would exacerbate existing safety issues and therefore give rise to unacceptable traffic conditions. The application is recommended for refusal on this basis.

Cycle Storage

Dedicated cycle storage is proposed for each dwelling. It is noted that the paths leading to the rear of each dwelling are only 0.8 metres which, which is below the minimum width of 1.2 metres required by TDM. In this instance however the shortfall is not considered to be significant enough to warrant refusal.

Car Parking

There are 7x proposed off-street parking spaces at this development; one per each dwelling. This is considered acceptable and will ensure the proposal has no harmful impact on local parking provision. It is proposed that each dwelling will be provided with an EV charging point; further detail of this would be secured via condition if an approval was forthcoming.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Waste

A dedicated waste store is proposed in the area of the turning head. TDM confirmed that the location and design of the store is acceptable. It is noted that the proposed location of waste storage and the collection point exceed the maximum distance over which residents are permitted under the Council's guidance to move waste containers. The development approved by application no. 19/00820/P suffered from similar unique constraints and a refuse management strategy, stipulating that a private waste contractor move waste to the adopted highway, was secured by condition. Due to the particular circumstances of the wider site, a similar solution would be acceptable here if an approval was forthcoming.

Construction Management

The local traffic conditions are such that the applicant must submit a construction management plan before commencing development, were an approval forthcoming.

(H) 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. 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

An Energy and Sustainability Statement has been prepared to support the application which sets out that the dwellings will include Air Source Heat Pumps (ASHPs) which would provide a 31% reduction in carbon emissions over the residual emissions: bringing the total carbon reduction to 33.1%, when using SAP 9.0 carbon factors. However, this reduction rises further to 50.7% and 70.3% when using SAP 10 and 10.1 carbon factors. The application is therefore considered acceptable on these grounds, however a condition would be attached to any future permission if forthcoming requiring further detail of the renewable measures to be submitted to and approved by the Council prior to the occupation of the development.

Air Source Heat Pumps are also proposed to provide the main heating system and domestic hot water. This heating system is a policy compliant heating system, in accordance with the BCS14 heat hierarchy as noted above. Further detail would again be secured via condition if an approval was forthcoming.

The application is therefore considered acceptable and is recommended for approval on this basis,

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

subject to conditions.

(I) FLOOD RISK

Bristol Core Strategy (2011) Policy BCS16 states that all development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

Initial concerns were raised by the Council's Flood Risk Team regarding the level of detail provided with regards to SUDS, and therefore following Case Officer advice further information was provided during the course of the application. The Council's Flood Risk Team have reviewed this information and confirmed that it demonstrates how sustainable design and construction has been addressed through the proposal, albeit at high level.

The Council's Flood Risk Team have also checked British Geological Survey data and confirmed that there is good potential for using infiltrating SuDS techniques at this location, which bodes well for usage of soakaways. Since there is existing drainage infrastructure serving the current building as well that should make the fallback option of a sewer connection more plausible.

As such, whilst it would be beneficial that further information was provided up front, the Council's Flood Risk Team confirmed they are satisfied with the proposals on the grounds of flooding, subject to a condition which would be attached to any permission if forthcoming requiring the preparation and submission of a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods.

(J) LAND CONTAMINATION

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

Following consultation, the Council's Contaminated Land team confirmed that the proposed development is sensitive to contamination and as such a risk assessment is required. The main concern of the Council's Contaminated Land team are potential coal mining legacy issues and the age of the buildings earmarked for demolition likely containing asbestos.

Were an approval forthcoming, a minimum of a phase 1 desk study looking into contamination must therefore be submitted to the Local Planning Authority and where deemed necessary a phase 2 intrusive investigation should take place. This would be secured via condition if an approval was forthcoming.

(K) ECOLOGY

Paragraph 174 of the NPPF (2021) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes,

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 179 further states that to protect and enhance biodiversity and geodiversity, plans should identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy DM19 in the Site Allocations and Development Management Policies (2014) further states that development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

The application has been considered by the Council's Nature Conservation Officer. In ecological terms, the Council's Nature Conservation Officer confirmed that the loss of the mature cedar (T02) is substantial. The Preliminary Ecological Appraisal (PEA) submitted to support the application recommends retaining the tree. Trees the size and age of T02 (which is one of the few large trees in the area) will be providing multiple benefits to wildlife (birds, invertebrates and mammals).

The submitted Arboricultural Impact Assessment states the following:

"Design considerations were exhaustively considered to find a design that allowed the site to be developed including the retention of T02. The design process considered the large RPA of T02 that would need to be protected and also the mature life stage of the tree which predisposes it to limb failures (plate 7) which arguably makes the tree unsuitable to be growing in the centre of a residential development. It was decided that development options including tree retention were unfeasible and that T02 would be proposed for removal and the impact on public visual amenity would be mitigated through additional on-site tree planting".

As noted above, the Council's Arboricultural Team have reviewed the submitted detail and commented that there is nothing significantly negative regarding the condition of the tree; the tree appears to be in good physiological and structural condition and could reasonably continue to provide high amenity value for a considerable number of years to come. It is noted that a previous application to fell the tree (ref: 17/01469/VC) was withdrawn in 2017 following concerns raised by the Council's Arboricultural Team. Following concerns raised a static load test for the tree was undertaken which did not reveal any significant issues with the root plate stability.

The Local Planning Authority is not satisfied that sufficient evidence has been provided to support and justify the removal of the tree. No evidence of the exhaustive design considerations has been provided, nor has information been provided setting out why alternative design considerations with

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

fewer residential properties (i.e removing residential properties from the RPA of the tree) were not supportable. The application site is of a significant scale and it is the view of the LPA that the introduction of residential development could feasibly occur whilst also retaining the locally important, prominent tree. It is accepted that sensitive ground protection measures may be necessary at parts, alongside some pruning, however there is not considered to be adequate justification or public benefit for the total removal of the tree in this instance for the reasons set out above.

Mitigation planting for the tree removal is proposed on site (planting of eighteen trees) in accordance with the Council's Tree Replacement Standard. However, any new trees will take a considerable number of years to reach maturity and thus deliver the same ecological benefits as the existing tree in terms of habitat and wildlife.

In accordance with Paragraph 174 of the NPPF which requires planning decision to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, a Biodiversity Net Gain (BNG) assessment has been submitted to support the application.

The BNG calculation shows a significant loss (-44%) in area habitat units and a 100% gain in hedgerow units (as no hedgerow is present on the site). The Council's Nature Conservation Officer has confirmed that opportunities to offset this loss in biodiversity have been outlined but not explored further or confirmed by the submitted information. There is further no commentary in the BNG assessment on how the mitigation hierarchy has been applied in this proposal which is an important principle of ecological good practice.

The submitted BNG report identifies that mitigation to account for the loss in area habitat would need to be made through off-setting off-site, using an ecology bank. Details of this would need to be explored and agreed with the Council (with the developer choosing a provider and providing details of that) and subsequently a s.106 planning agreement would be needed to guarantee delivery.

The Council's Nature Conservation Officer has considered this and noted that the Council would only be willing to accept off-site mitigation using an ecology bank if it can be evidenced that other design iterations have been fully explored to attempt to retain the tree (as the ecology report recommends that it is retained). Otherwise the scheme simply proposing to lose the tree is not compliant with BCS9 and doesn't follow the mitigation hierarchy which is a key principle of BNG (where everything possible should be done to first avoid and then minimise impacts on biodiversity, only as a last resort should compensation be provided for losses that cannot be avoided).

In accordance with BNG, off site mitigation can only be considered if it has been demonstrated that efforts have been made to minimise the adverse effects on the biodiversity of the onsite habitat. As set out above, the Local Planning Authority is not satisfied that sufficient evidence has been provided to support and justify the removal of the tree and subsequent loss in habitat. No evidence of the exhaustive design considerations has been provided, nor has information been provided setting out why alternative design considerations with fewer residential properties (i.e removing residential properties from the RPA of the tree) were not supportable.

The proposed development therefore fails to provide net gains for biodiversity. The application is recommended for refusal on this basis.

(L) COAL RISK

The application site is located within a Development High Risk Area. Therefore, within the

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Following consultation, the Coal Authority confirmed that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment (3 October 2022, prepared by Geoinvestigate Ltd), which accompanies this planning application

The report correctly identifies that the application site may have been subject to past coal mining activity. The Coal Authority records indicate that the site is likely to have been subject to been historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop, which may have been worked from the surface.

The report has been informed by an appropriate range of sources of information; including geological mapping and borehole data. The report confirms that it would be prudent to drill rotary boreholes to establish the exact situation with regard to shallow mine workings and to establish any necessary remedial measures.

The intrusive site investigations would need to be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

Subject to this information being secured via condition (if an approval was forthcoming) the Coal Authority raised no objections to the application.

(M) PLANNING BALANCE AND CONCLUSION

The Government's 2020 Housing Delivery Test (HDT) results are acknowledged, that indicate that the Council's delivery of housing was below (less than 75%) the housing requirement over the previous 3 years. Further, the Council currently cannot demonstrate a deliverable 5 year housing land supply. This means that the 'tilted balance' set out in NPPF Paragraph 11(d)(ii) applies. Specifically, Paragraph 11 makes it clear that plans and decision should apply a presumption in favour of sustainable development, with section (c) of this paragraph explaining that development proposals that accord with an up-to-date development plan should be approved without delay. However, section (d) goes on to explain that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

This report has set out that the proposal's design (including the removal of an important tree) and impact on the character of the area, including the character and appearance of the Stapleton and Frome Valley Conservation Area, fails to meet the expectation of Core Strategy (2011) Policies BCS9, BCS21, BCS22 and Site Allocations and Development Management Policies (2014) DM15, DM17, DM21, DM26, DM27, DM29 and DM31.

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

The proposal also falls short of meeting highway and ecology policies covered by BCS10, DM19 and DM23.

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 219 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. 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 well-designed places, ecology and highway safety, 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 application is recommended for refusal.

EQUALITIES ASSESSMENT

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

RECOMMENDED REFUSED

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

Reason(s)

1. The application has failed to demonstrate that there is no longer a need to retain the existing community use, nor is suitable alternative provision being made. The application is subsequently considered unacceptable due to conflict with Policy BCS12 of the Core

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

Strategy (2011); Policy DM5 in the Site Allocations and Development Management Policies (2014); as well as guidance contained within the NPPF (2021).

