

Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: 24-02315
Date: November 2025

Dear Sir/Madam,

S62A Planning Application - 110-112 East Street, Bedminster, BS3 4EY

This Planning Statement has been prepared on behalf of TMT Capital Ltd, the site owner and applicant. It supports a full planning application for the change of use of a vacant public house to commercial use and the demolition of existing rear extensions to deliver a 16-bedroom HMO with communal living space.

This application is submitted following the refusal of application ref: S62A/2025/0115, which was submitted directly to the Planning Inspectorate under the Section 62A designation, which is currently in place across the Bristol City Council authority in relation to minor planning applications.

Application ref: S62A/2025/0115's proposed description of development is as follows:

Demolition of rear extensions and construction of a large HMO (Sui Generis). Change of use of remaining ground floor unit from public house to a commercial unit (Use Class E)

It is proposed that the new description of development will remain as per with the previous application.

The proposal has been amended to reflect the reasons for refusal set out within application ref: S62A/2025/0115's decision notice. The reasons for refusal are repeated below for clarity:

Residential Amenity

The proposed development would fail to provide an acceptable and healthy standard of accommodation for future occupants. This is contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27, and DM30 of the Bristol Site Allocations and Development Management Policies 2014.

Impact on Adjoining Properties

The proposed development would fail to preserve the living conditions of occupants of adjoining properties, particularly due to the impact on daylight received by 2 Warren Road. This is contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27, and DM30 of the Bristol

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Site Allocations and Development Management Policies 2014. For the clarity of the decision maker, the changes proposed in response to the prior reasons for refusal are set out within this Cover Letter, and the previous applications' Planning Statement is attached as an Appendix.

In addition to the Cover Letter, this resubmission is supported by a suite of new documents, which include:

- 2124 Heritage Design and Access Statement v2
- BNG Exemption Statement
- Energy & Sustainability Statement - HMO 110-112 East St - R22773 - 110-112 East Street Bristol - Daylight and Sunlight Impact Assessment - Rev02
- 2773 - 110-112 East Street Bristol - Internal Daylight Assessment - Rev02
- Updated suite of plans:
 - 2124 211 P6 Proposed Ground and First Floor Plans
 - 2124 212 P5 Proposed Second Floor Plan
 - 2124 213 P5 Proposed Site and Roof Plan
 - 2124 214 P5 Proposed North East Elevations and Sections
 - 2124 215 P4 Proposed Elevations
 - 2124 216 P4 Proposed Elevations and Sections
 - 2124 217 P3 Herbert Street Elevation
 - 2124 218 P4 Proposed Garden Elevations and Sections

Other documents produced for application ref: S62A/2025/0115 which have not been impacted by the changes proposed below, have therefore have not been updated. Despite this, they will still be required to ensure this application is sound in all regards, therefore, these are also supplied for assessment.

- Marketing Report - 110-112 East Street
- FRA Drainage and ST
- Contamination PRA
- Coal Mining Report

Please note, some of the above reports may reference the proposal as a 16-bedroom scheme as opposed to the new proposed 15 bedrooms. As the conclusions of these reports are in no way affected by this change, they have not been updated to reflect the new number of bedrooms.

It is also important to note that feedback from Bristol City Council during Pre-application ref: 24/03395/PREAPP, along with consultee comments raised throughout the decision-making process, have also been taken into account.

Application Ref: S62A/2025/0115

A summary of all relevant points raised within the prior refusal is set out below. Naturally, the elements of the previous submission that were considered acceptable by the Planning Inspectorate have been retained within this new submission, and the changes have sought to address the issues that were considered unacceptable. Noting this, it is thought that the key considerations set out below will not require a great amount of re-evaluation.

Key Considerations that were considered acceptable.

- Loss of Public House

Policy DM6 of the Bristol Local Plan restricts the loss of public houses unless either (i) the pub is proven economically unviable or (ii) there is a diverse range of pubs nearby. The determination of S62A/2025/0115's confirmed that the 15 pubs that were identified within 800m of the site adequately satisfied the requirements of Policies DM6 and BCS12. Additionally, the proposed commercial use at the site's front would enhance the vitality of the Primary Shopping Area and provide an active frontage, aligning with policies BCS7 and DM8.

- Suitable Location for a new HMO

Policy DM2 and the SPD (2020) support HMOs as an important part of Bristol's housing mix, offering affordable and flexible options for non-family households. However, they aim to prevent harm to residential amenity and avoid harmful concentrations. The SPD applies two tests:

- Threshold test: HMOs within 100m of the site = 7.7%, below the 10% limit.
- Sandwiching test: No evidence of sandwiching other homes.

Noting this, it is accepted that the site is suitable for HMOs, and the proposal complies with DM2 and BCS18, which promote mixed housing tenures.

In summary, it is evident that in the consideration of S62A/2025/0115's, no concern in respect of the principle of development was raised and the proposed development is therefore wholly acceptable in these terms.

- Effect of the proposal on the Bedminster Conservation Area

The site lies within the Bedminster Conservation Area, where East Street is noted for its historic townscape and consistent building line. The frontage building is an unlisted building of merit as identified in the Bedminster Conservation Area Character Assessment. Herbert Street, to the rear of East Street, has been subject to significant change, with modern developments reducing the traditional pattern of narrow plots and lower rear buildings.

The proposed extension (up to three storeys) is designed to remain subordinate to the main frontage and adopts a contemporary, simple style that does not compete with its character. Although the Herbert Street elevation lacks a frontage entrance, this is not considered harmful given the street's varied character. Overall, the proposal is considered to preserve the Conservation Area's special character and appearance, therefore complying with policies BCS21, DM26, DM27, and DM31 relating to design quality and heritage assets and the statutory duty within Section 72 of the Planning (Listed Buildings and Conservation Areas Act).

The proposal subject to this re-application is largely consistent in design, scale and massing terms to the previously determined application, whereby it was considered acceptable in heritage terms, as referenced at paragraph 27 of the Statement of Reasons.

- Highways' Impacts.

The proposal includes no car parking, and on-street parking nearby is limited, but the site is highly accessible to local services and public transport. Given the Council's maximum parking standards and provision for cycle and refuse storage, the absence of car parking was considered acceptable (see paragraph 29-31 of the Statement of Reasons)

This re-application maintains this car-free approach, which was not subject to objection during the determination of S62A/2025/0115. Therefore, the scheme continues to comply with policies BCS10 and DM23 on parking and sustainable travel.

- Flood Risk

The site lies mostly within Flood Zone 2. A flood risk assessment with a drainage strategy was provided to support application ref: S62A/2025/0115, showing that finished floor levels would mitigate risk to future occupants. Recent changes to Planning Practice Guidance on the sequential test have made this acceptable proof of a safe proposal. This is set out in the Flood Risk Assessment, Drainage & Sequential Test Considerations report by Calibro in paragraphs 6.1.7 and 6.1.8.

- Energy and Sustainability

The Energy and Sustainability Statement demonstrated that the proposal complied with the Council's policies in respect of energy through the use of measures, including heat pumps and PV panels. Whilst the amended proposal proposes a modified building design and internal layout, the same high standards on sustainability measures will be upheld. This is set out within the Energy and Sustainability Statement produced by JMDC Services LTD. This approach is consistent with that taken in respect of S62A/2025/0115 and in considering the conclusions noted at paragraph 33 of the Statement of Reasons, the scheme remains acceptable in these terms.

- Biodiversity Net Gain

As explained within the previous application, the proposal would impact less than 25sqm of non-priority habitat. Therefore, the proposal would be exempt from the statutory net gain requirement. This was accepted during the assessment of application ref: S62A/2025/0115 (see paragraph 34 of the Statement of Reasons). There is no change to the proposed development in these terms and therefore the proposed development remains exempt from Biodiversity Net Gain. An Exemption Statement has again been provided to evidence this position.

Reasons for Refusal

- Residential Amenity

The proposed development would fail to provide an acceptable and healthy standard of accommodation for future occupants. This is contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27, and DM30 of the Bristol Site Allocations and Development Management Policies 2014.

Design Amendments

Taking this feedback set out within the 'Standard of Accommodation and Effective Living Conditions of nearby occupants' sections (paragraphs 15 -23 of the Statement of Reasons) into account, the project team has reviewed the proposed layout to identify the optimum arrangement in terms of access, room size, amenity, outlook and impact.

Access

While the previous access arrangement was not deemed unacceptable in the determination of: S62A/2025/0115, the redesign has provided an opportunity to enhance site accessibility and security. The main entrance on Herbert Street has been repositioned to create a secure, covered entry point with an improved relationship to the cycle storage area. In addition, by revising the configuration of the rear block, the entrance sequence from Herbert Street has been rationalised, alleviating the pinch point adjacent to No. 102–106. This adjustment establishes a clearer and more functional layout for both vehicular and pedestrian movement within the site.

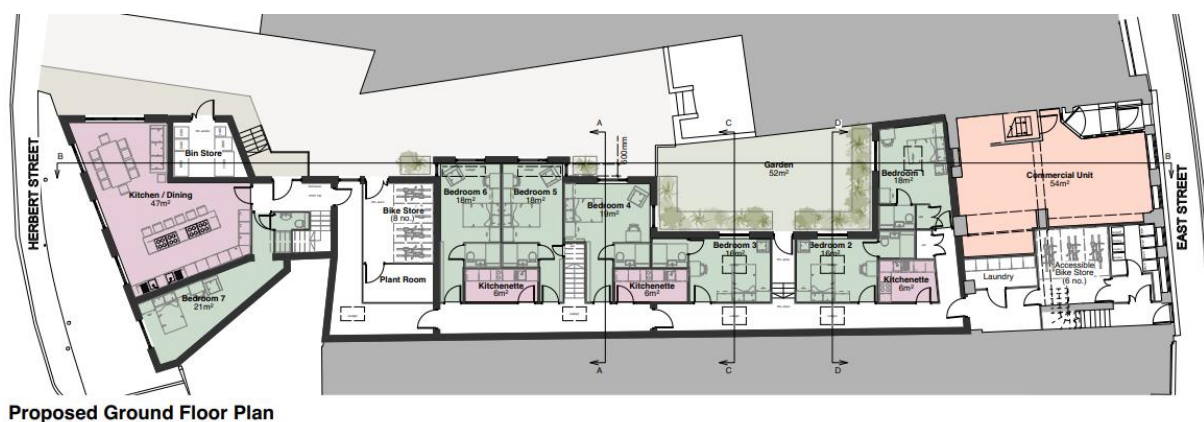


Figure 1 - Previously proposed Ground Flood Plan

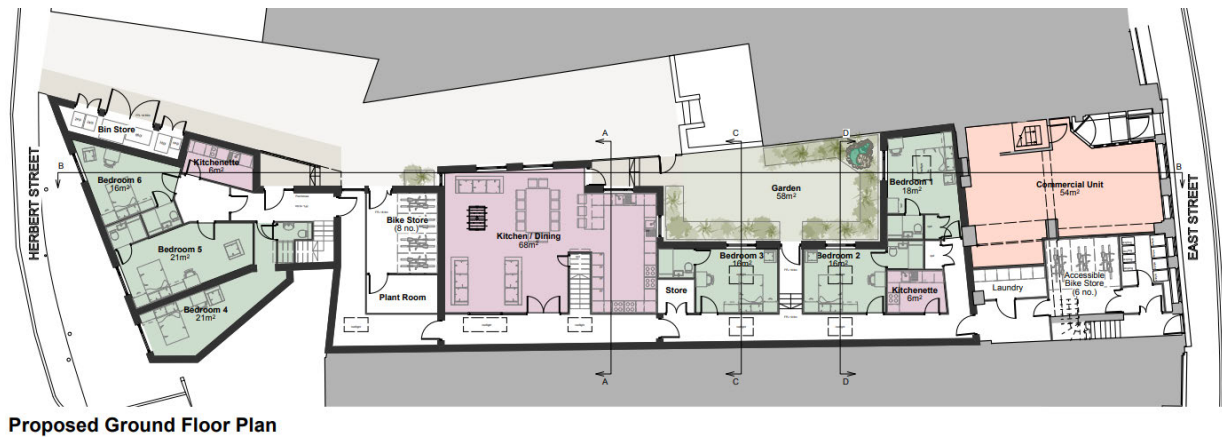


Figure 2 - New Proposed Ground Floor Plan

Room Sizes

In terms of room sizes, the updated Design and Access Statement confirms that the average room size within the proposal is approximately 60% larger than Bristol's HMO Standards require, which is a minimum of 6.51m², or if combined with a living room, 9m². The new proposal has reduced the overall number of rooms from 16 to 15, allowing the remaining rooms to benefit from increased space, which in turn also reduces any perceived pressure on communal facilities.

Amenity

A rearrangement of the site has led to a substantive benefit to the overall residential amenity. As shown in Figures 1 and 2, the kitchen, which was previously located on the ground floor of the Herbert Street block, now sits in the centre of the scheme. This change has allowed for the relocation of bedrooms 4, 5 and 6. The new kitchen/dining space has been significantly increased in size from 47m² to 68m² with a natural division between the cooking and recreation areas. An additional benefit of relocating the kitchen is that it has allowed for direct access to the garden, which makes the space far more accessible for future residents.

To address concerns regarding potential overlooking from the garden into Bedrooms 1, 2, and 3, the submitted plans have been amended to clearly show the] robust privacy measures. A natural level difference between the garden and the bedroom floors, combined with frosted glazing to the lower section of the windows, creates an effective screen. These measures combine to a total height of 2 metres from floor level, ensuring there is no opportunity for direct overlooking. At the same time, the arrangement allows residents to maintain outward views, thereby delivering both privacy and amenity. This approach is addressed further in the Design and Access Statement, and it is considered to satisfactorily respond to the issue identified at paragraph 17 of the Statement of Reasons.

