

'Hold Date'	
-------------	--

Bristol City Council Development Management

Delegated Report and Decision

Application No: 24/03459/F **Registered:** 12 September 2024

Type of Application: Full Planning
Case Officer: [REDACTED] **Expiry Date:** 7 November 2024

Site Address:

357 Filton Avenue
 Bristol
 BS7 0BD

Description of Development:

Erection of a first floor side extension to existing first floor flat. Partial demolition of rear extensions, to facilitate the change of use of part of the ground floor to a takeaway (sui generis), and part of the ground and first floors to a 6-bedroom HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 22/05818/F).

Ward: Lockleaze

Consultation Expiry Dates:

Advert and/or Site Notice: 16 Oct 2024

Neighbour: 8 Oct 2024

SITE DESCRIPTION

The application relates to a two-storey end of terrace property located on Filton Avenue. The ground floor is occupied by a commercial/office unit [Use Class E]. A single residential flat is located at first floor level.

The building has been extensively modified to the side and rear, with single storey extensions, outbuildings and annexes occupying the majority of the site. One of these buildings - finished in red brickwork - has a mezzanine level.

The site is located within the designated Filton Avenue Local Centre, as set out in the Site Allocations and Development Management Policies (2014).

APPLICATION

This application proposes the erection of a first floor side extension to the existing first floor flat. Partial demolition of rear extensions, to facilitate the change of use of part of the ground floor to a takeaway (sui generis), and part of the ground and first floors to a 6-bedroom HMO (C4 Use Class), including a new extract flue for takeaway.

Refer to the application form, plans and supporting documents for further information.

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

RELEVANT PLANNING HISTORY

Appeal Ref: APP/Z0116/W/23/3334634: Appeal against refusal of application 22/05818/F (see below). APPEAL DISMISSED on 15.07.2024.

Ref. No: 22/05818/F - Change of use of part of the Ground Floor to Takeaway use (Sui Generis), and part of the Ground and First Floors to an 8-bedroom HMO (Sui Generis); new extract flue for Takeaway. Extension of existing 2-bedroom flat to create a 3-bedroom flat. (REFUSED on 26.10.2023).

Ref. No: 22/03341/F - Change of use of part ground floor to takeaway use and part ground and first floor to 8 bedroom HMO (both sui generis use). New extract flue, entrance doors and windows (REFUSED on 23.08.2022).

Appeal Ref: APP/Z0116/W/22/3309072: Appeal against refusal of application 22/01322/F (see below). APPEAL DISMISSED on 19.04.2023.

Ref. No: 22/01322/F: Change of use of existing office (Use Class E) to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of one new building housing 3.no flats over three storeys and associated amenity space, bin and cycle storage (REFUSED on 08.06.2022).

Ref. No: 21/03822/F: Change of use of existing shop [Use Class E(a)] to takeaway (Use Class Sui generis) with the addition of a new extract flue. Demolition of buildings to the rear and the construction of two new buildings housing 6.no flats over three storeys and the vertical extension of the existing garage to house 1.no flat (7.no new flats in total). Associated amenity space, bin and cycle storage (APPLICATION WITHDRAWN).

RESPONSE TO PUBLICITY AND CONSULTATION

51 neighbouring properties were consulted on 17.09.2024 with a deadline to reply by 08.10.2024, and the application was advertised by a site notice until 16.10.2024.

1 letter of support was received.

OTHER COMMENTS

Pollution Control has commented as follows:-

I have no objection to the residential part of this application but do have some concerns over the take away part as an insufficient amount of information has been provided about this in the application.

Whilst a ventilation statement has been provided this only really gives details of what the take away extraction system could comprise and no details are shown on the plans as to where the extraction system is to be located and terminate. The take-away premises is small and due to the layout of the premises I cannot be sure that there is sufficient space for the extraction system proposed in the statement to be provided. I will therefore need to see further information provided in the application regarding this.

Should an approval be forthcoming, I would ask that the application is subject to conditions for noise assessment, Details of Kitchen Extraction/Ventilation System, Noise from plant & equipment,

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

use of takeaway refuse and recycling facilities, deliveries to premises and opening times.