2. The proposed development would result in the loss of a locally important, prominent, mature Category B tree which due to its scale, prominence and appearance contributes positively towards the character and appearance of the townscape and wider the Stapleton and Frome Valley Conservation Area and holds high visual amenity value in an area where there is a lack of mature trees. The loss of the tree in principle would therefore cause unacceptable harm to the character and appearance of the townscape and conservation area. The development is therefore contrary to Policies BCS9, BCS21 and BCS22 of the Bristol Core Strategy (2011); Policies DM15, DM17, DM26, DM27 and DM31 of the Site Allocations and Development Management Policies (2014) as well as the National Planning Policy Framework (2021).
3. The proposed development would fail to integrate important existing trees and green infrastructure assets and would result in the introduction of development which by virtue of the layout, form, pattern, arrangement and design (including extent of hardstanding and off-street parking and lack of boundary treatment and landscaping) would fail to contribute to the creation of quality urban design and deliver a formal sense of place and mews setting required for the backland site to the detriment of the character and appearance of the Stapleton and Frome Valley Conservation Area. The application is therefore contrary to the National Planning Policy Framework (2021); Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Core Strategy (2011) Policies BCS9, BCS21, BCS22 and Site Allocations and Development Management Policies (2014) DM15, DM17, DM21, DM26, DM27, DM29 and DM31 as well as guidance within PAN 2: Conservation Area Enhancement Statements.
4. The proposed development would give rise to unacceptable traffic and highway safety conditions and would fail to provide safe and adequate access onto the highway network by reason of the density of development and inadequate/unsafe access arrangements. The application is subsequently recommended for refusal due to conflict with the National Planning Policy Framework (2021); Core Strategy (2011) Policy BCS10 and Site Allocations and Development Management Policy (2014) DM23.
5. The proposed development would result in the loss of features which contribute to nature conservation (mature cedar tree) and fail to provide acceptable net gains for biodiversity. The application is therefore contrary to the National Planning Policy Framework (2021) and Site Allocations and Development Management Policy (2014) DM19.

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

1536-01 B Landscape Strategy Proposal, received 7 June 2023

SLP Location plan, received 7 October 2022

1001A Existing block plan, received 7 October 2022

3001B Proposed block plan, received 21 August 2023

1000A Existing site plan, received 7 October 2022

1100A Existing Block A ground floor plan, received 7 October 2022

1101A Existing block a roof plan, received 7 October 2022

1102A Existing Block B Gound floor and roof plan, received 7 October 2022

DEVELOPMENT CONTROL () DELEGATED
Chasefield House 888 Fishponds Road Fishponds Bristol BS16 3XB

1103A Existing block c ground floor plan, received 7 October 2022
1104A Existing block C first floor plan, received 7 October 2022
1105A Existing block C roof plan, received 7 October 2022
1200A Existing block A elevation, received 7 October 2022
1201A Existing block B elevation, received 7 October 2022
1202A Existing block C elevation, received 7 October 2022
1400D Existing site section, received 14 June 2023
3000M Proposed site plan, received 21 August 2023
3002C Proposed site plan, received 7 June 2023
3003B Demolition plan, received 25 May 2023
3100E Proposed block A floor plans, received 21 August 2023
3102C Proposed block 1 elevation, received 25 May 2023
3200E Proposed block 2 floor plan, received 21 August 2023
3202C Proposed block 2 elevation, received 25 May 2023
3400C Proposed site section, received 14 June 2023
3500 A Proposed bin refuse, received 25 May 2023

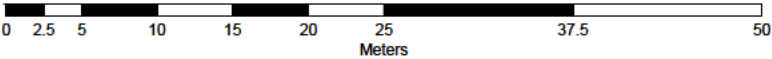
Case Officer: [REDACTED]

Authorisation: [REDACTED]

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V1.0211

APPENDIX 3

Figured dimensions only are to be used. Contractor must verify all dimensions on site before commencing any work. Any discrepancies must be brought to the attention of the architect.



BOUNDARY KEY

- Trellis on existing wall to 1.8m from FFL
- 1.8m stone wall
- 1.8m close boarded timber fence
- 900mm stone wall
- 900mm post and rail fence

Note:
Existing stone boundary walls to be retained

Provide gaps under fences to allow movement of hedgehogs through the gardens

Drawing to be read in conjunction with soft landscaping plan by specialist

Construction of log & leaf piles for hedgehog shelters

Construction of log amphibian/reptile hibernaculum

Installation of Schwegler 1FR integrated bat boxes on side of building and under eaves. Not to be installed above windows.

House Martin cups fitted to external house walls

Bin stores located in rear gardens

Installation of Swallow cups under eaves

Indian sandstone paving slab

ASHP

Bike storage: 2 per shed - 1.2m path

Trellis on existing wall to 1.8m from F.L.

Trellis on existing wall to 1.8m from F.L.

Permeable buff brick paving

900mm post and rail fence

CHASEFIELD LANE

FISHPOND ROAD

STAPLEHILL ROAD

Raised ridge tiles for bat roosting

Remove existing external steel staircase

Two swift bricks fitted into side wall to provide nesting opportunity for house sparrows/swifts

Close off and make good rear elevation of single story link

Soakaway and rain water attenuation to specialist design.

Installation of Schwegler 1FR Integrated bat boxes on side of building and under eaves. Not to be installed above windows.

A	First Issue	Sept'24
B	General Amendments	Sept'24
C	Amendments to bin store and fence	Oct'24
D	General Amendments	Oct'24
E	Minor Amendments	Oct'24
F	Highways Amendments	Nov'24
G	Traffic Calming Amendments	Nov'24
H	Highways Amendments	Nov'24
Drawn by MC		Checked by LM
		Status

PLANNING

Ref 1333-21 / 3000H



W.H. ARCHITECTS LTD
Bookbinder House,
1 Kingsdown Parade
Bristol, BS65UD
0117 973 5690
www.wharchitects.co.uk

888 Chasefield Lane,
Fishponds

Project

Site Plan,
Proposed

Drawing

1:500
@A3

Scale

Sept'2024

Date

APPENDIX 4



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision : GRANTED subject to condition(s)

Application no: 24/01860/F

Type of application: Full Planning

Site address: 886 Fishponds Road, Fishponds, Bristol, BS16 3XB.

Description of development: Change of use to a large HMO for up to 7 occupants (sui generis), with associated bin and bike storage. Includes a full refurbishment and new pitch roof to the rear conservatory at lower ground level and a new garage door to the front elevation.

Applicant: Mr & Mrs Price

Agent: NH Plans

Committee/delegation date: 11.10.24

Date of Notice: 11.10.24

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.

DECISION: GRANTED subject to condition(s)

Condition(s)

Time limit for commencement of development

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 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.

List of approved plans

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.

Location plan, received 20 May 2024

886FR.PL01 Existing plans, received 20 May 2024

886FR.PL02 Proposed plans, received 20 May 2024

886FR.PL04 Site photos, received 20 May 2024

886FR.PL03A Revised Existing and Proposed Site Plan, received 20 September 2024

Application No: 24/01860/F

Reason: For the avoidance of doubt.

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework (2019) paragraph 38.

It is important that you read the following “Additional information”

Additional information for application no 24/01860/F

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Register a new address

5. Bristol City Council is responsible for all property numbering and street naming in Bristol. You will need to apply for a property number and address if your planning permission involves the creation of a new dwelling or flat. Find more information on how to [register for a new address or make an amendment to an address](#)

Amendments

6. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Conditions compliance

7. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
8. A fee is payable for each request. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

DETAILS OF DECISION ON AN APPLICATION (PART 2)

Application No: 24/01860/F

9. The web page www.bristol.gov.uk/planning-and-building-regulations/planning-conditions provides further guidance on this process.

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Complaints

11. Only planning matters can be considered at an Appeal. If you think that the Council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.

Extension: Revised expiry date	11 October 2024
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No: 24/01860/F **Registered:** 20 May 2024

Type of Application: Full Planning **Expiry Date:** 15 July 2024
Case Officer: [REDACTED]

Site Address:

886 Fishponds Road
Fishponds
Bristol
BS16 3XB

Description of Development:

Change of use to a large HMO for up to 7 occupants (sui generis), with associated bin and bike storage. Includes a full refurbishment and new pitch roof to the rear conservatory at lower ground level and a new garage door to the front elevation.

Ward: Frome Vale

Consultation Expiry Dates:

Advert 26 Jun 2024
and/or Site 26 Jun 2024
Notice:

Neighbour: 13 Jun 2024

SITE DESCRIPTION

This application relates to the property known as 886 Fishponds Road, which is located in a predominately residential area of the Frome Vale ward.

The application site comprises a semi-detached property consisting of a self-contained maisonette at lower ground and upper ground floor levels, with office accommodation at first floor level used in conjunction with office use at 884 Fishponds Road. The property benefits from a single storey garage to the side which is accessed from the junction of Staple Hill Road/Fishponds Road.

The application site is located within the Stapleton and Frome Valley Conservation Area and there are no Listed Buildings or trees protected by a Tree Preservation Order in the immediate surrounding area of the proposed development.

APPLICATION

This application proposes the Change of use to a large HMO for up to 7 occupants (sui generis), with associated bin and bike storage. Includes a full refurbishment and new pitch roof to the rear conservatory at lower ground level and a new garage door to the front elevation.

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

Internal alterations are proposed across every floor of the property to enable internal wall reconfigurations and the addition of ensuite bathrooms across many of the bedrooms. It is also proposed to open up the existing extension to the rest of the ground floor to allow for a more open communal space.

For further information, please see submitted plans and application form.

RELEVANT PLANNING HISTORY

99/01085/F - Change of use from single dwelling to a self contained maisonette at lower ground & upper ground floor levels and office accommodation at first floor (Use Class A2) to be used in connection with use at 884 Fishponds Road. GRANTED subject to condition(s).

04/30223/COU - Change of use from single dwelling to office use. ENFORCEMENT CASE CLOSED.

RESPONSE TO PUBLICITY AND CONSULTATION

22 neighbouring properties were consulted on 23/05/24 with a deadline to reply by 13/06/24.