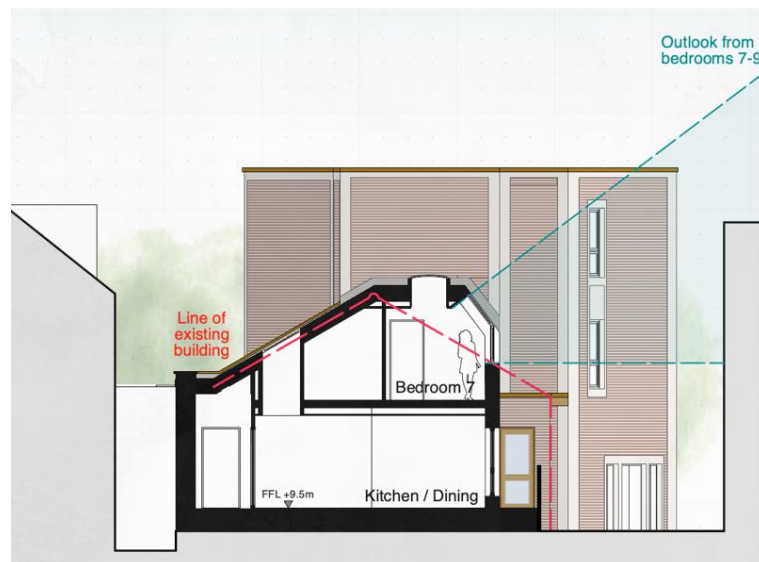


Figure 3 - Image of outlook for bedrooms 7-9

In light of the rearrangement of the site, the loss of a bedroom and the all round improvement to the communal facilities, it is considered that this proposal provides an acceptable standard of accommodation for future occupants, policies DM27 and DM30 and CS policy BCS21 which expect development to safeguard amenity and create a high-quality and healthy environment for future occupiers are considered to have been met.

Outlook

The outlook of bedrooms facing the 106–108 façade was raised as a significant reservation by the Inspectorate and influenced the decision of application ref: S62A/2025/0115. Addressing this was made a priority by the consultant team during the scheme's redesign.

Firstly, the relocation of the kitchen/dining space as set out above resulted in bedrooms 4, 5 and 6—previously identified as having the poorest outlook across the scheme—being moved to the rear block where the kitchen/dining space once was. This has allowed these three bedrooms to become larger on average and now be located on the Herbert Street frontage, facing the landscaped gardens of Berchel House opposite.

Secondly, the middle section's upper floor has also been redesigned to allow more natural light and an improved outlook. The first floor is now composed of a bronze-coloured, standing seam roof and walls, and bedrooms 7 to 9 now benefit from Velux balcony windows and rooflights, which provide an additional angled aspect pointing skyward. These changes have been proposed to ensure no rooms now have a singular outlook towards the 102–106 façade.

During the refusal of application ref: S62A/2025/0115, the Planning Inspectorate also commented on the lack of information regarding the usage of the neighbouring service road to 108. We can confirm that this service road is used solely for the parking of personal motor vehicles by the staff

of the commercial unit and the residential unit above. The commercial unit does not take goods deliveries via this road. Additionally, the applicant's site benefits from a right of fire escape access along this service road towards Herbert Street, which is 1 metre wide and limits future usage of that space.

Daylight assessment

- Impact on Adjoining Properties

The proposed development would fail to preserve the living conditions of occupants of adjoining properties, particularly due to the impact on daylight received by 2 Warren Road.

This is contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27, and DM30 of the Bristol Site Allocations and Development Management Policies 2014.

To address this reason for refusal, the new proposal has reduced the massing to ensure the aforementioned window to 2 Warden Street does not experience a harmful reduction in daylight according to the BRE Guidance. This is fully set out in the Daylight and Sunlight Impact Assessment Report by Mach.

Conclusion

The revised proposal addresses the previous reasons for refusal. The massing has been reduced to prevent impact on neighbours, and the layout more successfully interacts with the surrounding built form. Public realm enhancements and improved pedestrian connectivity overcome earlier accessibility issues, while improved communal facilities ensure a high quality living environment for future occupiers. These changes ensure the scheme now meets local and national planning requirements and is considered acceptable in policy terms.

Elliott Paddon

BSc (Hons) MSc
Planner



S62A_2025_0115 Decision Notice and Statement of Reasons





Decision Notice and Statement of Reasons

Site visit made on 1 October 2025

Decision by C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 17 October 2025

Application Reference: S62A/2025/0115

Site Address: The Assembly, 110- 112 East Street, Bedminster, Bristol BS3 4EY

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 30 July 2025 is made by TMT Capital Ltd and was validated on 12 August 2025.
 - The development proposed is described as 'demolition of the rear extensions and construction of a large HMO (sui generis). Change of use of remaining ground floor unit from public house to a commercial unit (use class E)'.
-

Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposed development would fail to provide an acceptable and healthy standard of accommodation for future occupants, contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27 and DM30 of the Bristol Site Allocations and Development Management Policies 2014.
 - 2) The proposed development would fail to preserve the living conditions of occupants of the adjoining properties, with particular regard to the effects on daylight received by 2 Warren Road, contrary to policy BCS21 of the Bristol Core Strategy 2011 and policies DM2, DM27 and DM30 of the Bristol Site Allocations and Development Management Policies 2014.

Statement of Reasons

Procedural Matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the

Secretary of State. Bristol City Council (the Council) have been designated for non major applications since 6 March 2024.

3. Consultation was undertaken and responses were received from the parties listed in Appendix 1. Responses were also received from third parties. The Council's response comprises an officer report and sets out the reasons that the Council object to the proposal. I have taken account of all written representations in reaching my decision. I also carried out a site visit on 1 October 2025, which enabled me to view the site and the surrounding area.
4. During the course of the application a consultation response raised doubt over the site ownership. Consequently an amended ownership certificate was completed and notice served on an additional landowner. I am satisfied that this is adequate for the purposes of the planning application.

Background and Main Issues

5. The main issues for this application are: the loss of the public house; whether the site is suitably located for a new HMO; whether the proposal would provide a suitable standard of accommodation for future occupants; the effects on the living conditions of nearby occupants; the effects of the proposed extensions and alterations on the character and appearance of the Bedminster Conservation Area; and; highways effects.

Reasons

Loss of the Public House

6. Policy DM6 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (the SADMP) states that proposals involving the loss of established public houses will not be permitted unless it is demonstrated that: i) the public house is no longer economically viable; or ii) a diverse range of public house provision exists within the locality. The supporting text acknowledges the role of public houses in providing opportunities for social interaction as well as facilitating community activities. This is expanded upon in the Council's 'DM6: Public Houses Practice Note' 2022 (the Practice Note).
7. The marketing details submitted are vague and fail to meet the requirements set out in the Practice Note, particularly in terms of the period of marketing. Accordingly, the first criteria of policy DM6 would not be met. Nonetheless, the policy allows that the second criteria could be met instead in order for the proposal to be acceptable.
8. The applicant has provided details of 15 other public houses within 800m of the application site. Details of their general services have been provided, which vary between traditional public houses and those offering sports and live music. I have no strong reason to doubt those assertions and this demonstrates a diverse range of public house provision within the locality, as required by the policy and expanded upon in the Practice Note.

9. As this second test is met, the proposed loss of the public house would comply with that part of the policy overall. The proposed extensions to the site would not be in connection with the public house, and their effects are considered separately below. In conclusion on this main issue, the loss of the public house would be acceptable, and would not be in conflict with policies DM6 of the SADMP or BCS12 of the Core Strategy 2011 (the CS).
10. The proposed commercial use at the front of the site would contribute to the vitality of the designated Primary Shopping Area and provide an active frontage to this pedestrianised part of East Street. This would comply with policies BCS7 of the CS and DM8 of the SADMP.

Whether the site is suitably located for a new HMO

11. Policy DM2 of the SADMP relates to proposals including the construction of new buildings to be used as HMOs and is supported by the 'Managing the development of houses in multiple occupation' Supplementary Planning Document 2020 (the SPD).
12. The SPD acknowledges that HMOs form a significant part of the city's private rented provision, providing homes and contributing to people's housing choice. It states HMOs are generally more affordable and flexible and therefore suitable for younger people and other households that are not living as families, and can provide positive social benefits to their occupiers. The SPD finds that higher numbers of HMOs in recent years reflect changes in the city's housing market, as increasing numbers of individuals are unable to buy a home or rent a flat in the city. However, in acknowledging that they have the potential to create harmful effects, policy DM2 together with the SPD, seek to ensure that new HMOs would not harm residential amenity and the character of an area and they seek to avoid harmful concentrations of HMOs from occurring.
13. The SPD sets out how harmful concentrations will be considered using two tests. Based on information provided by the Council, the percentage of HMOs within 100m of the application site is 7.7%, as such the 10% threshold test would be met. Based on the evidence before me together with the findings of my site visit, neither would 'sandwiching' of other residential properties occur as described in the SPD.
14. For the reasons given the site would be suitably located for the proposed HMOs and the proposal would not result in a harmful concentration. It would comply with the relevant part of policy DM2 of the SADMP, and policy BCS18 of the CS which requires residential development to contribute to a mix of housing tenures. The other parts of policy DM2, for example relating to living conditions, are discussed in turn below.

Standard of Accommodation

15. As acknowledged by the Council, in the case of HMOs there is a heavy likelihood that future occupants would spend an increased amount of time in their bedrooms rather than in communal areas. As such the conditions of

HMO bedrooms are an important factor in providing good quality and healthy living conditions for future occupants.

16. A significant proportion of the proposed bedrooms would be single aspect and would benefit only from windows in the side elevation, facing into the yard behind no.106 and into the proposed integral garden. Those spaces would be heavily enclosed by built forms, particularly by the tall and unrelieved flank wall of no. 102-106, which would dominate and give a poor outlook from those proposed bedroom windows. As a result of the poor outlook, conditions in those rooms would likely feel oppressive to future occupiers. Levels of sunlight would also be heavily restricted due to their orientation and enclosure.
17. Furthermore, rooms no.4, 5, 6 and 8, 9 and 10 would directly adjoin the rear service yard behind no. 108 East Street, which is outside the applicant's control. There is not information regarding how that space is used, and there is no certainty as to how it might be used in the future. Given the proximity of those windows to the adjacent service yard, the use of that space has the potential to cause noise and disturbance, as well as a loss of privacy to future occupiers of those ground floor rooms. Similarly, the use of the proposed shared garden by occupants would heavily compromise the privacy of those bedrooms which face on to it, and if obscure glazing were conditioned this would further compromise the outlook from those rooms. In combination, these factors would create unacceptable living conditions for those future occupiers.
18. Despite the poor outlook and heavy enclosure of the side facing windows, the majority of those rooms would benefit from rooflights and the applicant has provided an Internal Daylighting Assessment, which finds all bedrooms would receive a level of daylighting compliant with BRE Guidance. The proposed communal kitchen/ living area would also be well proportioned with multiple windows offering dual aspect. While this would likely provide a spacious and well lit communal space, given its distance from many of the proposed bedrooms, it would not mitigate for the effects of the poor conditions in many of the bedrooms.
19. The proposed integral garden could provide an asset to future occupants. However, given its heavy enclosure this is unlikely to be an attractive outdoor space and, as above, its use would have adverse effects on the privacy of the rooms which would face onto it.
20. In conclusion on this main issue, the proposal would not provide an acceptable standard of accommodation for future occupants, contrary to SADMP policies DM27 and DM30 and CS policy BCS21 which expect development to safeguard amenity and create a high-quality and healthy environment for future occupiers. In turn the proposal would also conflict with DM2 regarding HMOs, where it states that development must provide a good standard of accommodation by meeting other standards set out in the other development plan policies.

Effects on living conditions of nearby occupants

21. The applicant's Daylight and Sunlight Impact Assessment Report identifies that one north facing window within 2 Warden Street would experience a reduction in daylight, placing those levels lower than recommended by BRE Guidance. No. 2 appears to have been separated into two self contained units and the affected window is positioned within an extension to the back of the property, overlooking a private parking area and Herbert Street. Based on the findings of my site visit it appears the affected window could serve a habitable room and be important to the overall living conditions experienced by the occupants of that flat. I acknowledge that the breach of the BRE guidance is relatively minor and some flexibility can be provided. However, in the absence of further evidence surrounding the effects of that loss of daylight, I cannot conclude that the effects of the development on the overall living conditions of the ground floor unit of 2 Warden Road would be acceptable.
22. Other tested windows, which include those on East Street, would not experience harmful reductions in daylight having regard to the BRE Guidance. Given the location and bulk of the proposed extensions, it is not considered that unacceptable harm to the living conditions of other residents nearby would occur.
23. For the reasons given, and in the absence of evidence to the contrary, the proposal would cause unacceptable harm to the living conditions of the occupants of no.2 Warren Street. It would not comply with policy DM2 insofar as it relates to the effects of physical extensions on residential amenity, nor policies DM27 or DM30 of the SADMP and policy BCS21 of the CS relating to amenity.

Character, Appearance and Heritage

24. The application site is within the Bedminster Conservation Area. The Bedford Conservation Area Character Appraisal 2013 (BCACA) identifies East Street as a major retail and commercial hub with positive features including the quality of its pre-1950s townscape, strong building line and rhythm contributed to by a broadly consistent height and roofscape. The BCACA identifies the frontage building of the application site as an unlisted building of merit.
25. Herbert Street has been subject to change in recent years, in particular from development to the rear of buildings on East Street, which I observed have enclosed the edge of the street and heavily diluted the appreciation of the narrow plot widths and pattern of traditionally lower building heights behind the main frontage. This has already occurred to some extent on the application site, given the extent of existing extensions at the back of the plot. I also observed other recent developments along Herbert Street to include doors and windows at the edge of the footpath, which have created an active frontage to the street further to the north east of the site.
26. The proposed extensions to the plot would rise up to three storeys in height. However, where the extensions are closest to the main building on East Street, they are single storey and therefore allow the former Assembly building to remain the dominant built form on the site. The design of the

extensions is contemporary and simplistic, thereby not attempting to compete with the character of the frontage building. For these reasons in combination the proposal would allow some visual distinction to remain between the components of the site and the merit of the frontage building would be maintained.