Transport Development Management has commented as follows:-

In summary, TDM request the following further information:

1. Footway works ' provide a plan for reinstating the redundant accessway at the front of the building (see above guidance).
2. Cycle parking ' increase the distance between the end cycle stands and the walls to 0.9m and ensure the storage is secure and well-illuminated (see above guidance).
3. Waste storage (see above guidance):
 - Provide further details about the design of the waste storage, showing adequate space for all required bins.
 - Provide clarification on how private waste collection will take place.
 - Ensure the waste storage areas are ventilated and secure.

Officer note: for full comment, please see key issue D.

RELEVANT POLICIES

Managing the development of houses in multiple occupation SPD - November 2020
 National Planning Policy Framework – December 2023
 Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

KEY ISSUES

(A) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN PRINCIPLE IN LAND USE TERMS?

Shared Housing (HMO)

The NPPF (2023) highlights the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

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

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

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

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

General issues associated with HMOs include:

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

The SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a single-family dwelling (use class C3) becomes sandwiched with HMOs by 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

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken.

The application relates to a two-storey end of terrace property located on Filton Avenue. The ground floor is occupied by a commercial/office unit [Use Class E]. A single residential flat is located at first floor level. The site is located within the designated Filton Avenue Local Centre, as set out in the Site Allocations and Development Management Policies (2014).

Planning permission is sought for the erection of a first floor side extension to existing first floor flat. Partial demolition of rear extensions, to facilitate the change of use of part of the ground floor to a takeaway (sui generis), and part of the ground and first floors to a 6-bedroom HMO (C4 Use Class), including a new extract flue for takeaway.

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

With regards to household types, census data for the ward indicates there 28.8% are one person households, 54.7% are single family households and 15.5% are multi-family households. As such single households remain the prevailing type within the immediate area and shared housing is not disproportionately represented.

The Council also has access to data in relation to the number of Licenced HMOs (Mandatory and Additional Licences) plus any HMOs that have been given planning permission and do not currently have a licence. This data (as of October 2024) indicates that within 100m of the application site there are a total of 133 residential properties, 14 of which are HMOs. This means that the percentage of HMOs within 100 metres of the site is 10.53%.

The percentage of HMOs within 100 metres of the site is therefore above the 10% desirable threshold quoted within the SPD. Using the definition within the SPD, the community and choice of housing around the application site is therefore already imbalanced by the concentration of HMOs. As per the SPD guidance, this suggests that negative impacts to residential amenity and character are currently likely to be experienced and housing choice and community cohesion currently starting to weaken. Whilst only a relatively small increase it would still exacerbate the existing conditions and undermine the objectives of Policies BSC18, DM2 and the SPD.

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

- Impacts on social cohesion through intensification of HMOs in an area which already exceeds the 10% threshold
- Reduced community engagement from residents resulting from an increase in the transient population in the area
- Overlooking and loss of privacy resulting from poorly considered internal layouts and intensification of use (refer to Key Issues B and C for further comments)

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

At street level, the SPD advises that a harmful concentration is found to exist where 'sandwiching' occurs. This is where a dwelling (Use Class C3) is sandwiched on both sides by HMOs. The HMO SPD states that a potential sandwiching situation can include where single HMO properties are located in any two of the following locations; adjacent, opposite and to the rear of a single

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

residential properties. The SPD states sandwiching situations apply irrespective of limited breaks in building line, such as a vehicle or pedestrian access, apart from a separating road. In this instance the 14 existing HMOs within 100 metres of the application site are located in such a position so that sandwiching would not occur.

However, given that the proportion of HMOs within a 100m radius of the site is above 10% the development would result in a harmful exacerbation and concentration of HMO uses at area level. The application is recommended for refusal on this basis.

It is noted that the principle for shared housing (HMO) has been previously considered acceptable at the site based on the most up to date Census data at the time of decision. Since the last decision at the site was issued however (ref.no: 22/05818/F) the concentration of HMOs within 100m of the application site has increased significantly. The LPA has therefore determined the application on the basis of local conditions and the latest Census data available.

Loss of Commercial/Offices

Policy BCS8 of the Core Strategy seeks to protect employment floorspace (such as offices) where it makes a valuable contribution to the economy and employment opportunities. Policy DM12 in the Site Allocations and Development Management Policies outlines that employment sites should be retained for employment use unless it can be demonstrated that:

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

This policy aims to acknowledge the situations in which it would be inappropriate to retain employment sites, such as situations where there is no demand for employment use, particularly if the site has remained empty or vacant for a period of time although it has been marketed and it no longer serves the needs of businesses. Regarding the first criterion of the policy, the Council will expect applicants to submit evidence that the site has been adequately marketed for employment uses, which should be undertaken in accordance with the Council's guidelines on the carrying out of marketing.