2 objections were received, which voiced concerns over the following:

1. Lack of adequate parking: will inevitably lead to increased street parking, exacerbating existing parking issues in the area. There is a high likelihood that residents will resort to parking on Chasefield Lane. This will not only increase congestion but also pose a risk to pedestrian safety and hinder the access for emergency/refuse vehicles.
2. Impact on local community: HMOs often attract less affluent residents, which can sometimes lead to an increase in safety concerns within the local community. The transient nature of HMO occupants may result in a lack of engagement with the neighbourhood and a potential increase in anti-social behaviour. This can undermine the sense of community cohesion and safety that residents currently enjoy.

Pollution Control: based on the adjoining property being non-residential, there are no objections to this application on pollution grounds.

Transport Development Management:

It is considered that the additional parking space would intensify the existing unsafe access, which opens right out into the beginning of the 'give way' road marking onto Staple Hill Road. Whilst the impact of the existing garage, parking space and access are accepted, further parking spaces in this location on the junction would result in a detrimental impact to highway safety in an area which has been the subject of myriad vehicular incidents in the past few years - including a serious two vehicle collision in 2021.

It is not acceptable to have waste stores used to accommodate cycle parking, or vice versa, and is contrary to TDM Standing Advice relating to refuse/recycling storage and Policy DM23 of the SADMP and Policy BCS10 of the Core Strategy. It is therefore requested that the proposed bin stores be moved to the front garden of the property.

According to our Waste and Recycling Storage and Collection Facilities Guidance, one set of containers listed in section 7.1.2. must be supplied for every three bedrooms (bed spaces) the building contains. Therefore, it is requested that one further set of containers be provided in order to comply with TDM Standing Advice relating to refuse/recycling storage and Policy DM23 of the SADMP and Policy BCS10 of the Core Strategy.

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

Officer's Note: following revisions to the scheme, TDM were satisfied with recommending approval, subject to the attached conditions and advices.

RELEVANT POLICIES

National Planning Policy Framework – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

KEY ISSUES

A. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN PRINCIPLE IN TERMS OF LAND USE AND WOULD IT IMPACT ON MIXED AND BALANCED COMMUNITIES?

Planning permission is sought for the conversion of the existing maisonette and office property to a seven-bedroom HMO (Sui Generis), with internal alterations to allow for room reconfiguration and external alterations to retile the existing rear extension roof along with two velux rooflights. The existing property is mixed-use in nature and located in a mixed-use area. The proposal is therefore considered acceptable in land use terms in this instance by virtue that the proposal is for continued residential use at an occupancy rate consistent with the existing context.

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". Strategic policies should be informed by a local housing need assessment outlining the minimum number of homes needed. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Section 11 (Making effective use of land) of the NPPF states that "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". Paragraph 118 (d) states that planning should "promote and support the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

Policy BCS5 (Housing Provision) of the Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development. The strategy by which the Council will allow development of open space is set out within the Site Allocations & Development Management Policies (SADMP) Local Plan.

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

Policy BCS10 (Transport and Access Improvements) 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.

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". Paragraph 4.18.5, 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.

Policy BCS20 (Effective and Efficient Use of Land) states that new development will maximise opportunities to re-use previously developed land. Where development is planned opportunities will be sought to use land more efficiently across the city. Imaginative design solutions will be encouraged at all sites to ensure optimum efficiency in the use of land is achieved. Higher densities of development will be sought:

- i. In and around the city centre;
- ii. In or close to other centres;
- iii. Along or close to main public transport routes.

For residential development, a minimum indicative net density of 50 dwellings per hectare will be sought. Net densities below 50 dwelling per hectare should only occur where it is essential to safeguard the special interest and character of the area.

Policy DM1 (Presumption in Favour of Sustainable Development) of the Site Allocations and Development Management Policies Local Plan (SADMP) outlines that the city's approach to development proposals will generally be positive and reflective of the presumption in favour of sustainable development as referenced throughout the NPPF.

Further to this, Site Allocations and Development Management Policy DM2 (2014) states that proposals for the subdivision of existing dwellings to flats will not be permitted where the development would create or contribute to a harmful concentration of such uses within the locality as a result of reducing the choice of homes in the area by changing the housing mix. Specifically, subdivision of existing dwellings to flats, houses in multiple occupation and creation of shared housing will not be permitted where excessive noise or disturbance, unacceptable pressure on car parking, harmful physical alterations to buildings or inadequate cycle/bin provisions would result. Furthermore, where subdivision would result in unacceptable concentrations of particular housing types within an area, which would have harmful implications for the available housing mix, subdivision will not be supported. Where subdivision is permitted, dwellings must meet relevant space standards and provide a good standard of accommodation.

The Council has produced the Houses in Multiple Occupation SPD. This is intended to directly support Policy DM2 (above), relating specifically to houses in multiple occupation, providing further guidance on particular aspects of the policy. Whilst the document is yet to go through consultation and consequently currently is afforded very limited weight in decision making, the principles discussed remain relevant given they are directly linked to interpretation of adopted policy.

The document recognised 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

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

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:

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

The HMO 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 dwelling (use class C3) is sandwiched on both sides by HMOs. 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 proposed change of use would not result in sandwiching impacts on adjacent residential properties.

An assessment of the local area indicates an existing rate of 7.87% of dwellings within a 100m radius being listed as HMOs, which would see the total concentration rate rise to 8.67% following this dwelling's change of use. In this respect, the proposed change of use would not result in the threshold of HMOs exceeding 10% and would be of an occupation level consistent with the existing context.

There would be no sandwiching effect arising from the change of use of this dwelling.

The principle of development is considered to be well-established and therefore acceptable.

B. IS THE DESIGN OF THE PROPOSED DEVELOPMENT ACCEPTABLE?

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

Policy DM30 states that development should remain subservient to the host property and respect the scale, form and proportions of the existing context.

The proposed change of use seeks to make alterations to the existing external fabric of the garage to the side of the property, however these are considered to be insignificant and would not increase the footprint of the side extension. The changes would be confined to retiling the roof and installing velux rooflights on the existing rear extension, and would therefore remain in accordance with Policies BCS21 and DM30.

The proposal will also not result in any harm the character and appearance of the Conservation Area.

The proposed development would be acceptable in terms of design and appearance.

C. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN TERMS OF RESIDENTIAL AMENITY?

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

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

Policy DM2 (Residential Sub-divisions, Shared and Specialist Housing) of the SADMP requires that where the conversion of existing dwellings is proposed for use as houses in multiple occupation, development will not be permitted where the development 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 DM30 states that alteration to existing development should safeguard the amenity of the host premises and neighbouring occupiers and leave sufficient usable external private space for the occupiers of the building.

The HMO SPD (2020) recognises that high numbers of multiple occupancy properties have the potential to cause harm to residential amenity. This is as a result of noise and disturbance resulting from intensification of the residential use and/or the potential lifestyle of occupants of such accommodation.

The proposed change of use would include both internal and external alterations to facilitate development, however it would not result in any net-additional area on any level of the property. The site adjoins a non-residential property at No. 884 which is currently in use as office space by Star Legal, therefore it is not considered that there would be any detriment to residential amenity by way of noise or disturbance, thus according with Policies BCS21 and DM30.

Residential amenity impacts would be acceptable and indifferent to that of the existing residential use.

D. 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'.

Policy BCS15 (Sustainable Design and Construction) of the Core Strategy sets out broad criteria to be considered in the design and construction of new development. A key issue that should be addressed by development includes:

'Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting'.

Policy BCS21 (Quality Urban Design) of the Core Strategy sets out criteria for the assessment of design quality in new development and sets standards against the established national assessment methodology 'Building for Life'. Development will be expected to:

'Safeguard the amenity of existing development and create a high-quality environment for future occupiers.' And;

'Create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions.'

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

Policy DM29 (Design of New Buildings) of the SADMP states the design of new buildings should be of high quality. To achieve this, new buildings are expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

The HMO 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 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. Recognisably there is little value in gaining planning permission for a property which would then fail to obtain the required license. The Bristol HMO Licensing Amenity Standards outline that individual bedrooms for single occupancy must provide a minimum ground floor area of 6.51m².

The proposed development provides a sufficient internal area for each bedroom that exceeds the 6.51m² minimum requirements and would include sufficient internal communal space and adequate bathroom provision. As such, it is considered that the proposed development would provide adequate living conditions.

It is therefore considered that the proposed development is in accordance with the Bristol HMO Licensing Amenity Standards and constitutes 'quality accommodation'.

**E. WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS
TRANSPORT AND MOVEMENT ISSUES?**

Policy BCS10 states that development should be designed and located to ensure safe streets where traffic and other activities are integrated.

Policy DM23 states that development should not give rise to unacceptable traffic conditions.

The proposed development would result in seven independent occupants residing at the address and therefore the potential for seven separate vehicles has been considered. Whilst there is provision for one vehicle on site, it is pertinent to add an informative to this decision limiting the issuance of parking permits in any future residents' parking zone in order to safeguard the legibility and usability of the local highway network and maintain parking availability. Subject to the inclusion of these measures, it is considered that the proposed development would be acceptable.

The proposed development would include cycle storage within the former garage for seven cycles, which would be secure and weatherproof as required by Policies BCS10 and DM23. It was originally proposed to house the waste storage in the same space; however, this was relocated to the front of the property following concerns raised from TDM. Furthermore, it was initially proposed to include two sets of containers for residents, however this was not considered to be in line with policy and guidance which stipulates that one set of containers be provided for every three residents in an HMO.

There would be no unacceptable highways impacts anticipated as a result of the proposed change of use. The proposed development would therefore accord with Policies BCS10 and DM23 and is therefore acceptable.

CONCLUSION

Based on the information provided to the Local Planning Authority, it is considered that the proposed change of use would not give rise to an over concentration of HMOs and would not adversely impact

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

the housing composition in the immediate area. By virtue that the proposals seek a change of use only, there would be no unacceptable impacts in regard to residential amenity or design. Planning controls by way of informatives and conditions have been added to ensure appropriate measures are in place to safeguard parking provision.

As such, it is considered that planning permission should be granted, subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL.

EQUALITY ASSESSMENT

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

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

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

DEVELOPMENT CONTROL () DELEGATED
886 Fishponds Road Fishponds Bristol BS16 3XB

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.

List of approved plans

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.