27. The elevation proposed onto Herbert Street would lack any entrance. However, given the varied character of Herbert Street, I do not consider this to be harmful. The vertical emphasis of the north facing elevation would appear comfortable within the context of other developments to the north east. While the proposal overall would preserve the character and appearance of the Conservation Area, I do not find the proposals would amount to an enhancement given I do not find the back of the site at present to be harmful since it reflects the typical hierarchy of development behind the main frontage.
28. Overall, the proposal would preserve the character and appearance of the Bedminster Conservation Area and would comply with the relevant development plan policies which together require high quality design, including policies BCS21 of the CS, DM26 and DM27 of the SADMP only insofar as they relate to design quality. The proposal would comply with policy DM31 of the SADMP relating to heritage assets.

Highways

29. The proposal does not include any car parking provision for future occupants, and I observed opportunities to park on the street near the site were very limited. There is little information from either the Council or the applicant regarding the potential impact on on-street parking.
30. Nonetheless, the site is very close to services and facilities which would serve the needs of future residents. These are within easy walking distance of the site and public transport nearby provides reasonable links to facilities and employment further afield. For this reason, and in noting the Council's parking standards are a maximum standard, the absence of parking for cars is acceptable here. The plans show designated areas for cycle and refuse storage which would be appropriate for their intended use.
31. For these reasons the proposal would comply with policy BCS10 of the CS and DM23 of the SADMP relating to parking, cycle parking and sustainable travel options.

Other Matters

32. The majority of the site falls within Flood Risk Zone 2 and the applicant has provided a flood risk assessment which includes a drainage strategy. This suggests the finished floor level of the development would mitigate the risk to future occupants. The recent changes to the Planning Practice Guidance relating to the application of the sequential test are applicable here and, as the application is being refused for other reasons, I have not discussed this matter, or the need for mitigation, further.

33. The submitted Energy and Sustainability Statement demonstrates the proposal is able to comply with the Council's policies in respect of energy through the use of measures including heat pumps and PV panels as shown on the drawings. The proposal would therefore be acceptable in this respect.
34. The applicant has set out the reasons they consider the proposal would be exempt from the statutory biodiversity net gain requirement. In summary this is because the proposal would impact less than 25sqm of non-priority habitat. I have no strong reason to reach a different view.

Planning Balance

35. The applicant asserts the Council is unable to demonstrate a five year land supply for housing and there has been a failure to meet the housing delivery requirements. In that case the provisions of paragraph 11d) of the National Planning Policy Framework (the Framework) would be relevant to the application. In terms of assessment against 11d)i. the application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the proposed development. Accordingly, part ii. applies and I have had regard to the key policies listed in its footnote.
36. The adverse impact of granting planning permission would be the provision of unacceptable living conditions, amounting from the combination of various aspects of the proposal. There would also be a degree of harm to the living conditions of nearby occupants through the loss of daylight. Accordingly the proposal would conflict with paragraph 129 of the Framework which states the importance of securing healthy places, and paragraph 135 which, among other things, states developments should create places which promote health and well-being with a high standard of amenity for existing and future users. In terms of the quality of the proposed accommodation, the effects of this harm would be significant and long lasting, and I give this very substantial weight. In terms of the effects on no.2 Warren Road, I accept this harm could be at the lower end of the scale, however in the absence of evidence on that point, and adopting a precautionary approach, I give that harm significant weight.
37. In terms of benefits, the proposal would deliver new HMO accommodation, which would contribute to the national objective to boost the supply of homes and which is particularly important given the undersupply of land for homes in Bristol. Those units would be in an established built up area, with good accessibility to services and facilities and supporting sustainable means of travel, in line with the policies of paragraphs 110 and 115 of the Framework. The proposal would rejuvenate the back of the site and provide natural surveillance and movement on Herbert Street which, alongside the recommendations of the Designing Out Crime Officer, could help reduce risk of crime. This is particularly relevant given the site lies within the wider regeneration area of the Bedminster Green Framework. I understand the proposal would be liable for a CIL payment, which would support local infrastructure, although the extent of that payment is not yet clear. There would also be economic benefits arising from the construction process and

ongoing expenditure into the local economy by future occupants, as well as some improvements to site drainage. In combination I give these matters moderate weight, given the scale of the proposal.

38. While the applicant asserts there would be landscaping and ecological benefits from the new outdoor amenity spaces, given their heavy enclosure and based on the drawings before me, this benefit has not been substantiated. For the reasons set out above, I do not consider there to be a heritage gain, only that the proposal would preserve the character and appearance of the Conservation Area. Where the proposal would be policy compliant in other respects, these are neutral matters rather than benefits.
39. Accordingly the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development in the Framework.

Conclusion

40. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it.

C Shearing

Inspector and Appointed Person

Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

Appendix 1 - Consultee Responses

Bristol City Council- Local Planning Authority

The Coal Authority

Environment Agency

Designing Out Crime Officer

S62A_2025_0115 Planning Statement



110-112 East Street, Bedminster, BS3 4EY

Planning Statement
TMT Capital Ltd
March 2025
Our Ref: 24-02315



TMT Capital Ltd



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APPENDICES

Appendix A Pre-Application Response

Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

Created by:

[REDACTED]

Checked by:

[REDACTED]

1 INTRODUCTION

Overview

- 1.1 This Planning Statement has been prepared on behalf of TMT Capital Ltd, the site owner and applicant. It supports a full planning application for the change of use of a vacant public house to commercial use and the demolition of existing rear extensions to deliver a 16-bedroom HMO with communal living space.
- 1.2 This application has been informed by a pre-application enquiry made to Bristol City Council in August 2024. Relevant feedback has been taken into consideration and the design adjusted accordingly to address various concerns. The full pre-app response is included in Appendix A for reference.
- 1.3 The formal description of development is therefore as follows:

Demolition of rear extensions and construction of a large HMO (Sui Generis). Change of use of remaining ground floor unit from public house to a commercial unit (Use Class E)

Submitted Plans and Documents

- 1.4 In addition to this Planning Supporting Statement, the following documents and drawings comprise the full application package:
- Application Form
 - BNG Exemption Statement by Rapleys
 - CIL Form
 - Daylight and Sunlight Impact Assessment by Mach Group
 - Desk Study and Preliminary Risk Assessment by Structural Soils
 - Energy and Sustainability Statement by JMDC Services
 - Flood Risk Assessment including Drainage and Sequential Test Considerations by Calibro
 - Heritage Design and Access Statement by Shu Architects
 - Internal Daylight Assessment by Mach Group
 - Marketing Report by Maggs & Allen
 - Plans / drawings by Shu Architects
 - 2124 200 P1 Location and Block Plan
 - 2124 201 P1 Existing Ground and First Floor Plans
 - 2124 202 P1 Existing Second Floor and Site and Roof Plan
 - 2124 203 P1 Existing Elevations
 - 2124 204 P1 Existing South West Elevation

- 2124 211 P1 Proposed Ground and First Floor Plans
- 2124 212 P1 Proposed Second Floor Plan
- 2124 213 P1 Proposed Site and Roof Plan
- 2124 214 P1 Proposed North East Elevations and Sections
- 2124 215 P1 Proposed Elevations
- 2124 216 P1 Proposed Elevations and Sections
- 2124 217 P1 Herbert Street Elevation

2 SITE DESCRIPTION

Context

- 2.1 The site is approximately 0.6 hectares in size. It fronts onto East Street to the south and Herbert Street to the north and is surrounded by a mixture of commercial and residential uses. The application site is shown outlined in red below in Figure 1.



Figure 1 - Aerial view of the site with indicative red line (Google Maps)

- 2.2 The site comprises a 3 storey building fronting East Street with various single storey extensions to the rear. There is a brick boundary wall and vehicle access to Herbert Street.
- 2.3 The ground floor of the building is currently vacant, and has been since 2022. It was last in use as a large public house named 'The Assembly' which was approximately 370m² with additional ancillary space in the basement.
- 2.4 The urban grain in the immediate area is dense. Residential units on Warden Road partially overlook the site from the west and a two-story local supermarket sits to the east.
- 2.5 To the north of the site are the grounds surrounding Northfield House, an imposing 18-story block of flats with a large podium and two additional 5-storey blocks.

Surrounding Context

- 2.6 The immediate area is highly sustainable with a variety of commercial units including shops, bars, restaurants, public parks, employment opportunities and a range of different types and tenures of residential development.

- A Safeguarded Transport Link - 'Hengrove to City Centre' runs along the road directly in front of the site.
- The site falls within the City's Air Quality Management Area which covers the majority of Bristol City Centre and Bedminster.
- Flood Risk Zone 2 – The site lies within Zone 2 meaning the land has a medium probability of flooding from rivers and the sea. Further details are provided in the accompany Flood Risk Assessment by Calibro.

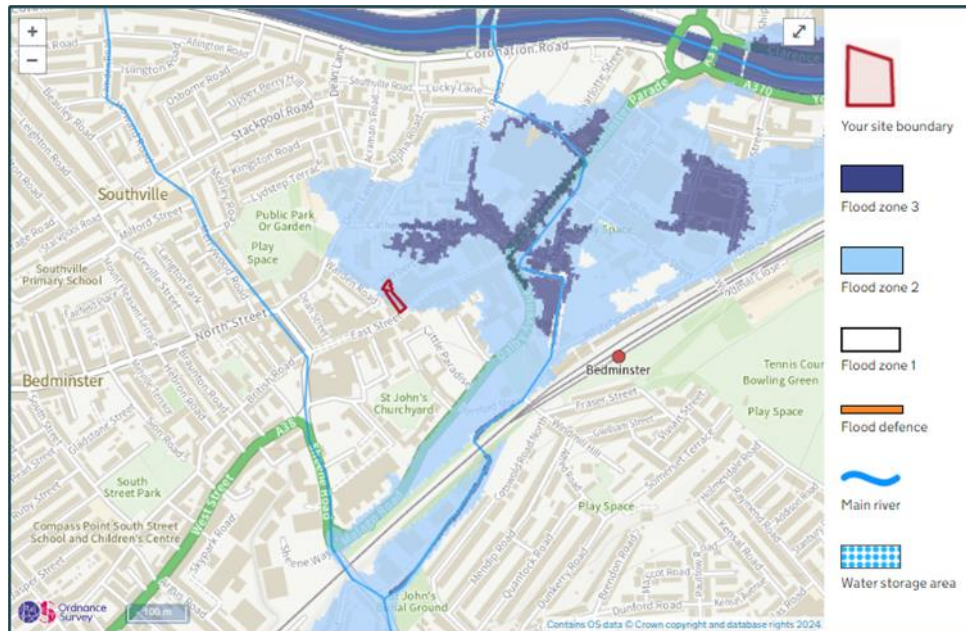


Figure 3 - EA Flood Risk Map

Conservation Area Character Assessment

2.12 The Bedminster Conservation Area Character Appraisal (December 2013) identifies 10 separate Character Areas within the conservation area. The site falls within Character Area 3 (East Street) which has a predominant scale and form of 2-3 storeys, 2-3 bay buildings united with grouped gable roofs or continual parapets and ground floor shop fronts. The appraisal identifies the following list of negative characteristics:

- Poor quality shopfronts, signage and security features
- Post-war redevelopments that swallow the traditional narrow plot widths
- The severed continuation of many routes between East Street, Dalby Avenue and Herbert Street.
- Gated alleyways and forgotten passages □
- Decline in activity and vibrancy at night
- High vacancy rate
- Loss of residential density in the vicinity through clearing of Victorian terraces and replacement with car parks, industrial workshops etc.

- 2.13 Some of the issues listed above are contributed to by the existing situation at the site. Most significantly the high vacancy rates and lack of activity on Herbert Street’.
- 2.14 The predominant material palette for the area includes red brick, Stucco render, Limestone ashlar, limestone and terracotta details, red clay double Roman or natural slate tiles and timber joinery.



Figure 4 - Extract of Conservation Area Character Assessment

3 PLANNING HISTORY

3.1 The site has been the subject of a number of planning applications both recent and historic. Those of relevance are listed below in reverse chronological order:

Application Ref	Description of Development	Decision
23/00686/F	Creation of 2 no. small houses in multiple occupation for 3-6 people (C4) at first and second floor level.	Granted
06/01730/F	Construction of new shopfront to existing public house.	Granted
06/00107/F	Construction of new shopfront to existing public house.	Refused
06/00045/F	Demolition of buildings adjacent to the car park at the rear and construction of a single-storey extension.	Granted
05/02277/F	Single storey rear extension to existing public house including external garden area.	Granted
05/00182/F	Construction of a two-storey rear extension comprising 4 no. self-contained flats.	Withdrawn
04/04874/F	Alterations to front elevation.	Refused
04/00026/F	Conversion of upper floors to provide 4 no. self-contained flats (Use Class C3).	Granted

3.2 The most recent application made on the site (application ref: 23/00686/F) was approved in June 2024. It allows for the construction of 2 HMOs on the two stories above the former public house. Work has now commenced at the site.

Pre-application Enquiry ref. 24/03395/PREAPP

3.3 Prior to the submission of this full application, pre-application feedback was sought from the LPA on a similar development, albeit for a larger 18 bed HMO. A copy of the pre-app response is included in Appendix A and a summary of key feedback is set out below

- The principle of the ground floor change of use was broadly supported, given the wide array of alternative pubs in the immediate area. Some additional information was requested.
- The principle of an HMO at the site was supported, since the existing concentration of such uses in the area is relatively low.

- A Class E use at ground floor level was supported.
- Concerns were raised about the suitability of a 3 storey element to Herbert Street in design terms.
- Brickwork was suggested instead of render at the rear of the site.
- Concerns were raised about the impact of development on the amenity of neighbours, particularly in Warden Court.
- Concerns were raised about outlook, separation distances & light levels in proposed bedrooms, particularly at ground floor level.
- Concerns were raised about the limited outdoor amenity space.
- Concerns were raised about the bike store access and additional spaces were recommended.

3.4 The above matters, along with other pre-app feedback, have been thoroughly reviewed by the applicant. The following design changes have been actioned to improve the scheme:

- Reduction in overall bedrooms from 18 to 16.
- Preparation of daylight and sunlight assessment covering both neighbouring and proposed windows / rooms. All windows apart from one satisfy the BRE requirements.
- Reconfiguration of proposed ground floor bedrooms to improve outlook and daylight performance.
- Increase in outdoor amenity space from 21sq.m to 52sq.m.
- Incorporation of brickwork finish to the rear and side elevations.
- Further analysis of 3 storeys to Herbert Street, including through street elevations and CGIs.
- Reconfiguration of bike store to increase the number of spaces from X to X and improve access.

