



The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

reply to  
telephone  
E-mail

Customer Services  
0117 922 3000  
[development.management@bristol.gov.uk](mailto:development.management@bristol.gov.uk)

date

29 December 2025

Dear Sir/Madam

## **LPA S62A Statement**

**Bristol City Council Ref. no:** 25/14769/PINS

**Planning Inspectorate Ref no:** S62A/2025/0136

**Site address:** 357 Filton Avenue, Horfield, Bristol, BS7 0BD

**Proposal:** Application for Planning permission for 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 small HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 24/03459/F).

## **INTRODUCTION**

This statement of case relates to a full planning application (LPA reference: 25/14769/PINS) made under Section 62A of the Town and Country Planning Act 1990 for 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 small HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 24/03459/F).

The LPA considers that the application does not overcome reason for refusal within the previous submission (LPA reference: 24/03459/F) and would therefore recommend refusal on for the following reason:

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 with poor outlook and limited privacy. The proposed siting of bedroom 5 west elevation window in close proximity to habitable room windows to First Floor Flat at 357 Filton Avenue 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 (2024); 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).

## **APPLICATION SITE**

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).

The application site is located within an area of Article 4 Direction where permitted development right for a change of use between a dwelling house (Use Class C3) and a small House in Multiple Occupation (Use Class C4) has been removed from 29 June 2020.

## **RELEVANT PLANNING HISTORY**

Appeal Ref: APP/Z0116/W/24/3357125: Appeal against refusal of application 24/03459/F (see below). APPEAL DISMISSED on 06.06.2025.

Ref. no: 24/03459/F - 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) (REFUSED).

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).

## **CONSULTATION RESPONSES**

### **Transport Development Management (TDM):**

TDM note that the access door of the retail bin store open outwards. This opening does not allow access due to insufficient space and can interfere with the pedestrian flow and usability of the stores. Therefore, a condition should be applied:

#### **Internal Doors**

No building or use hereby permitted shall be occupied until plans showing the cycle parking and waste store doors opening inwards with the demonstration of sufficient space for use of the cycle parking and waste store have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the provision and availability of adequate and accessible cycle parking and waste storage.

Please feel free to amend the condition if you think it is necessary.

### **Pollution Control:**

We 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 we cannot be sure that there is sufficient space for the extraction system

proposed in the statement to be provided. We will therefore need to see further information provided in the application regarding this.

If the application is to be granted, we would ask that the following conditions be added to any approval.

#### 1. Noise from development

No development shall take place until an assessment on the potential for noise from the ground floor takeaway affecting occupants of the residential part of the development and the residents of neighbouring properties has been submitted to and approved in writing by the Council. The assessment shall include:

Noise from the restaurant affecting the flats above Noise from any plant or equipment (including air source heat pumps) that forms part of this Application.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing

industrial and commercial sound and of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

To safeguard the residential amenity of nearby occupiers.

#### 2. Details of Kitchen Extraction/Ventilation System (ground floor-take away only)

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. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

To safeguard the residential amenity of nearby occupiers.

#### 3. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be not exceed the background noise level at any noise sensitive property.

Any assessment shall be made in accordance with BS4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

To safeguard the residential amenity of nearby occupiers.

#### 4. Use of Refuse and Recycling facilities (ground floor-take away only)

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

To safeguard the residential amenity of nearby occupiers.

#### 5. Deliveries to the premises (ground floor-take away only)

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

To safeguard the residential amenity of nearby occupiers.

#### 6. Opening Times (ground floor-take away only)

Restricted as per the application 10.00 to 23.00 Monday to Sunday.

To safeguard the residential amenity of nearby occupiers.

### **KEY ISSUES**

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

##### *Shared Housing (HMO)*

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

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and

other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

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

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

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

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

General issues associated with HMOs include:

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

- Reduced community engagement

- Reduced social cohesion

The SPD expands on DM2 to provide a definition of what represents a 'harmful concentration' in the wording of the policy. This relates to two principles; local level and area level. At local level, a harmful concentration is found to exist where 'sandwiching' occurs. This is where a single family dwelling (use class C3) becomes sandwiched with HMOs at sites adjacent, opposite or 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 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 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 small HMO (C4 Use Class), including a new extract flue for takeaway (resubmission of planning application 24/03459/F).