Location plan, received 20 May 2024

886FR.PL01 Existing plans, received 20 May 2024

886FR.PL02 Proposed plans, received 20 May 2024

886FR.PL04 Site photos, received 20 May 2024

886FR.PL03A Revised Existing and Proposed Site Plan, received 20 September 2024

Reason: For the avoidance of doubt.

Advices

Case Officer: [REDACTED]

Authorisation: [REDACTED]

commdelgranted
V1.0211

APPENDIX 5

Milestones Trust

Chasefield House

Inspection report

888 Fishponds Road
Fishponds
Bristol
BS16 3XB

Tel: 01179653750

Website: [REDACTED]

Date of inspection visit:

22 October 2019

23 October 2019

06 November 2019

Date of publication:

24 December 2019

Ratings

Overall rating for this service

Requires Improvement ●

Is the service safe?	Requires Improvement ●
Is the service effective?	Good ●
Is the service caring?	Good ●
Is the service responsive?	Good ●
Is the service well-led?	Requires Improvement ●

Summary of findings

Overall summary

About the service: Chasefield House is a residential care home.

Chasefield House accommodates up to 11 people with a learning disability. At the time of the inspection 10 people were living there.

The home met most of the characteristics that underpin the Registering the Right Support and other best practice guidance. This ensures that people who use the service can live as full a life as possible and achieve the best possible outcomes. The principles reflect the need for people with learning disabilities and/or autism to live meaningful lives that include control, choice, and independence. People using the service received planned and co-ordinated person-centred support that was appropriate and inclusive for them.

Chasefield House was registered to support up to Eleven people. This is larger than current best practice guidance. However, the size of the service having a negative impact on people was mitigated by the building design, fitting into the residential area and the other large domestic homes of a similar size in the neighbourhood.

There were deliberately limiting identifying signs outside the home to indicate it was a care home. Staff were also discouraged from wearing anything that suggested they were care staff when coming and going with people.

People's experience of using this service:

People and staff could be at risk of hot water that posed a risk of scalding. Some people could be at risk of radiators being uncovered. No risk assessment was in place at the time of the inspection. No action had been taken prior to our inspection.

Medicines were administered safely to people. Records were accurate and up to date. People were supported by enough staff and by staff who had checks undertaken prior to working with vulnerable people. People were supported to have maximum choice and control of their lives and staff supported them in the least restrictive way possible.

Staff received supervision and training and were supported by staff who were kind and caring. Staff and the registered manager knew people well. Care plans were personalised and individual and recorded people's like, dislikes and routines.

The provider had a complaints policy in place including an easy read version. People who we spoke with were happy with the care they received. People had their views sought with ongoing conversation regarding their end of life wishes.

Staff felt supported and it was a nice place to work. Staff supported people to access medical appointments

and health professionals when required. People access the community and undertook activities that were personal to them.

Incidents and accidents were recorded, and quality assurance systems were in place relating to infection control and medicines management.

Rating at last inspection: Good (published April 2017).

Why we inspected: This was a planned inspection based on the previous rating. At this inspection we found the overall rating had changed from Good to Requires Improvement.

Follow up: We will continue to monitor the service through the information we receive. We will visit the service in line with our inspection schedule, or sooner if required.

For more details, please see the full report which is on the CQC website at www.cqc.org.uk

The five questions we ask about services and what we found

We always ask the following five questions of services.

Is the service safe?

The service was not always safe.

Details are in our safe findings below.

Requires Improvement ●

Is the service effective?

The service was effective.

Details are in our effective findings below.

Good ●

Is the service caring?

The service was caring.

Details are in our caring findings below.

Good ●

Is the service responsive?

The service was responsive.

Details are in our responsive findings below.

Good ●

Is the service well-led?

The service was not always well-led.

Details are in our well-Led findings below.

Requires Improvement ●

Chasefield House

Detailed findings

Background to this inspection

The inspection

We carried out this inspection under Section 60 of the Health and Social Care Act 2008 (the Act) as part of our regulatory functions. We checked whether the provider was meeting the legal requirements and regulations associated with the Act. We looked at the overall quality of the service and provided a rating for the service under the Care Act 2014.

Inspection team:

The inspection was undertaken on the 22, 23 October and the 6 November 2019. It was carried out by one adult social care inspector.

Service and service type:

Chasefield House is a residential care home. People in residential care homes receive accommodation and personal care as single package under one contractual agreement. CQC regulates both the premises and the care provided, and both were looked at during this inspection.

The service at the time of the inspection had a registered manager in post. This meant the provider was legally responsible for how the service is run and for the quality and safety of the care provided.

Notice of inspection:

The inspection was unannounced on the first day.

What we did:

We reviewed information we had received about the service. This included details about incidents the provider must notify us about. The provider had completed a provider information return prior to this inspection. This is information we require providers to send us to give some key information about the service, what the service does well and improvements they plan to make. We took this into account when we inspected the service and made the judgements in this report.

During the inspection we spoke with five people, one relative, four members of staff, as well as the registered manager and a member of staff from human resources. During the inspection we reviewed three people's care and support records and two staff files.

We used the Short Observational Framework for Inspection (SOFI). SOFI is a way of observing care to help us understand the experience of people who could not talk with us. We also looked at records relating to the management of the service such as incident and accident records, questionnaires, recruitment and training records, policies, audits and complaints.

Is the service safe?

Our findings

Safe – this means we looked for evidence that people were protected from abuse and avoidable harm.

At the last inspection this key question was rated as Good. At this inspection this key question has now deteriorated to Requires Improvement.

This meant some aspects of the service were not always safe and there was limited assurance about safety. There was an increased risk that people could be harmed.

Assessing risk, safety monitoring and management

- Hot water checks undertaken in October 2019 identified three tap temperatures that were exceeding 43 degrees. This is above the safe recommended temperatures in the Health and Safety Executive (HSE) Guidance Health and Safety in Care Homes 2014. No action had been taken to reduce these temperatures.
- During the inspection we identified radiators that posed a risk of serious injury should people fall or lean against them. There was no risk assessment in place that identified this risk or actions being taken. The registered manager following the inspection confirmed all risk assessments were now in place for people. They also confirmed the radiators had been covered due to the risk to these people.
- People had personal evacuation plans in place these confirmed any arrangements the person might need in an emergency situation.
- Fire safety checks were regularly undertaken. Records confirmed this. People had personal evacuation plans in place that confirmed what support and equipment they might need in the event of an emergency.
- Where people required support with their mobility a risk assessment had been undertaken that confirmed the equipment and support required from staff.

Staffing and recruitment

- People were supported by staff who had checks completed prior to working with vulnerable adults. Checks included a satisfactory Disclosure and Barring Service (DBS) and references.
- People were part of the interview process. For example, people spent time with potential recruits and people's views were sought with how they had experienced the potential candidate.
- People were supported by enough staff to meet their individual needs. Staffing levels were adapted to reflect what support and activities were planned so that people received the support required.

Using medicines safely

- People's medication administration records (MARs) were accurate and up to date.
- Guidelines were in place for topical creams.
- Records accurately reflected stock however one topical cream was out of date but still being administered. Action was taken to immediately dispose of this medicine and replace it.

Preventing and controlling infection

- People and staff had access to liquid hand soap and paper towels.
- The home was odour free and clean.

Systems and processes to safeguard people from the risk of abuse

- People, relatives and staff felt the service was safe. One person when asked if the service was safe. They told us, "Yer". One relative told us, "Staff are very attentive anything that's wrong they rally around". One member of staff when asked if people were safe. Told us, "Yes, I've not witnessed anything".
- People were supported by staff who had a good understanding of abuse and who to raise concerns to. One member of staff told us, "Abuse is financial, sexual, domestic, institutional. The first thing I would do is go to my manager, then area manager".

Learning lessons when things go wrong

- Incidents and accidents were logged and confirmed any actions taken. These were reviewed for any trends and patterns.

Is the service effective?

Our findings

Effective – this means we looked for evidence that people's care, treatment and support achieved good outcomes and promoted a good quality of life, based on best available evidence.

At the last inspection this key question was rated as Good. At this inspection this key question has remained the same.

This meant people's outcomes were consistently good, and people's feedback confirmed this.

Assessing people's needs and choices; delivering care in line with standards, guidance and the law

- People's care plans were individually developed with the person and their families where appropriate.
- People's needs were delivered in line with recognised standards and guidance and their individual needs. Referrals were made to health care professionals such as speech and language therapists when required. People wore hearing aids to support their hearing and care plans confirmed the persons individual needs.

Staff support: induction, training, skills and experience

- People were supported by staff who received training to ensure they had skills and competencies to provide good quality care.
- The registered manager monitored when staff were due their training. This was done through a training plan. Staff had received training in safeguarding adults, medication, mental capacity, first aid, moving and handling, health and safety, food hygiene and safeguarding adults. Where refresher training was required this had been identified and booked.
- Staff received additional training so that they could support people with their individual needs. Additional training included, end of life, nutrition and hydration, understanding advocacy support and STOMP. STOMP is a working together approach around, 'The Stopping Over-Medication of People with a Learning Disability, Autism or Both' (STOMP). It commits each to work together, and with people with a learning disability and their loved ones, to take real and measurable steps to stop over-medication.
- The provider ensured new staff undertook an induction. The induction covered policies, training and shadowing an experienced member of staff at the service.
- Staff felt supported and they received formal and informal opportunities to discuss their work, training and development needs.

Ensuring consent to care and treatment in line with law and guidance

The Mental Capacity Act 2005 (MCA) provides a legal framework for making particular decisions on behalf of people who may lack the mental capacity to do so for themselves. The Act requires that, as far as possible, people make their own decisions and are helped to do so when needed. When they lack mental capacity to take particular decisions, any made on their behalf must be in their best interests and as least restrictive as possible.

People can only be deprived of their liberty to receive care and treatment when this is in their best interests and legally authorised under the MCA. In care homes, this is usually through MCA application procedures

called the Deprivation of Liberty Safeguards (DoLS).

We checked whether the service was working within the principles of the MCA.

- People's care plans contained important information relating to their mental capacity.
- Where people lacked capacity, mental capacity assessments were undertaken and best interest decisions confirmed arrangements in place.
- The registered manager submitted DoLS applications when required.
- People were offered choice and staff asked their consent before offering support.