3.5 On balance, the above changes – along with the additional information submitted with this application – are considered to address the LPA's concerns.

4 PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

- 4.2 The following policies and documents of the Bristol Development Plan are relevant.

Bristol Core Strategy (June 2011)

- Policy BCS5 Housing Provision
- Policy BCS9 Green Infrastructure
- Policy BCS10 Transport and Access Improvements
- Policy BCS11 Infrastructure and Developer Contributions
- Policy BCS13 Climate Change
- Policy BCS14 Sustainable Energy
- Policy BCS15 Sustainable Design and Construction
- Policy BCS16 Flood Risk and Water Management
- Policy BCS18 Housing Type
- Policy BCS20 Effective and Efficient Use of Land
- Policy BCS21 Quality Urban Design
- Policy BCS22 Conservation and the Historic Environment
- Policy BCS23 Pollution

Site Allocations and Development Management DPD (July 2014)

- Policy DM1 Presumption in favour of sustainable development
- Policy DM2 Residential Sub-divisions, Shared and Specialist Housing
- Policy DM6 Public Houses
- Policy DM23 Transport Development Management
- Policy DM26 Local Character and Distinctiveness
- Policy DM27 Layout and Form
- Policy DM29 Design of New Buildings
- Policy DM30 Alterations to Existing Buildings
- Policy DM31 Heritage Assets
- Policy DM32 Recycling and Refuse Provision in New Development

- Policy DM33 Pollution Control, Air Quality and Water Quality
- Policy DM35 Noise Mitigation

Supplementary Planning Documents / Guidance

- Urban Living SPD1: Making successful places at higher densities.
- Climate Change and Sustainability Practice Note (2012)
- Planning Obligations SPD
- Broadband Connectivity Practice Note
- Waste and Recycling: Collection and Storage Facilities (2017)
- A Guide to Cycle Parking Provision (2005)
- Travel Plan for New Developments
- DM6: Public Houses practice note (2022)

National Planning Policy Framework

- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which councils can produce their own development plans. In addition to providing guidance for local planning authorities and decision-takers in the compilation of plans, the NPPF is also a material consideration in determining applications. A presumption in favour of sustainable development is at the heart of the NPPF.
- 4.4 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the National Planning Practice Guidance (NPPG), an online resource that seeks to provide more detail on how the policies in the NPPF should be applied. It is an evolving resource that is regularly updated.

Emerging Development Plan

- 4.5 Bristol City Council is in the process of preparing a new Local Plan which will replace most of the current Development Plan documents. The emerging plan was submitted to the secretary of state for examination on the 25th April 2024. Hearing sessions for the examination are now underway, although adoption is unlikely until 2026.
- 4.6 Paragraph 49 of the NPPF states that, from the day of publication, LPAs may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 4.7 Given that the plan has now been submitted, draft policies will likely be afforded some – albeit limited – weight in the decision-making process.
- 4.8 The following policies are of particular relevance to the proposal:
- Policy DS8 – Central Bedminster

- Policy H6 - HMOs and other shared housing
- Policy SSE8 – Public Houses

4.9 Emerging policy BS8 endorses Bedminster's regeneration and growth specifically due to its location and strong public transport links with the city centre. It states there are many vacant or underused sites in the area which could be utilised for delivery of new homes. The other policies listed above remain broadly in line with their counterpart policy within the adopted local plan. In light of the above, this Planning Statement will focus on adopted planning policies.

Bedminster Green Framework

- 4.10 The Bedminster Green Framework was developed in 2019 and sets out the principles to guide the regeneration of the area, including delivery of affordable housing, bolstering existing traders and new enterprises within East Street, creation of employment and transport improvements required to support growth in the area.
- 4.11 The Framework identifies Bedminster Green as a major urban regeneration project centred around the existing railway station, Dalby Avenue and Malago Road.
- 4.12 There are five key sites within the framework targeted for development to create a better city environment and make more efficient use of the area. Whilst the application site is not included within the Framework's defined boundaries it lies within the wider regeneration area and can play a key role in rejuvenating East Street by bringing an increased population and improving the image of the area with associated benefits such as reduced risk of crime rates and increased security.

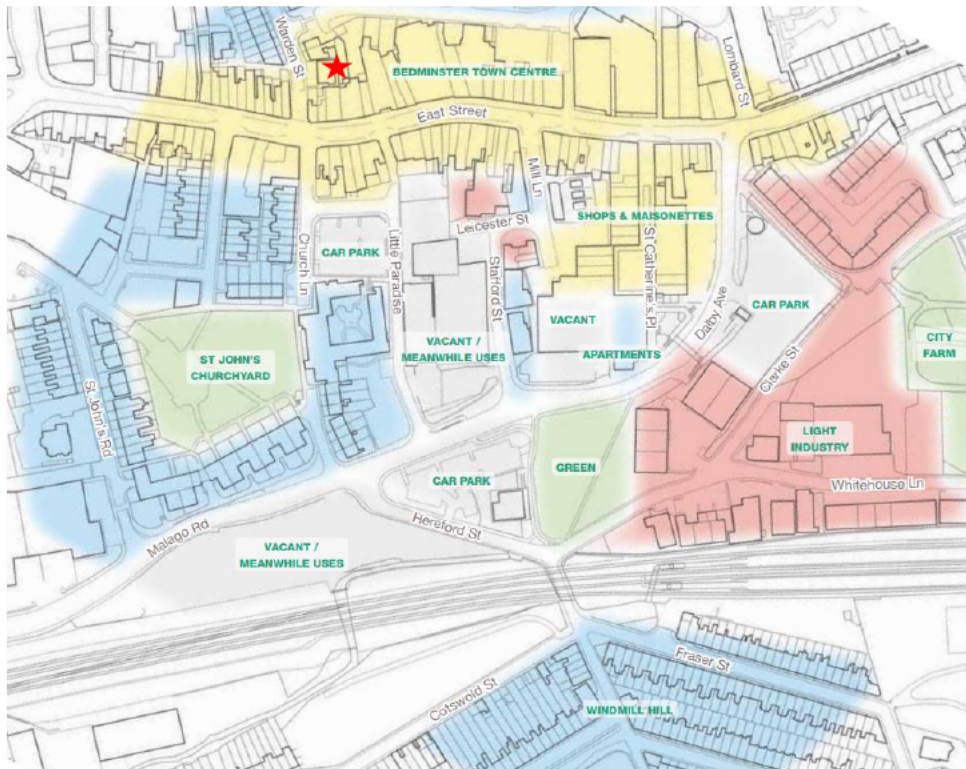


Figure 5 - Bedminster Green Framework New Urban Quarter with indicative site location

5 THE PROPOSED DEVELOPMENT

5.1 The proposed development involves the demolition of existing rear extensions – previously in pub use – and construction of a 16-bed HMO (Sui Generis). The remaining ground floor unit will be changed from pub to commercial use (Class E).

5.2 The design of the development is shown on the accompanying plans by Shu Architects and further explained in the accompanying Heritage, Design and Access Statement.

The Proposed HMO

5.3 The proposed development will involve the partial demolition and reconfiguration of the ground floor of the site to deliver a new HMO comprising:

- 16 x ensuite bedrooms
- 1 x communal living area (including space for cooking, dining and recreation)
- 6 x shared kitchenettes
- Utility and plant stores
- Bin storage (internal)
- Cycle storage (internal)

The Proposed Commercial Unit

5.4 The proposed Commercial unit will be delivered by changing 54m² of the ground floor of the pub closest to East Street to Class E. This will maintain East Street's active frontage as required by the development plan policy.

5.5 The public house has a basement which served as additional storage space during its operation. The basement is accessed internally and is restricted in height. Nevertheless, it will still offer valuable ancillary / storage space for the future occupier of the Class E commercial unit.

Design, Scale and Massing

5.6 The proposed development involves retaining the original East Street building, demolishing various rear extensions, and constructing a new extension to the rear, which brings the development up to the existing building line along Herbert Street. In terms of massing, the new-build element will broadly replicate existing massing in the “middle” portion of the site, then step up to 3 storeys to Herbert Street.

5.7 Given the built-up environment surrounding the site, the outlook has been carefully considered. Roof lights have been proposed in bedrooms 1, 2, 3, 5, 6, 8, 9 and 10 as well as the hallway connecting the centre of the site with the Herbert Street extension, these provide natural light into areas where other options for delivering daylight/sunlight are limited.

5.8 The shared living/dining room is proposed on the ground floor of the Herbert Street extension and is dual aspect.

5.9 Locating the proposal's shared space at the Herbert Street end of the proposal provides multiple benefits, first it ensures bedrooms with east-facing windows located throughout the centre of the proposal, can benefit from an additional aspect. Secondly, it improves the active frontage along this end of Herbert Street. Currently, the area is poorly lit and quiet which are qualities which are known to attract crime and antisocial behaviour. To mitigate these issues, CCTV cameras and outdoor lights are proposed. Exact location of these elements of the design are open to the suggestions of BCC's Designing out crime team.

Materials

5.10 The Pre-Application response expressed enthusiasm for the proposal of sustainable materials but also noted that the materiality to the rear of the building along Herbert Street, which was originally proposed as render, would be improved if it was finished in brickwork.

5.11 These comments were taken into consideration during the redesign and the new iteration of the proposal is detailed within the Design and Access Statement. The main features are as follows:

- The majority of the proposed development will be constructed from ICF (Insulated Concrete Formwork). This material is both energy efficient and has enhanced resilience to floods.
- Following feedback, the ICF will have a brick finish with render detailing. The revised scheme includes brickwork along its Herbert Street façade, as well as the side elevations.
- Other design elements and materials laid out in the HDAS are inspired by local context.
- The render bands, inspired by Rosemoor Studios (Fig 35 HDAS), will step proud of the brick finish, framing the windows and creating a rhythm across the elevation. A bronze-coloured rustication inlay will be used to form the pattern to the render and at the junction with the brickwork, adding subtle detail, interest, and depth to the facade.
- The proposed brick finish will be red, which will complement the surrounding red brickwork seen within the vicinity.
- Large windows are proposed for the bedrooms and the communal kitchen/dining area. These windows will be bronze powder-coated to complement the brickwork and render. To aid compliance with Part O of Building Regulations, a separate opening ventilation panel will be used, adding further interest to the facades.

Accommodation & Amenity Space

5.12 As stated previously within this statement, the proposal will deliver 16 ensuite bedrooms, 6 kitchenettes, communal cooking/living space and associated amenities. The bedroom accommodation ranges from 15m² to 21m², and all units come equipped with an ensuite shower and toilet. These units all exceed Bristol's HMO standards for a combined bedroom and living room for 1 person of 9m².

5.13 The shared kitchen/living space situated within the extension facing Herbert Street is an additional space available for all future tenants. The proposed space will be equipped with all the cooking and storage facilities required by 16 people despite residents also having access to the

kitchenettes spread throughout the development. The shared kitchen/living space has also been specifically located at the end of the proposal to provide residents with an additional outlook looking at the landscaped rear garden of Northfield House.

- 5.14 Additional amenity space has also been proposed externally. In response to Pre-Application comments regarding the limited presence of greenspace, the proposal now includes a roughly 50m² private garden. This will include SUDS planters which will introduce biodiversity to the site, enhance the view for residents of the consented HMO and the proposed HMO, and create an amenity space for residents to enjoy.

Access, Cycle and Bicycle Parking

- 5.15 The proposal ensures that the residential elements are accessible via both the East Street and Herbert Street ends of the site.
- 5.16 Following pre-application feedback from the LPA, the proposal will now provide 8 secure cycle spaces located within the building (instead of 4), as shown on the Proposed Ground Floor Plan. This exceeds the Council's parking standards (Site Allocation and Development Management Plan (2014) Appendix 2) which requires development of this kind to provide 3 cycle parking spaces for a dwelling with over 4 bedrooms.
- 5.17 It should also be noted that approximately 20 meters from the East Street façade of the site there are 10 public Sheffield stands. It is considered that the onsite provision in combination with the ample public cycle parking availability is more enough to support this proposal.
- 5.18 Additionally, the existing cycle storage which serves the HMOs approved on the upper floors under planning permission ref: 23/00686/F, will be reorganised. This ensures that all cycle provision on site is accessible and in accordance with the most recent TDM advice.

Refuse and Servicing

- 5.19 The proposed refuse storage is integrated into the ground floor of the rear 3-storey extension. The result is a short travel distance to Herbert Street where refuse / recycling will be collected.
- 5.20 The two upper-floor HMOs consented under application 23/00686/F, within the main building, are served by the existing bin store on the East Street end of the site. This consented bin store is proposed to be slightly modified to accommodate a vented lobby. This will ensure the development complies with fire regulations. The capacity of the bin store remains unchanged.

Energy & Sustainability

- 5.21 The development will adopt a fabric-first approach. Using Insulated Concrete Forms (ICF) will help create an airtight property that exceeds the current building regulations set forth in Part L1A. Additionally, air source heat pumps, photovoltaic (PV) panels, and mechanical ventilation with heat recovery (MVHR) will be used. The PV panels will be installed on the southwest-facing roof in Zone 2 (the "middle" portion of the site), while the air source heat pumps will be situated on the roof in Zone 1 as shown in the Heritage Design and Access Statement.

Daylight & Sunlight

- 5.22 The proposed layouts have been designed to maximize natural daylight in each room. This includes large windows in all of the habitable rooms, allowing for ample internal light. Furthermore, all bedrooms with external roofs feature integrated roof lights, which enhance daylighting alongside the side windows.

6 KEY PLANNING CONSIDERATIONS

Principle of Development

- 6.1 As previously stated, the proposed development would result in the loss of a Public House (Sui Generis) and the provision of a commercial unit/shop (Use Class E) and a large HMO (Sui Generis).