The applicant has provided evidence in the form of a Marketing Report which demonstrates that the property was placed on the market on 2nd June 2020. The property was advertised for sale at £375,000, and the commercial parts were offered to let on an effectively fully repairing and insuring basis, at a quoting rent of £20,000pa. During the period of marketing the property was uploaded to various property portals i.e Zoopla Commercial, to the property agency website, details circulated to their extensive mailing list and a bespoke 5'x4' commercial For Sale/To Let board erected on site. The report sets out that during the period of marketing 11 viewings were conducted for the freehold opportunity, and 1 further viewing was conducted for the rental opportunity. It is stated that most of the interest received was with a view to redevelop the property. No interest was ultimately shown in the property for commercial/office purposes, and as such a sale was agreed and completed on the 24th March 2021 to the current applicant.

The marketing recognises that the property provides very large office accommodation but lacks off street parking, and that there is currently a surplus of out-of-town office availability, and it is

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

therefore unsurprising that most of the interest received was with a view to redevelop. The marketing also recognises that better quality office accommodation is currently available and vacant elsewhere in the local area. While the marketing exercise was undertaken a couple of years ago, for the purpose of this application it is still considered relevant.

As such, the LPA is satisfied based on the evidence provided that the marketing undertaken has been adequate. The LPA is also satisfied that there is no demand for office uses for the building and the change of use is therefore acceptable in principle having satisfied criterion i) of Policy DM12.

Impact on Local Centre

Policy BCS7 of the Bristol Core Strategy states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged and that active ground floor uses will be maintained and enhanced throughout the centres. Policy DM9 in the same document provides specific guidance for Local Centres and states that development will be expected:

- i. To generate a reasonable level of footfall and be of general public interest or service; and
- ii. To maintain an appropriate balance of uses in the Local Centre; and
- iii. To help maintain or enhance the function of the centre and its ability to meet day-to-day shopping needs; and
- iv. Not to harmfully dominate or fragment the centre's retail frontages; and
- v. To be compatible with a shopping area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street.

In addition to the above, the impact of food and drink uses, such as the takeaway use proposed, must also be assessed against Policy DM10 in the Site Allocations and Development Management Policies (2014). This is based around similar criteria however states the policy states that the development of food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively. Proposals which would result in a harmful concentration of food and drink uses will not be permitted. In order to assess the impact of food and drink proposals on an area the following matters will be taken into account:

- i) The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and
- ii) The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas; and
- iii) The availability of public transport, parking and servicing; and
- iv.) Highway safety; and
- v) The availability of refuse storage and disposal facilities; and
- vi) The appearance of any associated extensions, flues and installations.

These considerations are covered further under key issues C, D, E and F.

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

Being within a local centre, Policy BCS7 dictates that retail and other appropriate uses should predominate and changes of use will only be permitted where the proposed use is appropriate. The presence of takeaway uses within centres is accepted as an appropriate use that can complement existing retail facilities subject to meeting the policy requirements set out above. Whilst they may not always be the primary reason for attracting customers to a shopping centre, they are commonly found in these locations, and will attract a high level of footfall and customer flow through certain parts of the day which will help maintain the viability of the centre. The proposed unit in this instance will also retain an active frontage, with a shopfront with a display function that would be immediately accessible to the public from the street.

It is important however that centres do not become saturated with non-retail uses that have limited customer appeal. The most up-to date retail data for the Filton Avenue Local Centre indicates that of the 27 units, 17 (63%) are in retail use [Use Class E(a)] with 5 (18%) operating as takeaways [Use Class Sui Generis], as noted through recent site visit observation. It is subsequently evident that retail [Use Class E(a)] remains the dominant use within the Local Centre as a whole, and there is not an overconcentration of takeaways, meaning the development will maintain an appropriate balance of uses in the Local Centre. It is also evident that the application site is located at the edge of the local centre, beside a retail unit [Use Class E(a)] meaning the proposal will not dominate or fragment the centre's retail frontage.