Supporting people to eat and drink enough to maintain a balanced diet

- People were supported with their individual diets and modifications as required. For example, some people were at risk of eating certain foods such as peas, sweetcorn and chips. Staff knew people's individual needs well and people were offered alternative choices.
- Staff offered people choice if they wanted hot and cold drinks.
- People were involved in setting tables and clearing away following meal times. People were observed as positively participating in these daily tasks.
- People's care plans had support plans including people's likes and dislikes. Risk assessments also identified what actions needed to be taken to reduce the risk of choking to some people.

Adapting service, design, decoration to meet people's needs

- The home was clean and odour free. People's rooms were personalised with things that were important to them, such as pictures, cuddly soft toys, memorabilia, books and music.
- The service had a stair lift in place to access some of the bedrooms on the ground floor. This was used by some people within the service.
- The building had a front and side entrance people could enter through the front door or the side door of the property. This was because one had steps and the other entrance was more accessible.
- People could access the back garden. There was seating, fruit trees and flower beds.

Staff working with other agencies to provide consistent, effective, timely care;

Supporting people to live healthier lives, access healthcare services and support

- People were supported with their individual health needs. For example, referrals were made when required to physiotherapists, occupational therapists, dentists, GP's and other routine and non-routine appointments. Records confirmed referrals made and outcomes from the appointments.
- Staff knew people well which meant they identified quickly when people might be becoming unwell or require medical assistance.

Is the service caring?

Our findings

Caring – this means we looked for evidence that the service involved people and treated them with compassion, kindness, dignity and respect.

At the last inspection this key question was rated as Good. At this inspection this key question has remained the same.

This meant people were supported and treated with dignity and respect; and involved as partners in their care.

Ensuring people are well treated and supported; respecting equality and diversity

- People and relatives felt staff had a positive attitude. Staff demonstrated an attentive and supportive approach. One relative told us, "Staff are wonderful. They do what they say they do. They always laugh and joke, its lovely". During the inspection staff spent the time talking to people about things that were important to them such as family's birthdays.
- Staff had a good understanding of equality and diversity.
- The registered manager knew people well. During the inspection they spent time talking to people reassuring them with plans and appointments as required.
- People were supported by staff who were kind and caring. One person told us, "Staff are so sweet so kind".
- People appeared well groomed and wore clean clothes.

Supporting people to express their views and be involved in making decisions about their care

- People had their views sought through regular care plan reviews. Relatives were also involved in decisions should people require support to express their wishes.
- People's views were sought around menu choices and daily activities. Throughout the day people's views were sought about their care. For example, where they wished to spend their time and what they wanted to have for lunch.
- Staff checked with people that they still wanted to undertake their activities, giving them the opportunity to change their minds.
- Staff spoke with people in a polite and respectful manner.

Respecting and promoting people's privacy, dignity and independence

- People were supported by staff who respected and promoted their privacy, dignity and independence.
- For example, people spent time in their rooms with their doors closed so that people had their privacy respected.
- Care plans took into account people's wishes to be independent. One person told us, "I shave by myself and get dressed by myself, cleaning my own teeth".
- People maintained relationships that were important to them. Visitors were welcome to visit at any time.

Is the service responsive?

Our findings

Responsive – this means we looked for evidence that the service met people's needs.

At the last inspection this key question was rated as Good. At this inspection this key question has remained the same.

This meant people's needs were met through good organisation and delivery.

Planning personalised care to ensure people have choice and control and to meet their needs and preferences and Supporting people to develop and maintain relationships to avoid social isolation;

- People's care plans were person centred. They contained important information relating to what was important to the person such as having their personal space, books and magazines, going out and being respected.
- Care plans confirmed what a good day looked like and what made a good day. They also confirmed what things could contribute towards a bad day. This meant staff had access to information that could support the person's daily experience and wellbeing.
- Care plans confirmed if people had any spiritual wishes and their medical histories. One person enjoyed going to church every week.
- People had access to various activities. These included one to one activities such as accessing the community, clubs and appointments. Along with knitting, puzzles, themed time of the year where people could participate in helping with decorating the home. People were able to spend time in their rooms or the communal areas of the home.
- People were able to have visitors such as friends and family visit throughout the day.

Meeting people's communication needs

Since 2016 onwards all organisations that provide publicly funded adult social care are legally required to follow the Accessible Information Standard (AIS). The standard was introduced to make sure people are given information in a way they can understand. The standard applies to all people with a disability, impairment or sensory loss and in some circumstances to their carers.

- Care plans contained information relating to how the person communicated. For example, if pictures and photographs were a better way to give people information.
- People had access to picture cards that had a happy and sad face so that they could express how they were feeling.

Improving care quality in response to complaints or concerns

- The service had an easy read and complaints policy in place. Complaints were logged including the individual issue and any outcomes. Five complaints had been received in the last 12 months. People felt happy to raise any concerns with the manager or staff if they needed to.
- Relatives had provided various compliments to the service on the care and support provided. One relative had shared how positive they felt that they had received a postcard whilst visiting a nearby town. They expressed how positive it was for them to hear what the person was up to. Another relative had written an

email to thank the registered manager for all their support and updates. They showed gratitude within the email and thanked staff for keeping them updated and informed with the person's care and support. Another compliment confirmed, 'To all the wonderful staff at Chasefield House. Thank-you all so very much for taking such excellent care of [Name of person]. I am so thrilled how well [they are] doing and how happy [they are]. I appreciate your care and kindness you show to [them]'.

End of life care and support

- People's wishes relating to their funeral arrangements and any wishes relating to if they became unwell were ongoing conversations. The registered manager confirmed new paperwork was in the process of being implemented. This meant the service was gathering information relating to people's wishes as they expressed them.

Is the service well-led?

Our findings

Well-Led – this means we looked for evidence that service leadership, management and governance assured high-quality, person-centred care; supported learning and innovation; and promoted an open, fair culture.

At the last inspection this key question was rated as Good. At this inspection this key question has now deteriorated to Requires Improvement.

This meant the service management and leadership was inconsistent. Leaders and the culture they created did not always support the delivery of high-quality, person-centred care.

Managers and staff being clear about their roles, and understanding quality performance, risks and regulatory requirements

- Actions had not been taken to rectify water temperatures that were above recommended safe temperatures.
- Environmental risks had been identified by the registered manager however no actions had been taken to assess the risk or cover the hot surface to prevent the person potentially scaling themselves should they fall or lean against radiators.
- Systems were in place to manage and identify shortfalls relating to infection control, medicines management, equipment and fire safety.
- The provider had additional quality monitoring checks in place. These checks were undertaken by designated staff who worked for the provider.

Engaging and involving people using the service, the public and staff, fully considering their equality characteristics

- People had their views sought through a yearly questionnaires' and residents' meetings. Two people had confirmed they were happy with the care provided.
- Staff had monthly meetings which were an opportunity to discuss any changes within the service as well as changes to people's needs.
- Staff were recognised for the support they provided and when they went beyond and above their role. Staff were put forward to the Care and Support West Awards.

Planning and promoting person-centred, high-quality care and support; and how the provider understands and acts on duty of candour responsibility

- Staff felt the service was a nice place to work. One member of staff told us, "They're very welcoming here. I've had good support from [deputy manager]". Another member of staff said, "I really like the place everyone is really friendly. The manager and team are open and we can support residents and enable their independence.
- The registered manager made notifications when required. This is when certain changes, events or incidents occur that affect the service or people.
- The provider was displaying their rating on their website and within the service.
- The registered manager knew people well. They spent time talking to people, reassuring them and

confirming up and coming appointments with them.

Working in partnership with others

Continuous learning and improving care

- The registered manager worked closely with other registered managers employed by the provider.
- The registered manager liaised and worked in partnership with people's relatives. They were keen to ensure people's care experience was as positive as they could provide. To support this they worked in partnership with outside agencies such as the local authority, GP surgery, district nursing teams, and social work teams.

APPENDIX 6

Rebecca Morgan -Stokes Morgan of 41a High Street, Nailsea, BS48 1AS

By email only

22nd January 2025

Dear Rebecca

Chasefield House, 888 Fishponds Road, Bristol. BS16 3XB

Further to your request for information from us on our marketing of the above property I have listed below some information that you may find useful.

The property was listed in our May 2021 auction which took place on 19th May. The guide price for the property was £600,000 and the final sale price achieved was £1,200,000.

I have enclosed a copy of our marketing details for you.

We had two listings for the property, one was a listing on our auction section and the other listing was in our commercial section. Our advertising included a large V board at the premises, which prompted a substantial number of enquiries, and the other methods of advertising streams were online using Zoopla, Rightmove and I understand it was also posted on our twitter account.

There were in the region of 100 groups who viewed the property prior to the auction. This consisted of mainly developers who, from the feedback we had, were interested in developing the existing building into flats and adding to the development by putting additional dwellings in the rear garden. The other main interest came from HMO Landlords, and they were looking to convert the property into a large-scale HMO. My colleague who carried out the viewings remembers speaking with one group who were from a care home but as far as we are aware that was the limit of interest, and they were not interested in taking it any further once they viewed due to the amount of work it would have taken to get it back up to an acceptable standard.

This was reflected in the groups that registered to bid when the property was offered at auction, as we had 22 groups register, these were split between developers and HMO Landlords with no care home providers on the list.

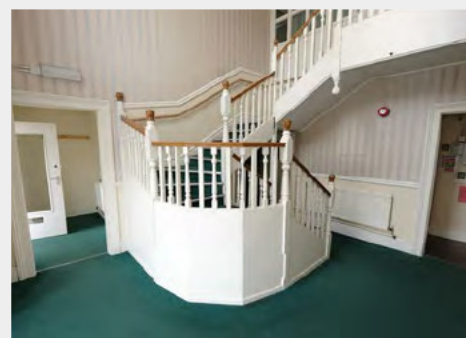
I hope this covers the information you were enquiring about but do let me know if I can assist further.