Loss of Pub Use

- 6.2 Despite having been vacant since 2022, the established use of the site remains as Sui Generis: Public House. Policy DM6 of the Site Allocations and Development Management Plan (2014), and the DM6: Loss of public House practice note, address the loss of public houses. The policy wording is replicated and addressed below:

Proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:

i. The public house is no longer economically viable; or

- 6.3 A Marketing Report conducted by Property Consultants Maggs & Allen has been submitted alongside this Planning Statement. The report explains that starting on 14th March 2023, the site was advertised for 12 months, generating a total of 17 viewings with none choosing to progress. The report concludes that the size of the site was an unattractive feature and suggested that a smaller unit would be more marketable.

ii. A diverse range of public house provision exists within the locality.

Where development is permitted any extensions or alterations should not harm the identity or architectural character of the public house.

- 6.4 To assess this, a review of the other public houses within the locality has been undertaken. In accordance with the DM6: Loss of public House practice note, 'within the locality' is classified as within an 800-meter radius of the site (this is roughly equivalent to 10 minutes of walking). A list showing all available public houses within the specified area is provided below. The following list of pubs was identified using a combination of Google Maps and Bristol's Pinpoint service.

Establishment	Services	Distance in M
The London Inn	Drinks, Live Sports and a pub garden.	190
The Steam Crane	Relaxed pub with comfortable seating, dog-friendly	270
The White Hart	Traditional Pub with various craft lagers and live sports.	400
The Old Globe	Historic community pub, pool table and live music.	30
Robert Fitz	Wetherspoons – cheap large chain pub, that serves food and drinks.	210

The Rising Sun	Community Pub with locally brewed drinks and events such as open mic night and bandeoake. Live sports shown on big screen TVs.	550
The Barley Mow	Historic small, single-roomed Pub. Locals venue with a jukebox.	350
The Apple Tree	Traditional cider house (other drinks served), live outdoor music in the summer.	450
Jolly Colliers	Darts, pool and cribbage teams playing other local pubs. Shows live Sports	500
Spotted Cow	Historic pub dating back to Bedminster agricultural heritage. Serves food and drinks. Live sports are shown on TVs and there is a large walled garden and excellent suntrap in summer months.	750
Local.	Independent pub with high-quality food. Live DJ's every Friday at 8.	300
Coronation	Family and pet-friendly pub serving food and live music.	450
The Cock and Tail	Industrial chic music pub with large cocktail list.	900
The Little Grosvenor	Locals Pub, only cans and bottles, Victorian heritage.	700
The Dark Horse Inn	Family and pet-friendly pub with a real fireplace, real ale. Also function rooms are available for hire.	600

- 6.5 As the Assembly, the public house formerly in operation at the site has been closed for a number of years, only a limited amount of information regarding what the Pub offered to its patrons is available. An online search revealed it was known to be a traditional pub with live TV sports and also served food.
- 6.6 As shown above, the other options for public houses are significant in number but also diverse. The list above varies between traditional establishments, family-friendly pubs, as well as venues with live music, live sport and places serving food. In terms of distance, the closest pub is the Old Globe, located directly opposite the site on East Street. The other pubs which most directly offer the services previously provided by The Assembly are The Spotted Cow, Jolly Colliers, The Rising Sun and The White Heart.
- 6.7 Considering the density of the venues nearby, it is not considered that the loss of a single vacant pub would impact the diverse range of public house provisions within the locality.

- 6.8 The wording of Policy DM6 states that only one of the two listed criteria must be met for the policy to be considered satisfied. On this basis, the proposed change of use to Sui Generis HMO and Class E is found to be policy-compliant.
- 6.9 The LPA's Pre-Application feedback stated that, in this instance, the loss of a Public House would not conflict with local policy.

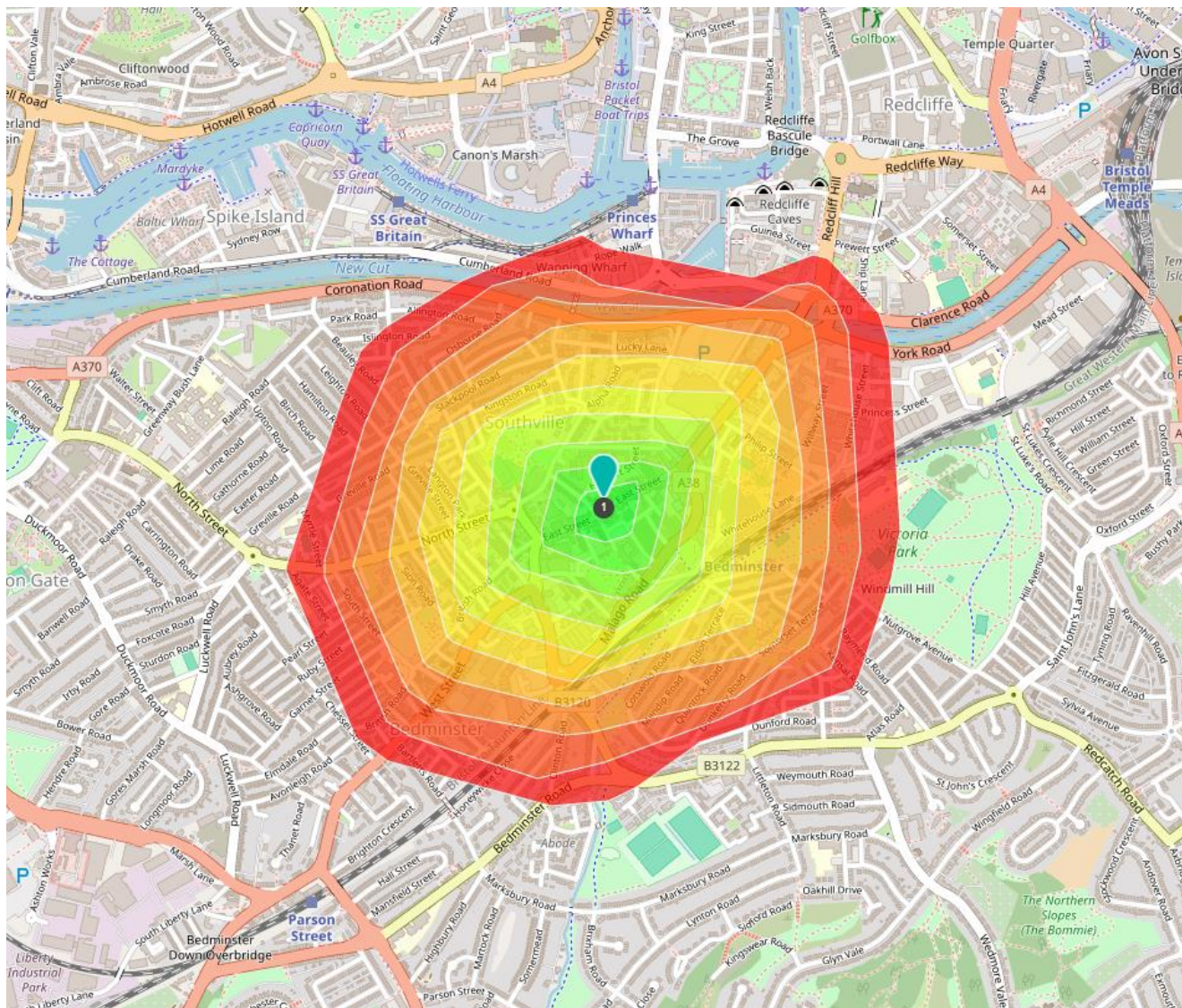


Figure 6 - Isochrone map showing a 10-minute walking distance, taking barriers to movement into account.

New (Class E) Commercial/Retail Space

- 6.10 Policy DM8 aims to support vitality and viability and promote diversity within centres by maintaining a healthy mix of uses with a variety of unit sizes capable of accommodating a range of retailers and associated uses.
- 6.11 As previously stated, East Street is designated as a Primary Shopping Area. BCC's Site Allocations and Development Management Plan (2014) Policy DM8 states that:

Within Primary Shopping Areas and Secondary Shopping Frontages identified on the Policies Map development will be expected to maintain or provide active ground floor uses.

- 6.12 Policy BCS7 similarly aims to direct retail development to Primary Shopping Areas, supported by a wider range of appropriate uses in other parts of these centres.
- 6.13 As shown on the 'Proposed Ground and First Floor Plans' plan submitted alongside this application, the proposal will deliver a combined retail space of 54m², along with the additional storage space in the basement below, which is suitable for the proposed use and comparable with other retail units in the vicinity.
- 6.14 It should be noted that the Pre-Application response from BCC concludes that this provision accords with Development Plan Policies DM8 and BCS7.

New (Sui Generis) HMO Delivery

- 6.15 Policy DM8 aims to support vitality and viability and promote diversity within centres by maintaining a healthy mix of uses with a variety of unit sizes capable of accommodating a range of retailers and associated uses.
- 6.16 As previously stated, East Street is designated as a Primary Shopping Area. BCC's Site Allocations and Development Management Plan (2014) Policy DM8 states that:

Within Primary Shopping Areas and Secondary Shopping Frontages identified on the Policies Map development will be expected to maintain or provide active ground floor uses.

- 6.17 Policy BCS7 similarly aims to direct retail development to Primary Shopping Areas, supported by a wider range of appropriate uses in other parts of these centres.
- 6.18 As shown on the 'Proposed Ground and First Floor Plans' plan submitted alongside this application, the proposal will deliver a combined Class E space of 54m², which is suitable for the proposed use and comparable with other retail units in the vicinity.
- 6.19 It is considered that the Class E use being proposed accords well with the direction of Policies DM8 and BCS7

New (Sui Generis) HMO delivery

- 6.20 Policies BCS18 and DM2 both seek that new development helps build mixed and balanced communities, and avoids creating a harmful concentration of HMO uses.
- 6.21 Policy BCS18 includes a demographical approach, stating that 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.
- 6.22 Policy DM2 defines a harmful concentration of uses within a locality as a concentration which would exacerbate existing harmful conditions such as:
- 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.

6.23 BCC's Managing the development of houses in multiple occupations SPD (2020) provides more prescriptive detail on what represents a 'harmful concentration'. The policy deals with two core principles: local level and area level. At a local level a harmful concentration is found to exist where 'sandwiching' occurs, this is where a C3 dwelling is sandwiched on two sides by HMOs. At the area level, a harmful concentration is found to exist where a threshold proportion of 10% HMOs within a 100m radius of the site occurs.

6.24 Within the pre-application response, the LPA concluded that the percentage of existing HMOs within 100 meters of the site is 7.73%. As with the pre-app proposal, this application seeks consent for a single large HMO. It was also confirmed in the pre-app response that no sandwiching would occur from the proposed development. Taking this into consideration, the delivery of an HMO in this location is acceptable and compliant with policy

Housing Delivery

6.25 NPPF 125(c) and (d) state that:

- Decisions should give **substantial weight** to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved **unless substantial harm would be caused**; and that
- Planning decisions should promote the use of such land to meet housing needs, particularly where sites can be used more effectively.

6.26 As stated by Bristol City Council, "Bristol has a housing crisis, with over 20,000 households on the housing waiting list and over 1,400 homeless households in temporary accommodation"¹. The city cannot demonstrate a five-year housing land supply against current housing targets (estimated to be 2.2-2.4 years) and the latest Housing Delivery Test result (at 75%) finds there has been a 'significant under delivery' of housing. These factors are considerable material considerations in favour of approval and trigger the NPPF's 'tilted balance' as set out under NPPF 11, which forms part of adopted policy under Policy DM1.

6.27 The Housing Delivery Test Measurement Rule Book explains that the ratio to be applied to applications delivering communal accommodation such as HMO's is the net increase in bedrooms divided by 1.9. This means that if the proposal was consented it would deliver 8 additional dwellings to the authorities' housing delivery numbers.

6.28 Taking the above into account, significant weight should be given to the proposed delivery of housing on a sustainable, brownfield site.

¹ <https://www.bristol.gov.uk/residents/planning-and-building-regulations/regeneration/frome-gateway-regeneration>

Heritage and Design

- 6.29 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires a Local Planning Authority to pay ‘special attention’ to the desirability of preserving and enhancing the character or appearance of a Conservation Area.
- 6.30 Policy BCS22 requires that development proposals safeguard or enhances heritage assets and the character and setting of areas of acknowledged importance. This is supported further by DM31 which requires development that has an impact upon a heritage asset to conserve, and where appropriate, enhance the asset, or its setting. This policy position at a local level is consistent with the statutory duties imposed by Sections 66 & 72 of the Planning (Listed Building & Conservation Areas) Act 1990.
- 6.31 BCC’s Conservation Area Character Appraisal assesses the quality of the building stock within its defined area. Whilst the East Street Public House façade is recognised as an unlisted building of merit, the rear extensions at the site were not considered in the Character Appraisal. Upon inspection, the rear extensions at 110-112 are considered to have a neutral to negative effect on the character of the Conservation Area, and fail to provide activity or surveillance to Herbert Street at the rear.
- 6.32 In accordance with Policy BCS22, the part of the building with acknowledged importance will be retained in its entirety. Demolition and redevelopment of the unsightly rear extensions will deliver a marked improvement to the character of Herbert Street and the Conservation Area.
- 6.33 The building line will be brought forward to Herbert Street, which will improve activity and surveillance, thereby reducing the potential for antisocial behaviour
- 6.34 The design has been carefully considered to respond to the character and context of the surrounding buildings within the Conservation Area. The accompanying Design and Access Statement includes further details, including a study of building heights and materiality.
- 6.35 In terms of materials, the new buildings will be finished in red brick – as recommended by the LPA - which reflects recently approved / constructed buildings further east on Herbert Street. Render detailing is proposed to add visual interest, while other high-quality materials, including aluminium windows, have been selected.
- 6.36 In terms of massing, the “middle” portion of the development has been designed within the parameters established by the existing buildings to avoid increasing risks of amenity impact closest to Warden Court. The proposed development steps up to 3 storeys closest to Herbert Street, which is considered appropriate in this context. Indeed, as illustrated on Figures 29a & b of the Design and Access Statement, there are very few buildings below 3 storeys in the immediate area, and Herbert Street has a varied character which includes 1, 3, 4, 5 and 12 storey buildings.
- 6.37 The accompanying CGIs show the proposed development in context. In each instance, the scale, massing and materials appear to be appropriate to the character of nearby development.