In addition, whilst the development will result in the loss of a significant amount of ancillary and storage space to the rear of the commercial unit it is considered that a sufficient amount of storage space will be retained, which will ensure the commercial unit will be viable. The impact of the development on the Local Centre is therefore considered acceptable.

Given the above the change of use is considered acceptable in principle land use terms.

(B) WILL THE PROPOSAL PROVIDE A SATISFACTORY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?

Bristol City Council Site Allocations and Development Management (2014) Policy DM2 states that houses in multiple occupation will not be permitted where:

i. The development would harm the residential amenity or character of the locality as a result of any of the following:

- Levels of activity that cause excessive noise and disturbance to residents; or
- Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or
- Cumulative detrimental impact of physical alterations to buildings and structures; or
- Inadequate storage for recycling/refuse and cycles.

ii. The development would create or contribute to a harmful concentration of such uses within a locality as a result of any of the following:

- Exacerbating existing harmful conditions including those listed at (i) above; or
- Reducing the choice of homes in the area by changing the housing mix.

Where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

Adopted Bristol Core Strategy Policy (2011) BCS18 makes specific reference to residential

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

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.

An HMO at this site may require a Mandatory License under the Housing Act 2004. The Local Authority also has adopted amenity standards which apply to HMO's under this separate legislative framework. Whilst it is recognised that this is non-planning legislation and therefore not a material consideration in planning decision making, these standards also provide an indication of the standard of accommodation expected within shared occupancy housing locally.

Proposed HMO:

The proposal includes the conversion of part of the ground and first floors to a 6-bedroom HMO (C4 Use Class). The property will be of the following specification:

Bed 1 - 9.0 square metres
 Bed 2 - 9.0 square metres
 Bed 3 - 9.1 square metres
 Bed 4 - 10.7 square metres
 Bed 5 - 9.9 square metres
 Bed 6 - 13.0 square metres
 Kitchen/dining/living - 44.8 square metres

Every bedroom in the property will comply with the 6.5 square metre footprint for a 1-person bedroom in line with the requirements set out in Bristol City Councils HMO License Standard, as well as the 7.5 square metre footprint for a 1-person bedroom in line with the nationally described space standards (March 2015). The scheme also includes an adequate amount of internal communal living space which will also meet the Council's HMO licencing standards (which states that communal living space can include kitchens, dining rooms). The number of bathrooms and toilets will also meet the Council's HMO licencing standards.

A previous application (ref.no: 22/05818/F) for proposals of a similar nature was refused due to the proposed inadequate living environment for future occupants, notably inadequate outlook from bedrooms. The Planning Inspectorate dismissed a subsequent appeal (ref.no: APP/Z0116/W/23/3334634) stating that "even if HMO rooms are inhabited on a short-term basis, occupants would likely spend the majority of their time within the bedrooms. As such, whilst the rooms, including communal space, would meet the minimum floorspace requirements, the lack of outlook to these bedrooms would harm the living conditions of future occupiers". This application has amended the proposed layout and reduced the number of bedrooms contained within the proposed HMO unit. Instead of several small courtyard areas a larger courtyard area towards the rear of the site is proposed, as well as a smaller courtyard between the rear HMO element and main frontage building.

All the proposed bedrooms within the HMO at ground floor level would face south to the courtyard towards a boundary wall and 20-22 Rosemead, Hottom Gardens. The ground floor bedroom windows would be set away from the boundary by approximately 3.7 - 4 metres. Whilst the proposed application under consideration has seen some improvement to the previously refused scheme, the outlook and single aspect nature of the bedrooms would still result in a considerably

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

oppressive living environment for future occupants given the enclosed setting with restricted outlook in close proximity to boundary treatment.

Whilst the Kitchen/Dining/Living space will include windows which will offer alternative aspects the west facing aspect towards the smaller courtyard space will be considerably enclosed by the main frontage building. Therefore, it is considered that only the east facing aspect from the Kitchen/Dining/Living will offer any meaningful outlook for residents of the HMO, particularly occupants of the ground floor bedrooms who will experience enclosed and restricted outlook within the bedrooms. As noted by the Inspector as part of the previous appeal, even if HMO rooms are inhabited on a short-term basis, occupants would likely spend the majority of their time within the bedrooms. As such, whilst the rooms, including communal space, would meet the minimum floorspace requirements, the lack of outlook to these bedrooms, as well as the main living space, would harm the living conditions of future occupiers.