[Redacted]

[Redacted]

Office Manager & Auction Compliance

Chasefield House, 888 Fishponds Road, Fishponds, Bristol, Sold @ Auction £1,200,000



- FOR SALE BY ONLINE AUCTION
- WEDNESDAY 19TH MAY 2021
- VIDEO TOUR NOW ONLINE
- VIEWINGS - REFER TO DETAILS
- DOWNLOAD ONLINE LEGAL PACKS
- MAY 2021
- FREEHOLD DETACHED PROPERTY (8170 Sq Ft)
- 0.5 ACRES PLUS OUTBUILDINGS
- DEVELOPMENT & INVESTMENT POTENTIAL
- FORMER CARE HOME

Hollis Morgan *** SOLD @ LIVE ONLINE AUCTION *** A Freehold DETACHED PERIOD PROPERTY (8170 Sq Ft) on a mature 0.5 ACRE PLOT with OUTBUILDINGS and DEVELOPMENT POTENTIAL subject to consents.

Chasefield House, 888 Fishponds Road, Fishponds, Bristol, BS16 3XB

Accommodation

ADDRESS

Chasefield House, 888 Fishponds Road, Fishponds, Bristol, BS16 3XB

FOR SALE BY LIVE ONLINE AUCTION

*** SOLD BY HOLLIS MORGAN LIVE ONLINE AUCTION ***

GUIDE PRICE £600,000 +++
SOLD @ £1,200,000

Lot Number 2

The Live Online Auction is on Wednesday 19th May @ 18:00
Registration Deadline is on Monday 17th May @ 16:00

The Auction will be streamed LIVE ONLINE via the Hollis Morgan website & you can choose to bid by telephone, proxy or via your computer. Registration is a simple online process – please visit the Hollis Morgan auction website and click on the "REGISTER TO BID" button

PRE AUCTION OFFERS

On this occasion the vendors will NOT be considering pre auction offers on this lot.

VIEWINGS

Viewings can be booked on specific days for this property – please submit a viewing request online and we will contact you to arrange access.

Hollis Morgan would be grateful if you could arrive promptly to inspect the properties at the START of the agreed time as we have scheduled viewings throughout the day and CANNOT wait for late arrivals. There are likely to be viewings on the property before and after your appointment and if you miss your slot (usually 15 minutes or longer for larger properties) you will be asked to wait until the next available time. Please note government regulation on groups sizes and safe social distancing must be practiced at all times – please bring your own gloves and facemask.

You may be asked to wait outside before it is safe to enter – please understand and respect this request.

If you have shown any symptoms of Covid (19) in the last 10 days we would respectfully ask you to not attend the viewing.

The safety of our clients and staff is our number one priority and we thank you for your understanding.

Please note that hard copy of details will not be provided but will have been emailed to you with instructions on how to bid and what happens next before the viewing.

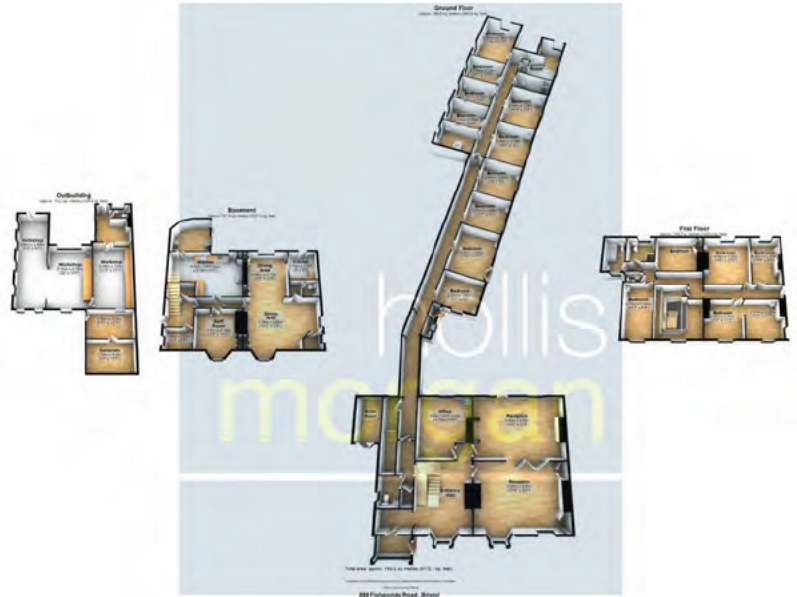
EXTENDED COMPLETION

Completion is set for 8 weeks or earlier subject to mutual consent.

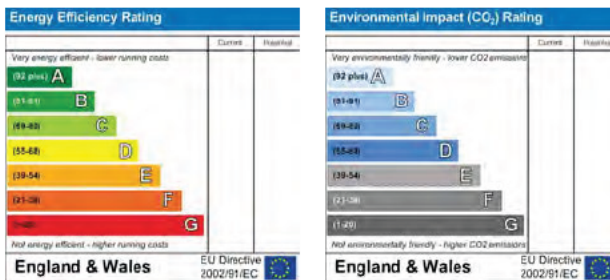
SOLICITORS

Capstick Solicitors

Floor plan



EPC Chart



9 Waterloo Street
Clifton
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BS8 4BT

Tel: 0117 973 6565

Email: post@hollismorgan.co.uk

Hollis Morgan Property Limited, registered in England, registered 7275716.
Registered address, 5 Upper Belgrave Road, Clifton, Bristol BS8 2XQ

Auction Property Details Disclaimer

Hollis Morgan endeavour to make our sales details clear, accurate and reliable in line with the Consumer Protection from Unfair Trading Regulations 2008 but they should not be relied on as statements or representations of fact.

Please refer to our website for further details.

APPENDIX 7

Extension: Revised expiry date	11 October 2024
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No: 24/00724/F **Registered:** 21 March 2024

Type of Application: Full Planning
Case Officer: [REDACTED] **Expiry Date:** 16 May 2024

Site Address:

Ashbourne House
 2 Henleaze Road
 Bristol
 BS9 4EX

Description of Development:

Change of Use from a Care Home (C2) to a Large HMO (Sui Generis) and one studio apartment.

Ward: Westbury-on-Trym & Henleaze

Consultation Expiry Dates:

Advert 1 May 2024
and/or Site 1 May 2024
Notice:

Neighbour: 24 Apr 2024

SITE DESCRIPTION

The application relates to Ashbourne House, a semi-detached Grade II listed property built in the 'Free Domestic Revival' style of the late twentieth century. The property is currently vacant, having most recently been in use as a 17-bed care home.

The property is situated within The Downs Conservation Area.

RELEVANT PLANNING HISTORY

83/01503/P_N - Ground and 1st floor residential home (9 to 12 residential) for the elderly. Second floor living-in area for staff - Permission Granted

84/04068/F - Extend present residential home for the elderly on ground and first floor to second floor to accommodate up to 16 residents - Permission Granted

04/05012/F - Convert existing garage to bedroom and enclose terrace to form conservatory with ramp access to garden - Refused

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

04/05015/LA - Convert existing garage to bedroom and enclose terrace to form conservatory with ramp access to garden - Refused

08/01630/F - Convert existing garage to bedroom and enclose the covered terrace with glass panels and one set of sliding doors - Refused

08/01632/LA - Convert existing garage to bedroom and enclose the covered terrace with glass panels and one set of sliding doors - Refused

08/02851/F - Convert existing garage into bedroom and enclose the covered terrace with glass panels and one set of sliding doors - Permission Granted

08/02852/LA - Convert existing garage into bedroom and enclose the covered terrace with glass panels and one set of sliding doors - Permission Granted

23/00996/F - Conversion of former care-home (Use Class C2 - Residential Institution) to become 7 self-contained residential apartments (Use Class C3[a] - Dwellinghouses) - Pending Consideration.

23/01503/LA - Conversion of former care-home (use Class C2 - Residential Institution) to become 7 self-contained residential apartments (use Class C3[a] - Dwelling Houses) - Pending Consideration

APPLICATION

Planning permission (alongside an application for Listed Building Consent: 24/00725/LA) is sought for the change of use of the building from a Care Home (C2) to a Large HMO (Sui Generis). Please see the application form and plans for further details.

RESPONSE TO CONSULTATION AND PUBLICITY

Neighbours were consulted via individual notification letters. The application was also advertised via a site and press notice.

12 public comments were received, with 4 objecting to the proposal, 7 in support of the proposal and 1 neutral comment. The comments are summarised below:

Objections:

- o Concerns over additional street parking
- o Concerns of detrimental impacts of HMO on the area
- o Concerns over sustainability and energy issues
- o Concerns related to overcrowding

Support:

- o Sustainably located and easy access to transport
- o HMO accommodation needed in Bristol
- o Development address need for more affordable housing
- o Positives of communal living fostering a stronger sense of community

OTHER COMMENTS

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

Bristol City Council's Arboricultural Team :-

'The development is mostly internal changes to the property, but it does include some changes in the rear garden. This includes removal of a shed, a new bike store and possible changes to the surfacing and edging with in the Root Protection Areas of trees. We do not currently have an arboricultural report addressing these issues.

While I have no objection to the principle of this development, at present we lack the details to ensure that the retained trees are protected. If the proposal is approved please include the following condition: Arboricultural method statement & Tree protection plan.'

Bristol City Council's Pollution Control Team:-

I have no objection to this application in principle but do have some concerns over the potential for noise from the proposed air source heats pumps located in one position and potentially affecting the residents of nearby properties and residents of this development with rooms overlooking the heat pumps.

I also have concerns over the transmission of noise from communal living rooms and kitchens on the ground and first floor to the adjoining flats at 39 Downs Park West. With the increased numbers of residents at the property there will be the potential for noise from the use of kitchen/living room if there is insufficient sound insulation to these rooms. It could well be the case that some improvements will be needed for the sound insulation properties of the party wall in order to ensure that the use of the rooms does not cause harm to the neighbouring property.

I would ideally like to see further information with regards to noise provided as part of the application or that the following condition be applied to any approval: Noise from development.'

Bristol City Council's Transport Development Management Team:-

Principle

This application seeks approval for the Change of Use from a Care Home (C2) to a Large HMO (Sui Generis) at Ashbourne House, with associated cycle parking and waste storage.

Planning History

Several applications have been submitted for the site in recent years, including the following:

23/00996/F (2023): Conversion of former care-home (Use Class C2 - Residential Institution) to become 7 self-contained residential apartments (Use Class C3[a] - Dwellinghouses). TDM had previously submitted a comment for this application, requesting further information on several transport related issues. Decision: Still pending consideration.

23/01503/LA (2023): Conversion of former care-home (use Class C2 - Residential Institution) to become 7 self-contained residential apartments (use Class C3[a] - Dwelling Houses). Decision: Still pending consideration.