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 December 2025) 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. However, previous appeal decision on site concluded that *“whilst there would be technical conflict with the SPD in terms of the concentration of HMOs exceeding 10%, there is no persuasive evidence that this would translate to harm to the character of the*

*area, housing choice, social cohesion or general population imbalance within the local community. Therefore, with the exception of neighbours' living conditions to be addressed separately below, I find no conflict with the aforementioned aims of Policy DM2”.*

At street level, the SPD advises that a harmful concentration is found to exist where 'sandwiching' occurs. This is where a dwelling (Use Class C3) is sandwiched on both sides by HMOs. The HMO SPD states that a potential sandwiching situation can include where single HMO properties are located in any two of the following locations; adjacent, opposite and to the rear of a single residential properties. The SPD states sandwiching situations apply irrespective of limited breaks in building line, such as a vehicle or pedestrian access, apart from a separating road. In this instance the 14 existing HMOs within 100 metres of the application site are located in such a position so that sandwiching would not occur.

Given the above, the HMO use is considered acceptable in principle land use terms.

#### *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 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 several 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

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 developments providing sufficient space for everyday activities and space which should be flexible and adaptable. In addition, Policy BCS21 sets out criteria for the assessment of design quality in new development and states that development will be expected to create a high-quality environment for future occupiers. An HMO at this site may require a Mandatory License under the Housing Act 2004. The Local Authority also has adopted amenity standards which apply to HMO's under this separate legislative framework. Whilst it is recognised that this is non-planning legislation and therefore not a material consideration in planning decision making, these standards also provide an indication of the standard of accommodation expected within shared occupancy housing locally.

#### *Proposed HMO:*

Planning permission is sought for the change of use of the property from a single dwellinghouse to a 5-bedroom HMO (Use Class C4).

The proposal incorporates a 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 small (5 bedroom) HMO (C4 Use Class). The proposed HMO will be of the following specification:

Bed 1 – 9.1 square metres

Bed 2 – 9.3 square metres

Bed 3 – 14.1 square metres

Bed 4 – 13.0 square metres

Bed 5 – 9.9 square metres

Total combined living space, including kitchen – 20.4 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 Council's HMO License Standard, as well as the 7.5 square metre footprint for a 1 person bedroom in line with the nationally described space standards (March 2015). The 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.

Previously the Planning Inspector concluded that proposals on site would fail to provide an acceptable standard of accommodation for future occupants on site. As a response to this decision, the current s62a application seeks to address the previous reasons for refusal including amendments to the proposed layout of the HMO, glazing and soft landscape.

Bedroom 1 - the proposal now incorporates an angled window with partly obscured glazing and indicating soft landscape area outside the window. It is considered that sufficient amount of daylight would be achieved within the bedroom. Some outlook could be achieved through a small section of clear glass at an angle over the rear courtyard area. However, given the angled position and size of the window and the enclosed nature of the rear courtyard area, outlook from this bedroom would be limited.

Bedroom 2 - incorporates glazing to the east elevation with soft landscaping around the window providing sufficient amount of daylight and outlook towards the shared outdoor amenity area.

Bedroom 3 - incorporates a primary window facing east with a secondary window to the west elevation. There is a potential for some overlooking to occur from the first floor flat at 357 Filton Avenue, however it is noted the window to west elevation would be secondary in nature and smaller in size and not to result in detrimental levels of overlooking. Curtain could be drawn without compromising daylight received within this bedroom. The primary outlook would be provided within the east elevation looking towards the shared outdoor amenity space.

Bedroom 4 – this bedroom would have glazing within east and south elevations. The existing window to the south elevation would incorporate obscure glazing to minimise overlooking impacts with the neighbouring Rosemead to the south, which is a direct response to the previous reason for refusal. It is considered that this bedroom would receive adequate levels of daylight with outlook provided from the east elevation looking towards gardens of the neighbouring occupiers. It is considered that this would be acceptable.

Bedroom 5 - this bedroom would have glazing within west and south elevations. The existing window to the south elevation would incorporate obscure glazing to minimise overlooking impacts with the neighbouring flats at Rosemead to the south, which is a direct response to the previous reason for refusal. It is considered that obscure glazing would sufficiently overcome the impact between the proposed HMO and flats at Rosemead. A new window is however proposed to the west elevation looking towards the frontage building at 357 Filton Avenue. The separation distance between the proposed window and Bedroom 3 within first floor flat at 357 Filton Avenue would be approximately 10.7 metres. As a rule of thumb, a 21-metre separation distance between habitable room windows should be maintained to prevent mutual overlooking. The proposed separation distance would fall well below this standard, and therefore it is considered

that harmful level of mutual overlooking would occur between the first floor flat at 357 Filton Avenue and bedroom 5 of the proposed HMO.