The lack of direct outlook for most bedrooms which would form the principal private living space for occupants is indicative of an overly cramped and intensive approach to the development of the site. Despite the inclusion of rooflights to increase the natural light levels, the rooms facing the enclosed courtyards would not function as direct outlook. Further, inadequate outlook will be provided within the wider accommodation as a whole given the enclosed outlook from windows to the main Kitchen/Dining/Living space. This would be to the detriment of living condition of future occupants.

The application is recommended for refusal on this basis.

Proposed extension to the main property:

The proposal includes an extension of the main property to provide additional living space within the first floor flat. Bedroom 2 within this unit would be approximately 7.1 square metres which is below the minimum space standard for a single bedroom (7.5 square metres), however it is considered that this is an existing bedroom. The extension would provide the unit with an additional bedroom and living space. Overall, it would not be so detrimental to the living environment of future occupiers to warrant a refusal.

(C) IMPACT ON AMENITY OF SURROUNDING PROPERTIES AND FUTURE OCCUPANTS

Paragraph 135 of the National Planning Policy Framework (2023) states that planning decision should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 191 further states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy DM2 in the Site Allocations and Development Management Policies (2014) states that shared housing will not be permitted where it would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents.

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies states that proposals for new buildings will

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

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

Overlooking

The application proposes 4.no HMO bedrooms at ground floor level within the rear extension and 2.no HMO bedrooms at first floor level in the rear extension. All of these HMO bedrooms will contain habitable room windows in the south facing elevation which would be directly facing properties to the south within Rosemead. Rosemead is an age exclusive housing complex consisting of 25 flats. Flats 20, 21 and 22 are located in very close proximity to the boundary with the application site and include habitable room windows at ground and first floor level which directly face the application site. The separation distance between the habitable room windows within Rosemead and the boundary of the application site is approximately 2.3 metres, and the approximate distance between the habitable room windows within Rosemead and the habitable bedroom windows within the development is approximately 6.8 metres. The proposed HMO would therefore include all habitable bedroom windows within the south elevation at ground and first floor level directly facing habitable room windows within Rosemead in very close proximity. Despite the presence of boundary treatment, it is considered that these windows would provide harmful levels of direct mutual overlooking opportunities between the properties given the extent of habitable glazing, close proximity and elevated position. It is noted that the previous proposals at the site (ref.no: 22/05818/F) did not present significant concerns in relation to overlooking, however the current application represents a materially different design with significant level of glazing to habitable rooms to the south elevation. Given the siting, orientation and very close proximity of the windows it is considered that the development will harmfully overlook residential properties within Rosemead and would result in detrimental levels of overlooking of the HMO accommodation, to the detriment of the amenity of future occupants and neighbouring properties.

Noise/Disturbance

The application has been considered by the Council's Pollution Control Officer, who raised no objections to the introduction of an HMO or takeaway to the site in principle.

However, some concerns relating to the proposed takeaway use have been raised due to insufficient amount of information accompanying the application. Whilst a ventilation statement has been provided this only really gives details of what the takeaway extraction system could comprise, and no details are shown on the plans as to where the extraction system is to be located and terminate. The take-away premises is small and due to the layout of the premises it cannot be assumed that there is sufficient space for an extraction system proposed.

It is considered that further detail however would be required and secured via condition (if an approval was forthcoming) with regards to noise and disturbance as well as details of the extraction system proposed.

Specifically, assessment on the potential for noise from the development to impact existing and proposed neighbouring properties is required, with regards to noise from the takeaway and any plant or equipment in association with the use. The assessment would also need to cover the proposed air source heat pumps at the rear of the site. If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties, then

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

a detailed scheme of noise mitigation measures would also be required and secured via condition. The hours of use and hours of delivery would also be secured via condition.

Odour

The Council's Pollution Control Officer raised no objections to the proposed introduction of a takeaway to the site with regards to odour. The application provides little to no detail of the flue for the takeaway extraction system details of which should be secured via a condition (if an approval was forthcoming).

If an approval was forthcoming a condition would be attached requiring that no equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including method of construction, odour control measures, noise levels, appearance and ongoing maintenance have been submitted to and been approved in writing by the Local Planning Authority.