24/00725/LA (2024): Change of Use from a Care Home (C2) to a Large HMO (Sui Generis). Decision: Still pending consideration.

Highway Network

DEVELOPMENT CONTROL () DELEGATED

Ashbourne House 2 Henleaze Road Bristol BS9 4EX

The site is located on Henleaze Road, which is 'B' class carriageway subject to a speed limit of 20 mph. The nearest bus stop is at a distance of approximately 130m from the site, hosting frequent services which travel to the city centre and other areas within the city.

Car Parking

The applicant proposes to provide two off-street parking bays utilising the existing vehicle crossover on Henleaze Road (B4056). However, based on the proposed site plan, there does not appear to be sufficient room to accommodate two vehicles in the space available. A revised plan showing the layout of the two parking spaces is therefore required. This must include swept path analysis to demonstrate that a 4.98m long large saloon car would be able to safely enter and exit. If this cannot be achieved then the vehicle crossover must be removed and the footway reinstated to full kerb height, for which a Section 171 Licence will be required.

There appears to be an on-street blue badge bay. It is unclear if this is associated with the site or an adjacent dwelling. This must be clarified. If it is the former, then if it is no longer required it must be removed by resurfacing the carriageway. All licences are available at www.bristol.gov.uk/highwaylicences

Based on 2011 census car ownership statistics, TDM estimates that the total parking requirement of the 16-bedroom HMO would be seven parking spaces, of which two can be accommodated for with existing on-site parking (subject to the existing parking spaces being of acceptable standards).

Due to the number of objections raised and potential impacts the development could have on the highway network, the applicant is required to submit a parking survey which should demonstrate on-street parking capacity for seven vehicles. The applicant should refer to the Council's Parking Survey guidance when conducting the parking survey.

Cycle Parking

The applicant has proposed sixteen weatherproofed, enclosed and secure cycle spaces at the site, in compliance with the Local Plan Standards. TDM have no concerns over the proposed cycle parking.

Waste

The applicant has proposed waste storage for the following waste containers: 1 no. 1100L waste bin, 1 no. 1100L card bin, 1 no. 360L plastic/cans bin, 1 no. 240L paper bin and 1 no. 140L food waste bin. To comply with the Council's Waste Guidance, an additional 240L (glass) waste container must also be provided.

As stated within the Council's Waste Guidance, the waste containers must be collected directly from the bin store, or a suitable hardstanding adjacent to the adopted highway must be provided. The waste containers can only be left on the adopted highway (for collection only) where there is at least 1.5 metres of clear space for pedestrians to be able to pass - a width that is unlikely to be provided in this instance. As such, a suitable hardstanding (adjacent to the adopted highway) must be demonstrated for the collection of waste. The applicant should note that doors must not open outwards onto the adopted highway.

Additionally, it seems that the applicant has proposed 6no. Air Source Heat Pumps (see proposed ground floor plan) in the same location as the proposed waste storage (see proposed site plan). The newest site plan (ref. 2101-S0-P02) proposes separate locations for the ASHPs and waste storage. TDM have no concerns over the location of the waste storage in the amended site plan.

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

Recommendation

TDM will not be able to make a recommendation on this proposal without receiving the following information:

- o Revised plan showing the outline/layout of the two parking spaces.
- o Submission of a parking survey.
- o Clarification on the blue badge bay.
- o Amended plans showing the required number of waste containers.
- o Amended plans showing a suitable hardstanding (adjacent to the adopted highway) for the collection of waste.

Following the submission of revised plans and a parking survey, the Transport Development Management Team raised no further objections.

Bristol City Council's Conservation Team:-

"These proposals would result in minimum alteration to the listed building. New additions are proposed at ground floor level to form a new studio apartment within the northern of the two original reception rooms.

Further information is requested to address some concerns. Internal elevations of the studio apartment should be provided to demonstrate the proposed new partitions will not interrupt or interfere with the original decorative inglenook fire surround, and in order to assess the impact on the character and proportions of this space. The external design of the proposed ensuite should be carefully considered to ensure that it reads visually as a distinct insertion. We recommend consideration of expressed joinery and the suggestion that the pod reads as furniture rather than a standard plasterboard block.

We also recommend the omission of the built-in wardrobe in favour of freestanding furniture that would not interface with existing features.

The existing door sets and door furniture are high quality and contribute to the significance of the property. It is noted that there may be additional fire or acoustic protection required to rooms not previously in residential use. Confirmation should be provided that no further adaptation is required to address any Building regulations compliance, or details given of any necessary intrusive alterations to doors, walls, or ceilings.

Please reconsult Conservation on receipt of further details."

Following the submission of revised plans, the Conservation Team raised no further objections.

RELEVANT POLICIES

PAN 2 Conservation Area Enhancement Statements (November 1993)

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – December 2023

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

(Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

KEY ISSUES:

A. IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?

The proposal will result in the loss of a care home, which falls within the Use Class C2 and triggers the requirement to assess the application against policy DM5 and BCS12 of the Local Plan.

Bristol Core Strategy (2011) policy BCS12 sets out the general approach to the protection of community facilities. Policy DM5 in the Site Allocations and Development Management Policies (2014) sets out more detailed criteria to determine the importance of the facility. This includes assessment of the need or demand for community facility, the suitability of the site or building for a community facility, whether the facility could form part of the new development or whether alternative provision might be more appropriate.

It is considered that there is currently a sufficient number of care homes in the north of the City to meet demand and no objection of the loss of this care home are raised in this regard. On the basis of the evidence provided it is not considered that the loss of the application site would create, or add to, a shortfall in the provision or quality of elderly care uses within the locality, in accordance with caveat (i) of policy DM5.

The NPPF (2023) 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 BCS18 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 size to help support the creation of mixed, balanced and inclusive communities", with reference to the evidence provided by the Strategic Housing Market Assessment, also noted 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

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

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 an adopted 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 sites adjacent, opposite or the rear. 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 document states that it should be used alongside relevant Local Plan policies to determine all applications for new HMOs and for additional bed spaces within existing HMOs and constitutes an important material consideration in the decision-making process.

The application site is located within the North View Lower Super Output Area (LSOA) in the Westbury-on-Trym & Henleaze ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data. With regards to household types within the North View LSOA census data indicates there are 144 (24.8%) one

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

person households, 362 (62.3%) one family households, and 75 (12.9%) multiple person households. Therefore, based on census data approx 87.1% of households within the LSOA are single households and only 12.9% are shared or multiple occupancy households. As such single households remain the prevailing type within the immediate area and shared housing is not disproportionately represented.

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 (as of January 2024) indicates that within 100m of the application site there are a total of 76 residential properties, none of which are HMOs.

This means that the percentage of HMOS within 100 metres of the site is 0% which is below the 10% desirable threshold quoted within the SPD. As per the SPD guidance, this suggests that negative impacts to residential amenity and character are not likely to be experienced and housing choice and community cohesion is not currently starting to weaken.

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.

As such the principle of development would be acceptable in this location.

B. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN DESIGN AND WOULD IT PRESERVE OR ENHANCE THE CHARACTER AND APPEARANCE OF THIS PART OF THE DOWNS CONSERVATION AREA?

The application site is located within The Downs Conservation Area. The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48]

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2023 provides guidance for 'Conserving and enhancing the historic environment'. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para. 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Further, Paragraph 207 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Finally, Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In addition, Bristol Core Strategy (Adopted 2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets in the city with

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

Policies DM30 and DM31 in the Site Allocations and Development Management Policies (Adopted 2014) expressing that alterations to buildings should preserve or enhance historic settings. Policy BCS21 in the Bristol Core Strategy and Policy DM26 in the Site Allocations and Development Management Policies also state that development should contribute positively towards an area's character and identity and reinforce local distinctiveness. Policy DM21 further states that in all cases any development of garden land should not result in harm to the character and appearance of an area, and that development involving front gardens should ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

The application site is located within The Downs Conservation Area. The conservation area is dominated by the Downs, an extensive plateau of open parkland, defined by the Avon Gorge and Westbury Road to the west and east with the slopes of Clifton and Stoke Bishop to the south and north. Architecturally, the area is characterised by large Edwardian and Victorian villas and traditional stone boundary walls and treatment with mature and mainly soft front gardens.

The proposal does not include and external extensions or alterations to the building, with the exception of additional vent, and the removal of the existing signage. The character of the listed building is therefore protected.

The hard and soft landscaping proposals including additional hardstanding to accommodate two car parking spaces, removal of existing shed and addition of two bikes stores and two bin stores are considered acceptable and would preserve the character of this part of the Conservation Area and the listed building. The materials proposed are also considered acceptable subject to conditions for samples prior to the development of the relevant element.

The proposal is therefore considered to be acceptable in design terms and is not considered to detract from the character of The Downs Conservation Area and to protect the historic significance of the listed building.

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.

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

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, and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies (2014) also states that new development should be dual aspect where possible, particularly where one of the aspects is north-facing. 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.

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.

Planning permission is sought for the change of use from a Care Home (C2) to a large HMO (sui generis) to provide a total of 16 no bedrooms, one of which would be a studio, with associated bin and bike storage. The property will be of the following specification:

Proposed Ground Floor

Bedroom 1 13.34 m²

Bedroom 2 12.72 m²

Studio 27.90 m²

Communal Kitchen 15.48 m²

Communal Living Room 29.54 m²

Proposed First Floor

Bedroom 3 13.29 m²

Bedroom 4 13.28 m²

Bedroom 5 12.71 m²

Bedroom 6 12.12 m²

Bedroom 7 9.91 m²

Bedroom 8 13.70 m²

Communal Kitchen 12.15 m²

Proposed Second Floor

Bedroom 9 16.50 m²

Bedroom 10 10.99 m²

Bedroom 11 11.48 m²

Bedroom 12 15.46 m²

Bedroom 13 12.01 m²

Bedroom 14 12.18 m²

Bedroom 15 13.78 m²

Communal Kitchen 11.45 m²

All the bedrooms will exceed the 6.5 square metres minimum footprint for a 1-person bedroom, in line with the requirements set out in Bristol City Council's 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). The self-contained studio apartment will exceed the 13 square metre minimum footprint for 1 person as well as the 19 square metre minimum footprint in line with the requirements set out in Bristol City Council's HMO License Standard.