Additionally, the Planning Inspector raised further concerns in relation to the living conditions of the future occupiers of the HMO, given the relationship with ground floor bedrooms and communal courtyard. The Inspector stated:

*“the ground floor windows would still face towards a tall boundary wall at a distance of between 3.7m and 4m that would severely limit outlook. Moreover, although not specifically raised by the Council, the communal nature of the courtyard would mean that other occupants, and visitors, could utilise the space immediately in front of the windows, which would allow for direct, invasive views into the bedrooms, leaving occupants of those rooms with a similarly unwelcome choice as occupants on the first floor between having light and some outlook or maintaining privacy”.*

The current application seeks to provide small, landscaped areas in front of the bedroom windows in order to address these concerns. However, it is unclear some soft landscaping would prevent invasive views within bedrooms. It is likely that should the rear amenity space be in use, future residents would draw down blinds for privacy in any case. Whilst soft landscape is welcomed, it is considered that this could be better achieved through the use of reflective window film/one-way privacy film. The LPA would welcome such amendment to the scheme; however, it does not consider that the proposal within its current form would have overcome the concerns of the Inspector, and recommend the application refused in its current form.

Given the above, the LPA considers that there would be mutual overlooking impacts between bedroom 3 of the first-floor flat at 357 Filton Avenue and bedroom 5 of the proposed HMO. Additionally, it is not considered that this proposal has sufficiently addressed the Inspector's concerns in relation to ground floor bedrooms and their relationship with the shared courtyard area, and recommends that the application is refused 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**

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

Policy BCS21 in the Bristol Core Strategy (2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy

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

#### *Extension to 357 Filton Avenue*

It is not considered that the first floor extension to the frontage building will result in detrimental loss of light or overshadowing impacts to the neighbouring occupiers and would be acceptable.

#### *Proposed HMO*

This application seeks to address previous reason for refusal in regard to mutual overlooking impacts with the proposed HMO and Rosemead (an age exclusive housing complex consisting of 25 flats). Given the incorporation of obscure glazing within the proposed development, it is considered that the proposals would be acceptable considering the impact of this neighbour.

A new window is however proposed to the west elevation (serving bedroom 5) looking towards the frontage building at 357 Filton Avenue. The separation distance between the proposed window and Bedroom 3 within first floor flat at 357 Filton Avenue would be approximately 10.7 metres. As a rule of thumb, a 21-metre separation distance between habitable room windows should be maintained to prevent mutual overlooking. The proposed separation distance would fall well below this standard, and therefore it is considered that harmful level of mutual overlooking would occur between the first floor flat at 357 Filton Avenue and bedroom 5 of the proposed HMO.

#### *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 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. If the assessment indicates that noise from the development is likely to affect neighbouring affecting residential or commercial properties, then a detailed scheme of noise mitigation measures 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.

Should the Planning Inspector grants permission, it is advises that it is subject to condition 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?**

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

Policy BCS10 in the Bristol Core Strategy (2011) states that development proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport. Policy DM23 within the Site Allocations and Development Management Policies (2014) states that the provision in new development of secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

Policy BCS15 in the Bristol Core Strategy (2011) states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies (2014) states all new developments will be expected to provided recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, regard will be had to the level and type of provision, having regard to relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient

access for occupants, while also providing satisfactory access for collection vehicles and operatives.

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

The proposals include a first-floor side extension and partial demolition of the rear extensions, enabling the creation of a 5-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.

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

There is an existing dropped kerb along Filton Avenue which provides access to the existing garage. As a result of the proposed development, the accessway would become redundant and, in the interest of pedestrian safety, it is considered that the kerb and footway should be re-instated. Google Street View images reveal that the dropped kerb may be used to access commercial frontages and is being utilised for what appears to be illegal parking along this section of Filton Avenue. The retention of this kerb represents a risk to pedestrian safety. It is therefore requested that condition is attached to a decision should a permission is forthcoming for the re-instatement of the kerb. A section 171 licence will be required for excavations on the highway.