Figure 7 - CGI aerial image of the proposed development



Figure 8 - CGI image of the proposed development (Herbert Street)

6.38 Taking the above into account, it is considered that the proposed development is in-keeping with context, and, by replacing existing unsightly extensions, will deliver benefits in terms of activity, surveillance and visual amenity, along with a considerable heritage gain. As such, the proposal is found to accord with the relevant design and heritage policies in the Development Plan and NPPF.

Impact on Residential Amenity

6.39 Policy BCS18 of the Core Strategy states that development should provide sufficient space for everyday activities and enable residential units to be flexible to the changing life circumstances of occupants. Policy BCS21 states that development will be expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers.

6.40 The potential for impacting neighbouring uses has been carefully considered. In particular:

- The new development is single storey closest to the Character Building, and there are no windows proposed on any south elevations. This will ensure a good relationship between the new HMO and the residential units on the upper floors of the Character Building.

- The “middle” portion of the development has been designed to reflect the height and massing of existing buildings (at the boundary) to avoid worsening the relationship between the application site and Warden Court.
- The Herbert Street building steps down to the west (single storey) to maintain a 12m distance between the 3 storey element (blank wall) and the nearest residential windows.
- No windows are proposed on the west elevation to prevent overlooking with neighbouring houses / flats.

6.41 In terms of the amenity of future residents:

- The proposed HMO has been designed to meet the Council’s HMO room size and amenity standards.²
- Rooflights are used extensively to improve daylight in bedrooms and communal areas.
- Although most bedrooms are single aspect, all residents will have access to a large dual aspect living / dining / kitchen area.
- Smaller kitchenettes are located conveniently throughout the development, allowing residents to make snacks and drinks without walking to the main communal space, if they so choose.
- A communal outdoor area is provided at 52sq.m which will introduce biodiversity to the site, enhance the view for residents, and create an amenity space for residents to enjoy.
- Amendments have been made to improve liveability of the proposed units following pre-application feedback. In particular:
 - The number of units has been reduced from 18 to 16 to create more space.
 - Reconfiguration of proposed ground floor bedrooms to improve outlook and daylight performance.
 - Introduction of new “side” windows to bedrooms 5 & 6 to improve outlook.

Internal Daylight and Sunlight

6.42 MACH Group have prepared a Daylight and Sunlight Assessment to assess the internal living environment for future occupiers of the development. The report assesses the scheme against both the 2011 BRE Criteria and the 2022 BRE Criteria.

6.43 The results confirm that 100% of the assessed spaces comply with the 2011 Criteria and 100% of the assessed spaces comply with the 2022 Criteria. As such, it is clear that the proposal successfully delivers adequate natural light into all habitable rooms.

² Bristol City Council Room Size and Amenity Standards for Licensable Houses in Multiple Occupation (HMOs) under Part 2 of the Housing Act 2004 (July 2023)

Daylight and Sunlight Impact Assessment (External)

- 6.44 MACH Group have also prepared a Daylight and Sunlight Impact Assessment which assessed the impact of the scheme on the nearby buildings, gardens and amenity space. All windows which are considered to potentially be affected were assessed.
- 6.45 The assessment indicates that most windows in the adjacent properties comply with the BRE recommended guidelines for daylight and sunlight levels.
- 6.46 The only exception is Window 28 at 2 Warden Street, which falls just short of the VSC threshold by less than 1%, achieving a final VSC of 26.6 instead of the required 27. Despite this, a 23% reduction in light is considered acceptable, particularly in urban environments where reductions of up to 30% are typically deemed reasonable.
- 6.47 With regard to the availability of direct sunlight within the adjacent outdoor amenity areas, it is also understood that the proposal will have minimal to no impact on the neighbouring amenity space, and in some areas, the proposal allows for an increase in sunlight exposure.

Conclusion

- 6.48 Taking the above into account, it is considered that the proposed development will provide a suitable living environment for future occupants while maintaining an appropriate relationship with neighbouring uses. As such, it is considered to accord with policies BCS18 & 21.

Biodiversity and Green Infrastructure

- 6.49 Policy BCS9 – Green Infrastructure requires developments to incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Policy DM15 reinforces this requirement by adding that ‘new green infrastructure assets will be expected to be designed and located to maximise the range of green infrastructure functions and benefits achieved, wherever practicable and viable.’
- 6.50 There is currently no green infrastructure on the site. As shown on the proposed ground floor plan, a 52m² communal garden is located in the centre of the site to serve the future residents. It will include new grass / planting and will therefore generate an improvement in terms of biodiversity and green infrastructure.
- 6.51 A BNG Exemption Statement is provided within this application. It confirms that the application site is currently occupied by 100% hard standing / buildings. As a result, the proposal will not impact more than 25m² of habitat and is therefore exempt from BNG requirements and planning conditions under the de minimis rule of Section 4 of The Biodiversity Net Gain Requirements (Exemptions) Regulations 2024.

Sustainability and Energy

- 6.52 Policies BCS13, BCS14 and BCS15 of the Core Strategy relate to sustainability issues and tackling climate change. Of note, Policy BCS14 sets out a hierarchy for heating, cooling and hot water supply for new developments. It also seeks to ensure that new developments incorporate

sufficient renewable energy generation measures to reduce carbon dioxide emissions from residual energy use by at least 20%.

- 6.53 An Energy and Sustainability Statement has been produced by JMDC Services Ltd which addresses the above energy policies and should be read alongside this Planning Statement.
- 6.54 The report illustrates that the policy requirements have been taken into account throughout the early design stages of this development. In accordance with the Heat Hierarchy, Air Source Heat Pumps (ASHP) will provide the heating and hot water. PV panels are also proposed to supplement the ASHP and reduce electricity demand.
- 6.55 Overall, the use of sustainable technologies will deliver a 52.46% reduction in residual CO2 emissions and a 57.2% reduction overall, which exceeds the policy requirements.
- 6.56 Additionally, a "fabric first" design approach has been adopted, leading to enhanced insulation standards, improved U-values, and better air tightness. Energy-efficient lighting with an efficacy of 100 lumens per watt (Lm/W) has been specified. A Mechanical Ventilation with Heat Recovery (MVHR) system will be installed to ensure proper ventilation, helping to control moisture and condensation within the building fabric. This will not only extend the building's lifespan but also provide a healthier indoor environment for its occupants.
- 6.57 Taking the above into account, the proposed development is considered to accord with the local plan energy and sustainability policies.

Highways

- 6.58 Policy BCS10 of the Core Strategy states that development should be located where sustainable travel patterns can be achieved with higher density mixed use development at accessible centres and along or close to main public transport routes. Policy DM23 of the Development Management Policies outlines that development should not give rise to unacceptable traffic conditions or highway safety impacts. Policy DM32 requires that all new developments must include shared recycling facilities and refuse bins with adequate capacity to accommodate the needs of the development.
- 6.59 The proposed development is sustainably located and served by suitable cycle parking and refuse facilities. Of note:
- Primary access to the new HMO will be from Herbert Street. A secondary access is provided from East Street.
 - 8 x secure cycle spaces are provided for the new HMO i.e. 1 space per 2 residents. This level of provision exceeds the Council's parking requirements. Additionally, there are 10 public Sheffield stands located on East Street near to the application site.
 - Cycle storage for the HMOs approved on the upper floors under planning permission ref: 23/00686/F, will be reorganised to improve accessibility.
 - The proposed refuse storage is integrated into the ground floor of the rear 3-storey extension. The result is a short travel distance to Herbert Street where refuse / recycling will be collected.

- 6.60 Taking the above into account, the proposed development is considered to accord with BCS10, DM23 and DM32, as well as the Council's parking standards.

Flood Risk

- 6.61 Policy BCS16 sets out the Council's sequential approach to flood risk management and states that development in flood risk areas will be expected to resilient to flooding and / or incorporate suitable mitigation measures. It requires that all development incorporates water management measures, including SuDS drainage, to reduce surface water run-off and avoid increasing flood risk elsewhere. Chapter 14 of the NPPF is also pertinent.

- 6.62 A Flood Risk Assessment (including drainage and sequential test considerations) has been produced by Calibro. It reaches the following conclusions:

- The Flood Map for Planning indicates that most of the site falls within Flood Zone 2, with the very northeastern corner falling within SFRA Flood Zone 3 (2120).
- The site is at low risk of tidal and fluvial flooding, falling outside the predicted design flood extent. The design event applied is the 1 in 100 year +39% for the year 2130, which is a more significant event than the guidance requires.
- The existing and proposed floor level of the building is 900mm above the design flood depths. As such, the proposed HMO rooms will be elevated above potential flood levels and will be at negligible risk of flood damage.
- Given the above, no further mitigation is required.
- The December 2024 iteration of the National Planning Policy Framework clarifies the application of the sequential test. Paragraph 175 of the NPPF states that where a site specific Flood Risk Assessment demonstrates that no built development or site access is located in an area at risk of flooding, the sequential test shouldn't apply. As above, the assessment concludes the risk to the site is low or negligible from all sources and therefore the sequential test should not apply.
- Since the existing site is 100% hardstanding, there will be a negligible impact on drainage. Nonetheless, proportionate measures – including SuDS planters affixed to downpipes - are proposed to reduce flow rates to the sewer network and provide multiple benefits, in accordance with the SFRA.
- Ultimately, the Flood Risk Assessment concludes that the development will be safe for its lifetime and therefore meets the requirements of the NPPF and PPG.

- 6.63 Taking the contents of Calabro's report into account, it is considered that the application is in full compliance with Policy BCS16 and the requirements of the NPPF.

Contamination

- 6.64 Policy DM34 states that new development must demonstrate that any existing contamination will be properly mitigated to ensure the site is suitable for its intended use and does not pose pollution risks to the area.

- 6.65 A Desk Study and Preliminary Risk Assessment has been undertaken by Structural Soils Ltd and is submitted alongside this application. The report details the following:
- The Mining Remediation Authority (formerly Coal Authority) Map Viewer shows the site not to lie in a Development High Risk Area, or any areas of Shallow Coal Mining or any Mine Entry Zones of Influence. However, the Envirocheck report states that the site lies within the Coal Mining Reporting Area and the developer should obtain a Consultants Coal Mining Report to confirm whether the site is at risk from any shallow coal workings or mineshafts.
 - The pre-Ordnance Survey maps found on Know Your Place Bristol show a stream running east-west approximately across the site's narrowest point in the north of the site. This stream may still be present under the site in a culvert so care should be taken when constructing foundations or installing services in this area.
 - Environmental datasheets indicate relatively limited development of the site which is positioned within a predominantly urban area containing occasional small trades and commercial premises.
 - The two risk linkages identified (within the report) relate solely to the proposed landscaping. The proposed development includes a small grassed area about 10 m by 5 m lined with shrubs or small trees on two sides and two other small trees. The site is hard covered and no viable topsoil is likely to be present. A pragmatic way to break these contaminants' linkages would be to provide a 600 mm depth of uncontaminated imported soils (topsoil and subsoil) for grass and shrubs. This should be increased to 1 m depth for tree pits. On completion, the soil composition and depth would need to be verified by an independent third party such as SSL.
- 6.66 Ultimately, the development is not at high risk of harm from contamination or historic coal mining and is capable of accordance with policy DM34. The suggested additional information and remediation works can be sourced / undertaken prior to the commencement of development. The applicant would be amenable to a suitably worded planning condition to this end.

Planning Obligations and CIL

- 6.67 As per the pre-application response from BCC, the proposed development will be CIL liable as it will result in the creation of over 100m² of newly built floor space. As the proposal is located in the 'outer charging zone' of the Bristol City Council Community Infrastructure Levy Charging Schedule, the CIL liability will be charged at £50/m².
- 6.68 The flats on the upper floors of the site have been occupied for at least 6 continuous months across the last 3 years. Details can be provided on request. As a result, the site as a whole is considered to pass the CIL vacancy test, and CIL should only be payable on the net additional floorspace arising from the development.
- 6.69 The following measurements are relevant:
- Existing pub = 353sq.m
 - Proposed HMO = 534sq.m

- Proposed Class E Unit = 54sq.m

- 6.70 The net additional floorspace of the development will be 235sq.m. This will be chargeable on the HMO element at the “other chargeable development” rate of £50 per sq.m, given that the Class E unit will be delivered by change of use only.
- 6.71 No other planning obligations are considered relevant.

7 SUMMARY & CONCLUSIONS

- 7.1 This Planning Statement has been prepared on behalf of TMT Capital Ltd, the site owner and applicant. It supports a full planning application for the change of use of a vacant public house to commercial use and the demolition of existing rear extensions to deliver a 16-bedroom HMO with communal living space.
- 7.2 This application has been informed by a pre-application enquiry made to Bristol City Council in August 2024. Relevant feedback has been taken into consideration and the design adjusted accordingly to address various concerns.
- 7.3 The loss of the public house has been assessed against policy DM6 of the Development Plan and found to satisfy its requirements. In particular, it has been demonstrated that there is a wide range of bars and pubs in the immediate area, including those providing a similar offer to the now-vacant Assembly.
- 7.4 This statement demonstrates that the provision of an HMO at the site will not lead to a 'harmful concentration' at either a local level or area level, and therefore the principle of HMO delivery is also considered acceptable.
- 7.5 The inclusion of a Class E unit fronting East Street complies with the aims of the Primary Shopping Area and will return activity to the site and encourage footfall along East Street.
- 7.6 Meeting Bristol's residual and growing housing needs in such a sustainable location is a local and national planning policy priority. There can be no dispute that Bristol is subject to a housing crisis and this position cannot be underestimated. Houses of Multiple Occupation, as proposed, comprise a residential use that aids in the delivery of a robust housing supply within the city by providing a wider balance of residential uses and reducing pressure on existing family housing stock across the city.
- 7.7 Bristol City Council's five-year housing land supply position is chronically short of what is required at circa 2.2-2.5 years – and this has been the case for a significant period of time, with little sign of an improvement. This position is exacerbated further by a dual failure to meet the housing delivery requirements – with the presumption in favour of sustainable development engaged also by reason of delivery falling below 75%. This is considered to constitute a significant material consideration in the assessment of this application, and it is contended that the provision of residential accommodation must be afforded the most considerable weight.
- 7.8 The proposed design responds well to the site context and character of nearby development, in terms of layout, scale, massing and materials. By replacing existing unsightly extensions and moving the building line forward to Herbert Street, the development will deliver benefits in terms of activity, surveillance and visual amenity, along with a considerable heritage gain.
- 7.9 The residential amenity of both existing neighbours and future occupiers has also been addressed by the considered design solution. Potential issues of overlooking, overbearing, overshadowing, daylight and sunlight, outlook and living environment have all been assessed and found to be acceptable.