The number of bathrooms and toilets will meet the Council's HMO licencing standards. The scheme

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

also includes communal living space in the form of a lounge and kitchen/dining areas, which will meet the Council's HMO licencing standards.

The plans show the house would be dual aspect, with each bedroom comprising of at least one window, providing sufficient daylight and outlook. The property benefits from an enclosed rear garden. Overall it is concluded that the proposed change of use would retain sufficient space, light, outlook and ventilation for residents to attain a good standard of amenity.

Therefore the size and layout of the property is considered appropriate for occupation by up to 8 persons as a large HMO. Overall, the residential amenity for future occupiers is considered to be acceptable.

D. WILL THE PROPOSAL IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES?

Section 12 of the National Planning Policy Framework (2023) 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. Section 15 further states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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.

The HMO SPD (2020) recognises that high numbers of multiple occupancy properties have the potential to cause harm to residential amenity. This is because of noise and disturbance resulting from intensification of the residential use and/or the potential lifestyle of occupants of such accommodation.

The application involves changes to the internal layout to facilitate 16 bedrooms (one of which would be a self-contained studio flat).

No external alterations or extensions are proposed to the building under the current application, and therefore no concerns are raised in relation to increased overlooking, overshadowing or overbearing on neighbours.

Following consultation, the Council's Pollution Control Team raised no objection to the principle of the development, but raised concerns over the potential for noise from the proposed air source heat pumps located in one position, and potentially affecting the resident of nearby properties and

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

residents of the proposal, with rooms overlooking the heat pumps. Concerns were also raised over the transmission of noise from communal living rooms and kitchens on the ground and first floor to the adjoining flats at 39 Downs Park West - with the increased numbers of residents at the property there is potential for noise from the use of kitchen/living room if there is insufficient sound insulation to these rooms. In order to address the concerns, conditions will be placed alongside any permission to ensure that a noise assessment is submitted to the Council for review before the use is commenced.

The requirement for a mandatory HMO licence will help ensure that the property is well managed. The application if subsequently considered acceptable on amenity grounds.

E. DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?

Section 9 of the NPPF (2023) 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. This policy further states that development proposals should ensure that net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

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. Proposals 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 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol 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. Policy DM32 in the Site Allocations and Development Management Policies 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 the above requirements and 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

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

providing satisfactory access for collection vehicles and operatives.

Policy DM23 also states that the provision in new development of safe, 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 DM2 in the Site Allocations and Development Management Policies 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 DM32 states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. It should have regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

By virtue of location, the site benefits from good access to public transport services to Bristol City Centre, which would offer good means of low carbon transportation and access to other parts of the city without the requirement for private car use. The site represents a sustainable and policy compliant location for residential accommodation.

Car Parking:

Objections have been raised regarding the increased level of parking and traffic along Henleaze Road and Downs Park Way. There is no adopted parking standard for a large HMO (Sui Generis) under the provisions of the Site Allocations and Development Management Policies (SADMP). However, for the purpose of comparison, the SADMP car parking standards would allow up to 3 parking spaces for a large dwelling, and which equates to 0.5 spaces per bedroom. According to the plans the property has off-street parking which can accommodate two vehicles.

The development proposes two off-street parking bays, utilising the existing vehicle crossover on Henleaze Road. Following comments from the Council's Transport Development Management (TDM) in response to the number of objections a parking survey was submitted to demonstrate that the area could accommodate an additional 7 cars. On considering the application, and following the submission of revised plan and a parking survey, the Council's Transport Development Management team (TDM) are satisfied with the proposals, confirming the development is unlikely to result in any severe or harmful impact on local parking provision. Additionally, it is considered that the development won't have any harmful impact with regards to highway safety or congestion.

Cycle Parking and Refuse Storage:

Sufficiently sized covered cycle store is proposed in the curtilage of the site, as well as a refuse/recycling store which will ensure that there are no negative impacts in association with waste management and storage. This is considered acceptable, subject to conditions.

F. ARBORICULTURE

Policy BCS9 states that the integrity and connectivity of the strategic green infrastructure network should be maintained, protected and enhanced. Individual green assets should be retained wherever possible and integrated into new development.

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

BCS21 in the same document also states that new development will be expected to deliver a safe, healthy, attractive, usable, durable and well-managed built environment comprising high quality inclusive buildings and spaces that integrate green infrastructure.

Policy DM17 requires that new tree planting is carried out to compensate for any trees that are lost as part of new development.

Although the development primarily involves internal changes to the property, there are some modifications to the rear garden, including the removal of a shed, new bin and bike stores and changes to the surfacing and edging within the Root Protection Areas of trees. The Council's Arboricultural team raised to objections to the principle of the development, however advised that more information is required with regards to the protection of retained trees. A condition is therefore place alongside any approval to ensure that an arboricultural method statement and tree protection plan are submitted to the Council for approval, prior to the commencement of the development.

G. SUSTAINABILITY

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. 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

An Energy and Sustainability Statement has been provided which sets out a range of sustainability measures the development may incorporate, including the introduction of an air source heat pump to provided renewable heating, which will result in a total saving in residual emissions of 34.37%.

CONCLUSION

The application is considered acceptable and is recommended for approval, subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

EQUALITY ASSESSMENT

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

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

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 commencement condition(s)

2. Arboricultural method statement & Tree protection plan

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees, in accordance with BS5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Methods of demolition within the root protection area (RPA as defined in BS5837: 2012) of the retained trees.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) A full specification for the installation of boundary treatment works.
- d) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the road, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant cross sections through them.
- e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- f) Tree protection during construction on a TPP and construction activities clearly identified as a prohibited in this area.

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

The development thereafter shall be implemented in strict accordance with approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DM17 and pursuant to section 197 of the Town and country planning Act 1990.

3. Noise from development

No development shall take place until an assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and approved in writing by the Council.

The assessment shall include noise from:

- Noise from air source heat pumps
- Noise from any common kitchen or living rooms on a party wall with an adjoining property

If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To protect neighbouring amenity.

4. Prior to commencement of the relevant element the following detailed drawings shall be submitted to the local planning authority and approved in writing:

- a) Typical 1:5 section details of proposed new partitions and their junctions with the existing building at wall floor and ceiling and showing all proposed materials, composition, and fabric connections.
- b) 1:5 section details and 1:10 elevation details of all proposed new doors and all and any modifications of existing doors and showing all proposed materials, frames, profiles, mouldings, panelling, and door furniture.
- c) details to an appropriate scale showing all proposed fire and acoustic treatments to existing fabric

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

d) 1:5 section and elevation details of all proposed new external vents, flues, or other service terminations on the building exterior and showing all proposed materials, penetrations, and projections from the face of the building

e) plan, section and elevation details to an appropriate scale showing all proposed new servicing, including the proposed air source heat pumps and all proposed service runs internally and externally, and demonstrating how features of historic and architectural interest will be protected.

Development shall be completed according to the approved drawings.

Reason: to safeguard the architectural and historic character of the Listed building and special character of the Conservation Area.

5. Details of air source heat pump

Prior to the commencement of the relevant part of the works hereby approved detail of the Air Source Heat Pump, including details of its method of construction, appearance, noise levels and any noise mitigation measures has been submitted to and been approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby premises and the area generally.

Pre occupation condition(s)

6. Refurbishment of footway

No building or use hereby permitted shall be occupied or use commenced until the vehicular crossover in Henleaze Road has been refurbished and the obsolete disabled parking bay removed to the satisfaction of the Highway Authority.

Reason: To ensure that there is adequate pedestrian access to the site, and redundant disabled parking is removed provision is maintained

7. 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.

8. Completion and Maintenance of Cycle Provision - Shown on approved plans

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

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.

9. Completion of Vehicular Access - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only for the lifetime of the development. Any access point opening onto the adopted highway shall include suitable drainage provision within the curtilage of the site, to prevent the discharge of any surface water onto the adopted highway.

Reason: To ensure that the vehicular access point is safe and includes adequate drainage.

10. Photographs of Completed Works

Prior to first occupation photographs showing the completed works shall be submitted to the local Authority and approved in writing.

Reason: To ensure development is completed satisfactorily to safeguard the architectural and historic character of the Listed building and special character of the Conservation Area

List of approved plans

11. 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.

1001 P01 Site location plan, received 21 March 2024
 2001 P01 Existing site plan, received 21 March 2024
 2101 P04 Proposed Site Plan, received 10 October 2024
 3001 P01 Existing ground floor plan, received 21 March 2024
 3002 P01 Existing first floor plan, received 21 March 2024
 3003 P01 Existing second floor plan, received 21 March 2024
 3004 P01 Existing roof plan, received 21 March 2024
 3101 P05 Proposed ground floor plan, received 10 October 2024
 3102 P02 Proposed first floor plan, received 21 March 2024
 5001 P02 Existing East elevation, received 21 March 2024
 5002 P01 Existing North elevation, received 21 March 2024
 5003 P01 Existing West elevation, received 21 March 2024
 5101 P01 Proposed East elevation, received 21 March 2024
 5102 P01 Proposed North elevation, received 21 March 2024
 5103 P01 Proposed West elevation, received 21 March 2024
 Design & access statement, received 21 March 2024
 Design, access & planning statement, received 21 March 2024
 Heritage impact statement, received 21 March 2024

DEVELOPMENT CONTROL () DELEGATED
Ashbourne House 2 Henleaze Road Bristol BS9 4EX

Heritage statement, received 21 March 2024
Recycling & waste management plan, received 21 March 2024
Transport statement, received 21 March 2024
5201_P02 Existing Internal Elevations - Dining Room, received 10 October 2024
5301_P03 Proposed Internal Elevations, received 10 October 2024
Parking Survey Report, received 10 October 2024

Reason: For the avoidance of doubt.

Advices

- 1 The operation of the HMO hereby approved may require a separate license. It is an offence to operate a licensable HMO without a licence. Please contact the Private Housing Team on 0117 352 5010 for further information.
- 2 Flues, ducts and extract systems: The technical details of the flues, ducting, extract system, filters etc. and their continuing operation should be the subject of detailed discussion and agreement with council officers. These areas of operation come within the controls of the Environmental Protection Act 1990, and it is important to establish and implement the requirements of this legislation.
- 3 Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

Case Officer: [REDACTED]

Authorisation: [REDACTED]