#### 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 proposed HMO would have a dedicated waste store of sufficient size to store waste receptacles. A condition is recommended for waste storage so that waste receptacles are not left



on the adopted highway outside collections days,

### **(E) SUSTAINABILITY**

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

The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

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

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

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 for the proposed takeaway, the first floor flat at 357 Filton Avenue and the proposed HMO, in accordance with the heat hierarchy referenced above. No details have been provided in relation to the location of ASHP. Whilst the sustainability and energy strategy would be acceptable in principle, further details of the renewable measures would need to be secured via condition.

### **(F) BIODIVERSITY NET GAIN**

Paragraph 187 of the NPPF (2024) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Para 192 further states that to protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity.

Core Strategy Policy BCS9 states that the integrity and connectivity of the strategic green

infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken. Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened Policy DM19 in the Site Allocations and Development Management Policies (2014) further states that development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

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

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

The application site is located in an urbanised area and is not within or directly adjacent to any designated wildlife sites. The site is not within the West of England Nature Partnership (WENP) Nature Recovery Network.

The application is accompanied by biodiversity net gain exemption statement which outlines that the proposal would not impact on any habitats of biodiversity value and represents de minimis exemption, which is accepted by the LPA. The application is acceptable in this regard.

## **CONCLUSION**

The LPA is of the view that the application is unacceptable and respectfully requests that planning permission is refused.

### **Reason for refusal:**

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 with poor outlook and limited privacy. The proposed siting of bedroom 5 west elevation window in close proximity to habitable room windows to First Floor Flat at 357 Filton Avenue 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 (2024); 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).

Should the Inspector be minded granting the permission, please see below conditions and advice notes.

## **List of Conditions**

### *Time Limit for Commencement of Development*

#### **1. Full planning permission**

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

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

### *Pre-commencement Conditions*

#### **2. Noise from development**

Prior to the relevant part of the development an assessment on the potential for noise from the development affecting neighbouring residential premises must be submitted to and approved in writing by the Council. The assessment shall include:

- Noise from the restaurant affecting the flats above
- Noise from any plant or equipment (including air source heat pumps) that forms part of this application

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties, then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the residential amenity of nearby occupiers.

#### **3. Details of Kitchen Extraction/Ventilation System**

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.

The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

Reason: To safeguard the residential amenity of nearby occupiers.

#### **4. Further details - renewable energy**

Prior to the commencement of the relevant part of the works details of the Air Source Heat Pumps (including the exact locations, dimensions, design, technical specification) together with calculations to demonstrate that the renewable energy generation is sufficient to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20% shall be submitted to the Local Planning Authority and approved in writing. The approved renewable energy technology shall be installed prior to first occupation and thereafter retained.

Reason: To ensure that the development meets the two requirements of BCS14: heat hierarchy and reduction in carbon dioxide emissions from residual energy use.

#### *Pre-Occupation Conditions*

#### **5. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans**

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

#### **6. Completion and Maintenance of Cycle Provision - Shown on approved plans**

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

## **7. Reinstatement of Redundant Accessways**

No building or use hereby permitted shall be occupied or use commenced until the footway has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, and retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety.

### *Post-Occupation Management*

## **8. Obscured glazed windows**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the south elevation windows of the proposed HMO (as shown on drawing 579-PLA- 122 Rev B) shall be non-opening unless the opening parts of the window are 1.7 metres above the internal floor level and glazed with obscure glass and shall be permanently maintained thereafter as obscure glazed with limited opening.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

## **9. Energy and Sustainability in accordance**

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the approved Energy Strategy dated 21.10.2025 and Sustainability Statement dated 21.10.2025 prepared by Fenton Energy.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate.

## **10. Noise from plant & equipment**

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To safeguard the residential amenity of nearby occupiers.

## **11. Use of Refuse and Recycling facilities**

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

## **12. Deliveries to the premises**

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby premises and the area generally.

## **13. Opening Times**

Restricted as per the application 10.00 to 23.00 Monday to Sunday.

Reason: To safeguard the residential amenity of nearby occupiers.

## **14. External Works to Match**

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reason: In the interests of visual amenity and the character of the area.

## **15. List of Approved Plans and drawings**

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

*List as appropriate*

Reason: For the avoidance of doubt.

### **Advice notes:**

1. Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

2. Excavation Works on the Adopted Highway

The development hereby approved includes the carrying out of excavation works on the adopted highway. You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at

[www.bristol.gov.uk/highwaylicences](http://www.bristol.gov.uk/highwaylicences)

### 3. Street Name and Numbering

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19). Please see [www.bristol.gov.uk/registeraddress](http://www.bristol.gov.uk/registeraddress)