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

Section 9 of the NPPF (2023) states that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects. This policy further states that development proposals should ensure that net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Policy BCS10 in the Bristol Core Strategy (2011) states that developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy Policy BCS10.

Policy BCS15 in the Bristol Core Strategy states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to the above requirements and relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives. Policy DM23 also states that the provision in new development of safe, secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

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

Policy DM32 states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. It should have regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives.

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

Principle

The proposals include a first-floor side extension and partial demolition of the rear extensions, enabling the creation of a 6-bedroom HMO at ground and first floor levels. Part of the ground floor retail unit will be adapted to a takeaway. The plans include separate waste storage for the takeaway and HMO, and cycle storage for the HMO.

Notable previous planning applications on the site include:

- 21/03822/F ' takeaway and construction of 7 new flats ' application withdrawn.
- 22/01322/F ' takeaway and construction of 3 new flats ' application refused but not for transport reasons ' the application was appealed and dismissed.
- 22/03341/F ' takeaway and construction of 8-bedroom HMO ' application refused but not for transport reasons.
- 22/05818/F ' takeaway, construction of 8-bedroom HMO, and extension of 2-bedroom flat to create a 3-bedroom flat ' application refused partly for transport reasons, plans had inadequate access for waste and cycle storage ' the application was appealed but the appeal dismissed.

Some of TDMs original comments on the previous application have been addressed, comments which have not been addressed have been reinforced within these comments. Whilst the proposals are smaller for this application, transport related issues are broadly the same.

Local Conditions

The site is located on Filton Avenue, a classified 'C' road with a 30mph speed limit. 9 collisions have been reported close to the site, 7 on Filton Avenue, and 2 close to the junction between Filton Avenue, Bridge Walk, and Toronto Road. The collisions include 2 motorcycles, 3 motorists, 2 child pedestrians, 1 elderly pedestrian, and 1 adult pedestrian. All collisions were classified as 'slight'

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

only.

The nearest bus stop is located 35m from the site on Filton Avenue, serviced by routes 70 and 74, with frequent buses towards the City Centre, Hengrove, and Temple Meads. Alternatively, a stop is located 130m from the site on Filton Avenue, with frequent buses towards Bradley Stoke, Bristol Parkway Station, and UWE Frenchay. The site has easy access to the Concorde Way, which provides a traffic-free cycle route towards the City Centre and Filton. Sustainable transport methods are likely to be well-used by residents.

Footway Works

The applicant is proposing to remove the existing garage door, making the dropped kerb at the front of the site unnecessary. The applicant would be required to reinstate the redundant accessway and show these works on plans. This is to meet policy BCS10 as it is in the interests of pedestrian safety. This would be secured via condition if an approval was forthcoming. A section 171 licence will be required for excavations on the highway, which can be found on the council website.

Access

TDM had previous concerns with the access to the proposed waste and cycle storage, these issues have been rectified in this application. The corridor and doorways are of acceptable widths.

Car Parking:

The BLPs Parking Standards Schedule has no car parking standard for a takeaway of this size, meaning there are no concerns with the lack of parking provision. Short-term on-street parking is available at the front of the site for customers.

No parking is proposed for the HMO. TDM has no concerns with this as there are good public transport and cycling routes in the area, and on-street parking can be safely found on nearby streets if necessary. It is not thought that changing the residential area of the site from a single flat to a 6-bedroom HMO would create an unacceptable increase in vehicle ownership.

Cycle Parking

The BLPs Parking Standards Schedule has no visitor or staff cycle parking standards for a takeaway of this size, meaning there are no concerns with the lack of cycle parking provision for this usage.

Proposals include 6 cycle spaces for the HMO, meeting requirements given in the Parking Standards Schedule. Whilst concerns have been raised by TDM regarding the size of the space between the end stands and the wall on balance this is not considered to represent such a shortfall to warrant refusal.

Waste

Separate waste storage is shown for the takeaway and HMO sections of the building, with the retail bin store being accessed from the front of the building and the HMO bin store being accessed from the entrance corridor. The access meets Bristol Waste Guidelines.