- 7.10 The introduction of a 52sq.m garden will enhance biodiversity and offer valuable amenity space for residents.
- 7.11 The accompanying Energy and Sustainability Statement demonstrates that the proposed development accords with the Council's energy policies, including the heat hierarchy and carbon reduction targets, which will be exceeded through the use of sustainable design measures, a "fabric first" approach, ASHPs and PV panels.
- 7.12 The design includes suitable cycle parking and refuse storage to meet the relevant policy standards. Both are located within secure, internal stores with easy (and level) access to Herbert Street. As such, and taking into account the highly sustainable nature of the site, the proposed development is considered to be acceptable in highway terms.
- 7.13 In terms of flood risk, the existing ground floor is 900mm above design flood depths and the proposal keeps the units elevated and at negligible risk of flood damage. The accompanying Flood Risk Assessment confirms that the development is safe for its lifetime, meeting the National Planning Policy Framework and Flood Risk and Coastal Change Planning Practice Guidance requirements. Drainage improvements will be delivered through SuDS planters and it has been demonstrated that a Sequential Flood Risk Assessment is not required.
- 7.14 Overall, the proposed development is found to be highly sustainable and in accordance with the Development Plan and national policy when considered as a whole. Notwithstanding, the 'tilted balance' confirms that applications should be approved unless the adverse impacts of doing so would both significantly and demonstrably outweigh the benefits. In this case, there are no such adverse impacts to outweigh the benefits arising from housing delivery, design and heritage gains - which are considerable, along with minor biodiversity and surface water drainage improvements. As such, the proposed development is considered to be policy compliant and deserving of support.

APPENDIX A: Pre-Application Response



██████████,
21 Prince Street,
Bristol
BS1 4PH

officer: ██████████
phone: ██████████
email: ██████████
our ref: 24/03395/PREAPP
your ref:
date: December 2024

Dear ██████████

PRE-APPLICATION ENQUIRY RESPONSE – FULL APPRAISAL

Application No: 24/03395/PREAPP

Proposal: Change of use of a vacant public house to commercial use and the demolition of the existing rear extensions to deliver an 18-bedroom HMO with communal living space.

Site Address: 110 - 112 East Street, Bedminster, Bristol BS3 4EY

I refer to your pre-application enquiry regarding the above proposal.

Executive Summary

- Principally the application is acceptable, but the scheme is an overdevelopment in terms of the number of rooms proposed.
- The rear of the scheme should enhance the character of the Conservation Area, which it fails to do in its current format.

Site Description

The site encompasses 110-112 East Street, which is currently occupied by the Assembly public house, with the rear of the site fronting Herbert Street. The 'front' of the site is a frontage fairly typical to East Street; three-storeys in height and finished in render. The parapet height of the building, owing to the additional storey, is higher than many surrounding buildings although it is noted that 118 and 120 East Street are of a similar vertical scale.

The rear of the site features an assortment of single-storey rear extensions, set far back from the street, with a lack of active frontage onto Herbert Street. Instead, the rear of the site is bounded by a brick wall. Further down Herbert Street there are buildings of differing scales and massing.

Proposed Development

The proposed development is for the construction of an 18-bed HMO (previously 16). No elevations have been provided looking from East Street, although it is understood that The Assembly pub would be replaced with a commercial unit, as well as with bin and bike stores which would serve the proposed HMO. The rear of the site is now proposed to be three-storeys in height.

For the purposes of this PREAPP response, the amended plans shall be assessed.

Relevant Planning History

94/00281/F Alterations to front and rear elevations. Date Closed: 20 April 1994, Granted, subject to conditions

04/00026/F Conversion of upper floors to provide 4 no. self-contained flats (Use Class C3).
Date Closed: 17 March 2004, Granted, subject to conditions

04/04874/F Alterations to front elevation. Date Closed: 20 January 2005, Refusal

05/00182/F Construction of a two-storey rear extension comprising 4 no. self-contained flats.
Withdrawn

05/02277/F Single storey rear extension to existing public house including external garden area.
Date Closed: 20 October 2005, Granted, subject to conditions

06/00045/F Demolition of buildings adjacent to the car park at the rear and construction of a single-storey extension.
Date Closed: 13 March 2006, Granted, subject to conditions

06/00107/F Construction of new shopfront to existing public house.
Date Closed: 9 March 2006, Refused

06/01730/F Construction of new shopfront to existing public house. Date Closed: 3 July 2006, Granted, subject to conditions

23/00686/F Creation of 2no. small houses in multiple occupation for 3-6 people (C4) at first and second floor level.
Date Closed: 14 June 2024 Granted, subject to conditions

24/03431/COND Application for approval of details reserved by condition 3 of permission 23/00686/F Creation of 2no. small houses in multiple occupation for 3-6 people (C4) at first and second floor level.
Date Closed: 23 October 2024

Emerging Local Policy

Officers draw your attention to the emerging local plan which is currently in its examination stage. Any formal application may be subject to policies contained within the emerging plan as it gets nearer to adoption. Emerging policies relevant to this development include, but are not limited to the following:

- Policy DS8 (Central Bedminster)
- Policy UL1 (Effective and efficient use of land)
- Policy H4 (Housing type and mix)
- Policy H6 (Houses in multiple occupation and other shared housing)
- Policy SSE1 (Supporting Bristol's Centres – network and hierarchy)
- Policy SSE8 (Public Houses)
- Policy T1 (Development and transport principles)
- Policy NZC1 (Climate change, sustainable design and construction)
- Policy FR1 (Flood risk and water management)
- Policy DC1 (Liveability in residential development including space standards, aspect and private outdoor space)
- Policy DC3 (Alterations to Existing Buildings)
- Policy DC4 (Recycling and refuse provision in new development)
- Policy CHE1 (Conservation and the historic environment)

Public Comments

One comment was received from the BS3 Planning Group. Their response is as follows:

The principle of change of use from a (Sui Generis) Public House to a (Class E) commercial unit. There is serious concern that we are losing not just a public house but a venue where communities can gather, and friendships can be formed. East St is surrounded to one side by over 1400 beds for student accommodation, and residents have been led to believe that these young people will help East St to regenerate and provide opportunities for the night time economy. So losing the Assembly at this point to commercial activities may not be the most creative use of one of the larger buildings on East St.

To continue that this development may not fit into the plans the community have for East St, which includes AGB working with ward Councillors and the BBC Regeneration Team to activate spaces when they become available. Other initiatives include Share Bristol which has recently moved into East St and will be piloting commercial activities particularly for Young People.

East St has recently been designated as a primary shopping area, and selected as one of five places in England to join a new £2.5 million National Lottery funded pilot. The funded pilot will secure and revive buildings for long-term local benefit to encourage more money to stay local and help build the local economy through the recently established Bedminster Property Partnership.

<https://www.eastbedminster.com/national-lottery-community-funding-to-help-put-bedminsterbuildings-into-long-term-local-ownership/>.

We also note that the list of pubs given as justification for change from pub to commercial includes businesses which aren't pubs they are cafes and restaurants.

The principle of the delivery of one large HMO (Sui Generis) on the site.

A 16 bed HMO has been queried as overly large, and overly dense more similar to co-living without the usual amenities. Concern that the accommodation offered in Floors 1 & 2 could be compromised by the proximity of the 16 bed HMO.

Design Scale and Massing

General concern that too much is being shoe-horned onto the site - the heights of the buildings may be appropriate but the shape of the site means that though the bedrooms may have the minimum area required many end up being little more than corridors and the kitchenette next to Bed 3 is too small to operate safely.

All bedrooms are single aspect - poor for ventilation and preventing overheating The view from many of the bedrooms seems to be a blank wall 1 to 2m away.

Impact on the Historic Environment

110-112 East Street is a Victorian unlisted building of merit within Bedminster Conservation Area. We believe it is essential that all new building should be of the highest quality and reflect the identity of the area whilst looking to the best contemporary design and materials.

As we all know appearances do matter, and increasingly so with the new design codes under review. We are concerned that the eventual proposal should enhance the conservation area.

Whether the design offers a suitable environment for future residents and existing neighbours.

The outside space feels quite small, and north facing as well as hemmed in on 3 sides The roof top plant is not shown on the elevation, it should be and it may impact the courtyard The area for the raised walkway appears narrower on the first floor plan than it does on the ground floor plan. Which is correct?

Cross referencing the plans with the sections suggests that in the upper floor rooms the beds will be pushed into the area of reduced head-height. These may prove to be impractical rooms to use. Communal space seems to all be kitchen, no other facilities.

The use of the raised walkway alongside the bedrooms is not the best solution for privacy.

Whether the proposed development is ok for flood impact and whether a sequential test is required.

Suitability of the ecological benefits proposed. Good to see landscaping has been included, I recommend a wildlife pond and planting. Easy to maintain and attracts surprising amount of wildlife create habitat around the pond not water feature.

Recommendations regarding heating and renewables.

We are pleased to see that this application is considering sustainable materials, and we urge that there is a greater push for the use of good quality low energy design, and encourage the use of Passivhaus standards and Enerphit initiatives be used (for the existing building)

Acceptability of the highways measures proposed.

Bike park provision of four to the rear (Herbert st) , plus bins store for this group of 16 rooms, sounds like nothing given its car-free.

Note there are also bikes and bins in the pub for the HMO upstairs.

Principle of Development

Loss of Public House

Paragraph 93 of the NPPF (2023) specifies 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 shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs

Policy BCS12 (Community Facilities) 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. In cases where community facilities are proposed for redevelopment the council will need to assess the loss in terms of the social, economic and physical impact on the local community and the harm caused to the level of community facilities provision in the area.

Policy DM5 (Protection of Community Facilities) of the SADMP outlines that the loss of community facilities will not be permitted unless it is demonstrated that:

- i. The loss 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
- 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.

Policy DM6 (Public Houses) states that Proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:

- i. The public house is no longer economically viable; or
- ii. A diverse range of public house provision exists within the locality.

Where development is permitted any extensions or alterations should not harm the identity or architectural character of the public house.

Any forthcoming application would have to justify the loss of the public house through justification of either point i or ii, or both.

It is noted that this has been provided within the pre-application enquiry. A marketing report has been submitted, which shows that the site was advertised for 12 months with some interest but no offers. The Marketing Statement concludes that the unit is substantial, and that more demand would be received if the unit was a smaller retail unit. It should be noted that the Policy DM6 practice note makes it clear that applicants “will be expected to demonstrate that the public house has been marketed for a period of at least 18 months”. Any submission would have to accord with this.

The submission has also demonstrated that there is a diverse range of public house provision in the immediate vicinity, 14 in total. Policy DM6, in the supporting text, indicates that this should only be measured against other public houses within reasonable walking distance. The Policy DM6 practice note states that a reasonable walking distance is 800m.

For this reason, Flip Food, Old Book Shop, The Albatross Café have been discounted as they are registered to be ‘Café Bars’ within Pinpoint Data. The Barley Mow has also been discounted because the establishment is a wine bar.

There is a large range of provision of public houses in the immediate vicinity and that, based on the initial evidence, it is not considered principally that the loss of the public house here would be discordant with Policy DM5 or DM6. However, more evidence would be required within any submission. A Viability Assessment should be submitted to show that the pub is no longer economically viable and provide further evidence of a range of pubs within the locality. There should also be more information as to what the existing pub serves, and that measures to improve the viability of the existing pub have been pursued. Similarly, there should also be demonstration that there is a sufficiently diverse range of public houses which caters and meets the needs of the whole community. Applicants are referred to the Policy

DM6: Public Houses practice note for further information.

Use as an HMO

Policy DM2 (Residential subdivisions, shared and specialist housing) states that the construction of new buildings to be used as HMOs, specialist student housing and other forms of share housing will not be permitted where proposals would exacerbate existing harmful conditions. 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.

Managing the development of houses in multiple occupation, SPD (Adopted) November 2020 recognises that HMOs form part of the city's private rented housing stock and can contribute positively to people's housing choice. It is however recognised that HMOs are a 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 to 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 LPA calculates that the percentage of HMOs within 100 metres of the site is 7.73% (the submitted pre-app statement quotes 9.09%). Similarly, data shows that no sandwiching would occur from the application scheme. Considering this, the provision of an HMO in this location is acceptable.

Introduction of Commercial Use (Class E) at ground floor level

East Street is a designated primary shopping area and is within the Bedminster centre. Therefore, there is no objection to incorporating part of the ground floor level under Class E use, as it would be within the relevant designations and character of the street.

Impact upon the Character and Appearance of the Area

Paragraph 41 of the National Design Guide states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Paragraphs 52 and 53 outline that local identity is made up of typical

characteristics such as the pattern of housing, and special features that are distinct from their surroundings. Well-designed new development is influenced by an understanding of local character including built form and includes the composition of street scenes, individual buildings and their elements; the height, scale, massing and relationship between buildings; roofscapes; and façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors and their details.

The development would require assessment against Policy BCS21 (Quality Urban Design) of the Core Strategy which advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.

Similarly, the development will be assessed against Policies DM26 (Local Character & Distinctiveness) and DM27 (Layout & Form) of the Site Allocations & Development Management Policies (SADMP) Local Plan, which outline that all development is expected to contribute positively to an area's character and identity. This should be achieved by responding to the existing built environment. In particular, development should respect the local pattern and grain of existing buildings and respond to the local scale and character created by height, massing, shape and form, proportion, building lines, set-backs from the street, skylines and roofscapes.

East Street frontage

The frontage of this building would be assessed under Policies BCS22 (Conservation and the Historic Environment) of the Core Strategy DM31 (Heritage Assets) of the Site Allocations and Development Management Policies Local Plan, which outline that all development proposals related to heritage and conservation are expected to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance.