The applicant has not provided adequate detail about the design of the waste storage for the HMO. Plans should show storage for 2x 180L refuse bins, 2x 55L green recycling boxes, 2x 45L black recycling boxes, 2x 23L food waste bins, and 2x 90L blue sacks. The current plans are not clear on

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

where these bins will be stored. Further detail would therefore be secured via condition if an approval was forthcoming to ensure bins would not be left on the adopted highway outside collections days, contrary to policies BCS15 and DM32, which seek to ensure developments are accompanied by sufficient waste storage.

Construction Management

As the site is located on a classified 'C' road and there are some external works required, TDM has concerns that construction traffic could pose a highway safety concern. A construction management plan would therefore be secured via condition if an approval was forthcoming.

(E) WOULD THE PROPOSED DEVELOPMENT RESPECT THE EXISTING BUILDING AND WOULD IT BE IN KEEPING WITH THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA?

Bristol Core Strategy Policy BCS21 (2011) 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. Policy DM26 in the Site Allocations and Development Management Policies (2014) states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, and that development will not be permitted where it would be harmful to local character and distinctiveness. Policy DM27 in the same document expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. Policy DM30 further states that any extensions and alterations to existing buildings should respect the siting, scale, form, proportions, materials and overall design and character of the host building and broader street scene.

Supplementary Planning Document Number 2 (SPD2 - adopted 2005) further states that successful extensions should be subservient to the original house in terms of scale and continue the character of that property and local area through use of style, building materials, windows and doors. SPD2 also states that "in cases where two storey side extensions are proposed on semi-detached houses, they should appear subservient which should be achieved by setting development back from the front elevation of the property by a minimum of 1m and by dropping the roof height of the extension and maintaining the existing roof pitch". It also notes that for end of terrace properties "it is often more suitable to continue the terrace building line and roof ridge height so that the extension becomes part of the terrace."

The application includes an extension to the first floor flat above the existing garage to the side. The proposed extension would be sited on the footprint of the existing garage and be flush with the existing building to the front elevation with a hipped roof design and matching the ridge and eaves height with the terrace.

The proposed extension would be similar to that proposed under the previous application LPA ref.: 22/05818/F, The Inspectorate ref.: APP/Z0116/W/23/3334634. The inspectorate concluded that "the proposal would not harm the character and appearance of the area. As such, I find no conflict with CS Policy BCS21 and DM Policies DM26, DM27 and DM30 which seek, amongst other things, to ensure that development contributes positively to an area's character and identity and the broader street scene. There is also no conflict with the Framework which seeks good design, sympathetic to local character". The design of extension has therefore been accepted and there have been no changes to policy (local or national) or circumstances to warrant a different assessment, and

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

therefore it would be unreasonable to now object to the design of the proposed extension.

(F) WOULD THE PROPOSAL IMPACT ON PUBLIC HEALTH?

Policy DM10 in the Site Allocations and Development Management Policies (2014) states that takeaways in close proximity to schools and youth facilities will not be permitted where they would be likely to influence behaviour harmful to health or the promotion of healthy lifestyles. Close proximity is defined as a distance of up to 400 metres as set out in the policy supporting text.

Filton Avenue Primary School is located approximately 370 metres to the south of the site.

However, it is not considered that the proposal in this instance would influence behaviour harmful to health or the promotion of healthy lifestyles of young people. Hot food takeaways are expected in town centre locations and there are already a number of similar uses in the Filton Avenue Local Centre and as such it is considered that the addition of one further such use could not reasonably be demonstrable in influencing behaviour.

Further, as stated above there is a primary school located approximately 370m from the site. However as this is a primary school, pupils are less likely to be walking from school via a busy town centre un-supervised and are thus less likely to be influenced by takeaway facilities. Whilst this of course cannot be guaranteed, given the other factors above it is not considered reasonable to refuse permission on the proximity of one school in this instance.

(G) SUSTAINABILITY AND CLIMATE CHANGE

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

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

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

The applicant has provided a sustainability/energy statement which demonstrates that a 20% reduction in carbon emissions through the use of an Air Source Heat Pump which would provide heating and hot water system, in accordance with the heat hierarchy referenced above. The application is therefore considered acceptable on these grounds; should an approval be forthcoming further detail of the renewable measures would be secured via condition.

CONCLUSION

The application is considered unacceptable and is recommended for refusal.

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

EQUALITIES ASSESSMENT

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

RECOMMENDED REFUSED

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

Reason(s)

1. The proposed development would increase the already harmful concentration of HMOs within 100 metres of the application site and will subsequently exacerbate and intensify the negative impacts to residential amenity and character already being experienced and further weaken housing choice and community cohesion at area level. The application is therefore recommended for refusal due to conflict with the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2023).
2. The proposed siting of such a significant amount of windows to habitable rooms (including at an elevated position) in close proximity to habitable room windows in properties located to the south-west within Rosemead would have an unacceptable overlooking impact on those properties and would result in an unacceptable loss of privacy to the detriment of the amenity of occupiers of those properties. The application is therefore recommended for refusal due to conflict with the National Planning Policy Framework (2023); Core Strategy (2011) Policy BCS21; Site Allocations and Development Management Policies (2014) DM2, DM27 and DM29 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).
3. The development would fail to provide a high-quality and adequate living environment for future occupants of the proposed HMO by virtue of cramped and enclosed siting of the ground floor bedrooms and wider living accommodation with poor outlook. The proposed siting of such a significant amount of windows to habitable rooms (including at an elevated position) in close proximity to habitable room windows in properties located to the south-west within Rosemead would also result in harmful levels of overlooking and loss of privacy to the detriment of the amenity of future occupants of the HMO. The application is therefore recommended for refusal due to conflict with the National Planning Policy Framework (2023); Core Strategy (2011) Policies BCS18 and BCS21 and Site Allocations and Development Management Policies (2014) DM2, DM27 and DM29 and the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020).

DEVELOPMENT CONTROL () DELEGATED
357 Filton Avenue Bristol BS7 0BD

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

579-PLA-001 A Existing site location plan, received 12 September 2024
 579-PLA-010 A Existing ground floor plan, received 12 September 2024
 579-PLA-011 A Existing first floor plan, received 12 September 2024
 579-PLA-012 A Existing roof plan, received 12 September 2024
 579-PLA-020 A Existing west and east elevations, received 12 September 2024
 579-PLA-021 A Existing north elevation, received 12 September 2024
 579-PLA-022 A Existing south elevation, received 12 September 2024
 579-PLA-100 C Proposed site location plan, received 12 September 2024
 579-PLA-110 C Proposed ground floor plan, received 12 September 2024
 579-PLA-111 C Proposed first floor plan, received 12 September 2024
 579-PLA-112 C Proposed roof plan, received 12 September 2024
 579-PLA-120 A Proposed west and east elevations, received 12 September 2024
 579-PLA-121 A Proposed north elevation, received 12 September 2024
 579-PLA-122 B Proposed south elevation, received 12 September 2024
 579-PLA-125 A Proposed massing, received 12 September 2024
 Cover letter, received 12 September 2024
 Marketing report, received 12 September 2024
 First Floor Flat Additional Measures DER Report, received 17 October 2024
 Energy Strategy, received 17 October 2024
 Sustainability Statement, received 17 October 2024
 First Floor Flat Additional Measures DFEE Report, received 17 October 2024
 First Floor Flat Additional Measures EPC Calculation Report, received 17 October 2024
 First Floor Flat Additional Measures Predicted Energy Assessment, received 17 October 2024
 First Floor Flat Baseline DER Report, received 17 October 2024
 First Floor Flat Baseline DFE Report, received 17 October 2024
 First Floor Flat Baseline EPC Calculation Report, received 17 October 2024
 First Floor Flat Baseline Predicted Energy Assessment, received 17 October 2024
 First Floor Flat Renewables DER Report, received 17 October 2024
 First Floor Flat Renewables DFEE Report, received 17 October 2024
 First Floor Flat Renewables EPC Calculation Report, received 17 October 2024
 First Floor Flat Renewables Predicted Energy Assessment, received 17 October 2024
 Takeaway and HMO Additional Measures BRUKL, received 17 October 2024
 Takeaway and HMO Additional Measures Predicted EPC, received 17 October 2024
 Takeaway and HMO Baseline BRUKL, received 17 October 2024
 Takeaway and HMO Baseline Predicted EPC, received 17 October 2024
 Ventilation and extraction statement, received 12 September 2024

Case Officer: [REDACTED]

Authorisation: [REDACTED]

commrepref
 V1.0211