More information would be required to show the elevations of the 'front' of the building. It is understood that this would be unchanged, however this should still be shown on any full planning application so that the impact upon the Bedminster Conservation Area can still be adequately assessed.

The windows at the front of the building are particularly large, especially in their vertical aspect. There is some concern as to the location of the bin stores being at the front, given that they would be readily visible from one of the front-facing windows. The arrangement here is not particularly ideal in regard to conserving or enhancing the quality of the Conservation Area, and it is generally regarded that refuse should be out of sight along East Street. There is also concern that the halving of the ground floor in such a way shown would lead to the fragmentation of the commercial frontage within this part of the conservation area. Because the elevation treatment of this section is unclear currently, because nothing is shown, it is unclear at this stage how this can be successfully overcome/resolved because the windows would be required to change or be obscure glazed - both of which would cause some harm.

Other than the above, there is no further objection in regard to this aspect of the

scheme given that that it is understood there are no major changes to the design of this frontage.

Herbert Street Frontage

i. Design

The design of the rear should 'uplift' the street scene of Herbert Street. The rear of the site is still within the Conservation Area, so proposals should preserve or enhance the character of the Conservation Area. Given that, currently, the rear of the building is a negative feature of the Conservation Area, the expectation in this instance is that any development should enhance the character and quality of the Conservation Area in order to be acceptable. Likewise to the façade facing East Street, this façade would also be assessed under Policies BCS22 (Conservation and the Historic Environment) of the Core Strategy DM31 (Heritage Assets) of the Site Allocations and Development Management Policies Local Plan.

There have been many applications in the immediate vicinity, so there is an opportunity to improve the public realm and backlands character along this road. Many of the buildings at the rear are of a poor quality, and we expect proposals to enhance the architectural character rather than mimic it.

The proposal has been altered in its lifetime to incorporate three storeys at the rear instead of two. Because of the location of the site as being backland to East Street and buildings along Warden Road, one to two storeys on this frontage would be acceptable rather than three. Because of close proximity to the rear windows of houses along Warden Road, single storey would be the most appropriate (see more in the 'Amenity' section of the response).

Any planning application should also include 3D Views of the rear of the building as well as Herbert Street and the pavement. This is so that the LPA can understand how the proposals interface with the street.

The materiality of the rear of the building has been expressed as being render within the Design and Access Statement. The scheme would be improved if the building was finished in brickwork, much like other schemes and existing buildings along Herbert Street or some other high-quality material. Whilst the Bedminster Conservation Area Character Appraisal highlights stucco render as being within the material palette, this mainly refers to the material palette along East Street rather than Herbert Street. This is not solely refusable but, as stated, there building should be an improvement to the public realm along Herbert Street.

The details shown on the windows should be retained for any full planning application as it adds some visual interest to the rear façade. Further details of window detailing, along with the parapets and materials used should be provided so that it reduces the requirement for pre-commencement conditions should a full application be submitted.

The site plan has not been amended with the revised pre-application scheme. It is

shown on the revised rear elevation that the building would have a flat roof, which would be more in character with other buildings fronting Herbert Street. Similarly, the orientation of the rear building does not currently respect any discernible building line along the south of Herbert Street. The rear façade of the building should be in line with the south-west quoin of 90-96 East Street, and thus set back from Herbert Street. Currently, the building is not angled as such.

There are no other comments in regard to the design of the rear of the proposal.

Amenity

Neighbouring occupiers

Any full planning application would be assessed against Policies BCS21 (Quality Urban Design) of the Bristol Core Strategy which advocates that new development should give consideration to matters of neighbouring privacy, outlook and natural lighting. It also states that new development should safeguard the amenity of existing development.

The development would also be assessed against Policy DM29 (Design of New Buildings) of the SADMP which outlines proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

As mentioned, the application site is in close proximity to dwellings along the eastern side of Warden Road. 1-6 Warden Court in particular, is extremely close to the application site. Currently, the buildings at the rear of the site are single-storey in height. Given that the proposal would incorporate additional stories there is concern that the development would lead to a loss of outlook and become overbearing onto these houses/residential units. Even though the design is single-storey on the western boundary and sloped downwards in the 'middle' section – which has presumably been designed in that way with those dwellings in mind – there is still some concern in regard to the height not being in compliance with DM29 and BCS21. Fewer storeys at the rearmost section would be encouraged by the LPA for any full planning application.

A South West Elevation should be provided on any full planning application for a full assessment on impact onto these windows. It would also be beneficial to understand if this overbearing/overshadowing impacts upon outdoor amenity areas.

Pollution Control were consulted on the scheme and offered no objection in regard to the development leading to excessive noise pollution as a result of increased occupancy.

Future occupiers

Policies relevant to the liveability of future occupiers include Policy DM2 which 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.

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. 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.

Each proposed room within the HMO is single-aspect, except for Bedroom 18 which features 3 windows. Many of the windows in the proposed building are angled towards the east. There is a distance of approximately 3.5m between the flank of the proposed building and the side of 102-106 East Street.

There is concern that due to the limited separation distances between the neighbouring dwelling and the fenestration provided that it could impact light levels into the HMO, especially at the ground floor level. Currently, the separation distances are so limited that it would warrant refusal for impact upon future occupiers. A street elevation showing a 45-degree angle from side elevation, ground floor windows should be provided on any full planning application, showing overshadowing onto these rooms. The 45-degree test needs to be complied with so that the scheme is acceptable. There is also concern that there is limited outlook provided given the short separation distances. 25-degrees also needs to be shown so that the neighbouring building is not overbearing onto the proposed HMO. Currently, it is unclear how this issue can be overcome.

There is also concern that no outdoor amenity space has been provided except for a relatively small (7.5m² in area) raised courtyard garden.

Overall, there is a concern that the scheme is an overdevelopment of the amount of units proposed, and the development would be better, in liveability terms, if fewer

rooms were provided. This is because there would be more opportunity to afford better outlook and light into the rooms. There would also be more scope to provide a larger outdoor amenity area. Finally, it would reduce the scale of the building which, in turn, would help overcome concerns regarding neighbouring amenity.

Because no living room has been provided on the plans, the bedrooms have been measured against the minimum requirement for a combined bed and living room – which is 9m² within Bristol City Council's Room Size and Amenity Standards for Licensable Houses in Multiple Occupation (HMOs) document. In this instance, all the proposed bedrooms meet this standard.

Sustainability

Given that the scheme proposes a new building at the rear, a sustainability and energy statement should be provided for any full planning application. This would be assessed against relevant policies BCS13 (Climate Change), BCS14 (Sustainable Energy) and Section 14 of the NPPF.

Transport and Highways considerations

Policy DM2 states that development will not be permitted if there is inadequate storage for refuse and cycles.

Drawing number 111b is unacceptable in regard to this because the proposed bike store can only be accessed via a flight of stairs. Stepped access is not suitable for most users, and the access provided here would mean that users would have to try to safely negotiate a flight of stairs with a bicycle, so this plan is deemed contrary to Policies BCS10 and DM23.

Drawing number 111a is more acceptable in terms of access because the cycle stores are located adjacent to Herbert Street. Therefore, purely in terms of access, proposed stores in this location accord with Policies BCS10 and DM23.

10 spaces have been provided for an 18-bedroom HMO. It is also unclear whether the 6-spaces at the front of the building are shared with the existing HMO on the upper floors of the East Street building. Similarly, it is unclear as to whether any cycle parking has been provided for the proposed commercial unit or if this has been encompassed within the 6 spots at the front.

Given there is no car parking, and that the scheme is in a residents' parking scheme, extra provision should be secured given the number of bedspaces and introduction of a commercial unit along East Street. It is noted that there is no specific minimum provision provided within Appendix 2 for 'sui generis' Houses in Multiple Occupation. Appendix 2 highlights that the minimum provision is that there is one space per 100m², which is met (given that the floor area of the commercial unit is only 52m²). Nonetheless, there is additional strain on this specific type of transport, so more spaces are preferable.

Flood Risk

The Flood Risk Team were consulted on the application and commented as follows:

To confirm how the LLFA will be commenting on the application (through direct consultation or consultation via the LPA and application of Standing Advice) see section 4.3 of the Bristol City Council Level 1 Strategic Flood Risk Assessment (BCC L1 SFRA).

We would expect a Sustainable Drainage Strategy to be submitted with the main application that meets the requirements of the Level 1 SFRA. In particular (but not limited to), highlighting/addressing the following:

- Providing a Proof of Concept to identify the constraints and opportunities to sustainable drainage at as early a stage in the design process as possible.
- Surface water should be attenuated through a mix of multi-benefit SuDS where possible, including rain gardens, green roofs, privately maintained permeable paving, or features draining the highway such as highway bio-retention pods, digest, swales. The site must limit the amount of single-benefit storage features like tanks or oversized pipes.
- Contamination on site should be analysed and deemed appropriate before infiltration is proposed. Consideration of ground water levels should be undertaken if soakaways are being proposed.
- If discharging into a watercourse/ditch, confirmation of ownership of the proposed receiving watercourses/ditches as well as an indication of the likely consents required (e.g. Flood Defence Consent/Land Drainage Consent) should be provided.
- If connecting to the public sewer, evidence that Wessex Water is satisfied with the discharge rate and that there is enough capacity in the sewer to accommodate this discharge, must be provided. Please contact planning.liaison@wessexwater.co.uk
- We recommend a two stage outflow, so that runoff generated during an event of up to 1 in 30 annual chance is discharged at the present day Qbar rates. Flows generated during an event of between 1 in 30 and up to 1 in 100 inclusive of climate change controlled to the Greenfield 1 in 100 annual chance event where possible, or 50% betterment on existing brownfield rates.
- Evidence that there will be no flooding on site for a 1 in 30 year event and that there will be no flooding of buildings, or leaving the site boundary for a 1 in 100 year event.
- Evidence as to how the site is limiting long term storage to existing rates.
- Confirmation of the proposed maintenance regime, including activities, frequency and responsibility.
- Discharge rates should be as close as is reasonably practicable to Greenfield equivalent rates, or at least 50% betterment on pre-

- development rates, but it can't exceed existing rates for the site.
- The requirements outlined in the BCC L1 SFRA will need to be adhered to. That is addressing three out of four of the benefits identified in the four pillars of SuDS design highlighted in the SuDS Manual. Including improving water quality, enhancing amenity value, increasing biodiversity and reducing water quantity.
 - We would recommend early engagement with the applicant to discuss their emerging sustainable drainage strategy.
 - The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network. Policies and Guidance on this can be found at <https://www.wessexwater.co.uk/services/building-and-developing/sector-guidance-on-sewerage-and-water-adoption-agreements>.
 - If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Wessex Water, 'prior to the submission of any' drainage scheme details 'to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process. Applicants should contact Wessex Water through planning.liaison@wessexwater.co.uk for further information/discussion. The Local Planning Authority will support any applications brought forward through the Wessex Water adoption process.
 - The site has relatively poor infiltration potential with limited opportunities for bespoke infiltration based SuDS; this should be confirmed with infiltration testing carried out to BRE Digest 365 standard.
 - We have records of flooding within the vicinity of the site boundary.
 - The site is located within Flood Zone 2 and therefore a Flood Risk Assessment should be provided and consultation with the EA should be undertaken. A Flood Evacuation Plan should also be provided and consultation with EPRT and LLFA should be undertaken; this should address access and egress during a design flood event (1 in 100 fluvial and 1 in 200 tidal (inclusive of climate change commensurate with the lifetime of the development) whichever is larger) and a consideration of extreme flood events (1 in 1000 year).

In terms of planning requirements; the development would be subject to a sequential test in order to be acceptable. Even though the submitted Pre-application Flood Risk note states that the development "should be beyond the intended scope of the Sequential Test", the application is, nonetheless, within Flood Zone 2. Paragraph 175 states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding".

Applicants are referred to the Sequential Test Practice Note.

Contamination

The applicants are referred to the following.

Bristol Core Strategy - BCS23 (Pollution)

Local Plan - DM34 (Contaminated Land)

National Planning Policy Framework (2024) Paragraphs 124 (c), 180 (e & f) , 189 & 190

Applicants are reminded of paragraph 190 of the NPPF: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

' Land Contamination Risk Management: Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)

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

' Planning Portal Guidance <https://www.planningportal.co.uk/permission/commercial-developments/land-contamination/why-do-you-need-to-know-about-land-contamination>

The proposed development is sensitive to contamination and is situated on or adjacent to land which has been subject to land uses which could be a potential source of contamination.

A minimum of a Preliminary Risk Assessment (also known as a desk study) looking into contamination shall be submitted with any future planning application, if the report identifies a requirement for a Generic Quantitative Risk Assessment submission of this information with the planning application is encouraged to reduce the burden of pre-commencement conditions and save time later in the development process.

More details regarding the team and services are available on the following website:

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

Biodiversity Net Gain

A BNG metric, or exemption statement, should be provided on any full planning application as the development does not involve a pure change of use.

Planning Obligations

The proposed development would be CIL liable as it would result in the creation of over 100m² of new built floorspace. As the proposal is located in the 'outer charging zone' of the Bristol City Council Community Infrastructure Levy Charging Schedule,

the CIL liability will be the proposed Gross Internal Area (GIA) multiplied by £50 (£50/m²).

Completion of a CIL liability form is a validation requirement. Please refer to the following website for further details regarding CIL:

<https://www.bristol.gov.uk/planning-and-building-regulations/community-infrastructure-levy>

Bristol's CIL charging schedule can be found at the following address:

<https://www.bristol.gov.uk/documents/20182/33588/CIL+Charging+Schedule.pdf>

Conclusion

In summary, whilst the proposal is principally acceptable, the current format submitted in this pre-application would be refused. In particular, the design of the rear needs to enhance the character of the Conservation Area. Similarly, there are concerns as to the impact on future amenity in terms of outlook and lack of sunlight. Bike store provision also needs clarity on any future submission. Finally, it is the opinion of the LPA that a sequential test is provided on any full submission.

The views given are current at the time of giving the advice, but changes in the planning circumstances can change, and will need to be taken into account when any subsequent application is determined.

Please note that the above advice represents an informal opinion of an officer of the council who has no power to bind the council by the views expressed.

Yours sincerely,



Senior Development Management Officer



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