

# PLANNING STATEMENT

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20 Allington Road, Southville, Bristol



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Change of use to small HMO

20 Allington Road, Southville

Andrews Charitable Trust

February 2021

OUR REF: M20/0708-04.RPT

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# Introduction

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## Section 1

1.1 This Planning Statement has been prepared by **Tetlow King Planning** on behalf of **Andrews Charitable Trust** for planning permission to change the use of the property to a small HMO at 20 Allington Road, Southville, Bristol.

1.2 The property has no planning history. It lies within an area where permitted development rights to change the use of buildings from C3 (dwellinghouses) to C4 (small HMOs) have been withdrawn by reason of an Article 4 Direction.

### **The Applicants**

1.3 The applicants are Andrews Charitable Trust (ACT). Their Establish programme is an innovative housing project for young people leaving care.

1.4 ACT's partners in the Establish programme are 1625 Independent People (1625LP). 1625LP lease Andrews Charitable Trust's Bristol properties and specialise in providing 16–25-year-olds with housing advice as well as life skills, confidence building, education, training and career guidance.

### **This Statement**

1.5 This statement is set out in the following sections:

- Section 2 identifies the site and sets out the relevant legislation and policy;
- Section 3 analyses the site and its surroundings, and the effect of the proposed development and its planning merits and
- Section 4 concludes that there are no reasons to prevent planning permission being granted.

# Planning Policy and Legislation

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## Section 2

### **Development Plan**

- 2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 The Development Plan consists of the Bristol Core Strategy (BCS) adopted in June 2011, the Site Allocations and Development Management Policies (SADM), adopted July 2014 and the Bristol Central Area Plan adopted March 2015).
- 2.3 Also relevant is the Council's Supplementary Planning Document 'Managing the Development of Houses in Multiple Occupation', adopted 3 November 2020.

### **Bristol Core Strategy (adopted June 2011)**

- 2.4 Policy BCS18 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.
- 2.5 It continues, that to achieve an appropriate tenure, type and size mix the development should aim to:
- Address affordable housing need and housing demand;
  - Contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists;
  - Respond to the requirements of a changing population;
  - Employ imaginative design solutions.
- 2.6 Residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

### **Site Allocations and Development Management Policies (adopted July 2014)**

- 2.7 **Policy DM2** relates to proposals for residential sub-divisions, shared and specialist housing. The policy's criteria for proposals including HMOs is that they will not be permitted in certain circumstances.

- 2.8 There are where (i) The development would harm the residential amenity or character of the locality as a result of levels of activity that cause excessive noise and disturbance to residents; 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.
- 2.9 Part (ii) of the policy states that they will not be permitted where the development would create or contribute to a harmful concentration of such uses within a locality as a result of exacerbating existing harmful conditions including those listed at (i) above; or reducing the choice of homes in the area by changing the housing mix.
- 2.10 It goes on to say that 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. The supporting text to the policy provides further detail on the issue that the policy seeks to resolve.
- 2.11 These include issues such as the effect on the qualities and characteristics of a residential area. These are defined as generally quieter surroundings; a reasonable level of safe, accessible and convenient car parking; a well-maintained or visually attractive environment and the preservation of buildings and structures that contribute to the character of a locality. It is also where the choice of housing available no longer provides for the needs of different groups within the community.
- 2.12 The supporting text makes clear that assessments should consider impacts at street, neighbourhood and ward levels.

#### **National Planning Policy Framework (NPPF), February 2019**

- 2.13 To achieve sustainable development the National Planning Policy Framework (NPPF) expects the planning system to support strong, vibrant and healthy communities as a key social objective. This includes provision of a sufficient range of homes.
- 2.14 **Paragraph 61** of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed including, but not limited to, those who require affordable housing.
- 2.15 **Paragraph 117** makes clear that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

**Managing the Development of Houses in Multiple Occupation Supplementary Planning Document (adopted 3 November 2020)**

- 2.16 The SPD has been produced by the Council to provide further guidance on the implementation of policy DM2 in relation to HMOs. The guidance identifies situations where harmful HMO concentrations are likely to arise.
- 2.17 These include the sandwiching of residential properties by HMOs and areas where more than 10% of dwellings are occupied as HMOs. The guidance also sets out space standards for HMOs where they are permitted.

# Planning Considerations

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## Section 3

### **The Proposals and Benefits**

- 3.1 The applicants are Andrews Charitable Trust (ACT). Their Establish programme is an innovative housing project for young people leaving care.
- 3.2 ACT's partners in the Establish programme are 1625 Independent People (1625LP). 1625LP lease Andrews Charitable Trust's Bristol properties and specialise in providing 16–25-year-olds with housing advice as well as life skills, confidence building, education, training and career guidance.
- 3.3 The charity's vision is a world where all young people have a safe place and trusted adults to turn to and can access the opportunities they need. Their mission is to prevent homelessness, keep young people safe, and support them to the best they can be.
- 3.4 The charity has over 30 years' experience of providing services for homeless young people and those at risk of homelessness, and this project is part of a structured scheme called Future Builders.
- 3.5 The Future Builders project seeks to address the lack of appropriate move-on options for young people who are at the end of the homelessness pathway i.e. young people who are ready to move on from supported housing and access training and development opportunities but are prevented from doing so by the lack of suitable employment opportunities and prohibitively high rents in the private sector.
- 3.6 This project therefore targets young people who:-
  - Have experienced homelessness;
  - Have low or no support needs;
  - Are ready to move out of supported housing; and who:
  - Want to access training and employment.
- 3.7 The purpose of the Live and Work scheme is to provide those young people with access to an apprenticeship which, when combined with decent, affordable housing and wraparound support, will provide them with the necessary skills to access

employment and live independently, and ultimately avoid falling into the cycle of repeat homelessness.

- 3.8 The majority of Establish residents in future will be moving on to private rented and its residents would normally move on within 2 years. Support Hours will generally be 1-2 hours a week depending on tenant's agreed needs. It is anticipated that there would be a turnover of 18-24 month per person and therefore perhaps longer than might be the case with, for example, student accommodation.
- 3.9 The property will be occupied by 3 people who have completed a pre-apprenticeship programme in Construction. They will all be living in the property as separate individuals once they have then secured apprenticeships in Construction and the accommodation is dependent on them undertaking this apprenticeship.
- 3.10 They can live at the property for the time they are working as apprentices (2 years) and will then move on to independent housing. The whole project will have a full-time support worker who will manage the property and support the young people in their apprenticeship and be a link for employers throughout the apprenticeship.
- 3.11 There would be no external alterations, no internal alterations, and the 3 young people will have individual bedrooms but will otherwise share kitchen, living room and bathroom.
- 3.12 There are therefore no adverse external impacts associated with the proposed use, while bringing the house back into productive use and delivering socio-economic benefits.

### **The Homelessness Problem in Bristol**

- 3.13 The need for accommodation such as that which would be provided at 20 Allington Road in Bristol is considerable. The most recent figures for the year 2019/20<sup>1</sup> show that 709 people in Bristol are homeless and have a main duty by the Council, as households found to be eligible for assistance, unintentionally homeless and falling within a priority need group.
- 3.14 This is an increase from the previous year's figure of 411 people<sup>2</sup>, a staggering increase of **73%** in just one year.
- 3.15 Surely the provision of accommodation to help young people leaving care in a well-managed facility, provided in connection with a charity and a well-known and reputable

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<sup>1</sup> MCHLG Statutory homelessness: Detailed local authority-level tables 2019/20

<sup>2</sup> MCHLG Statutory homelessness: Detailed local authority-level tables 2018/19

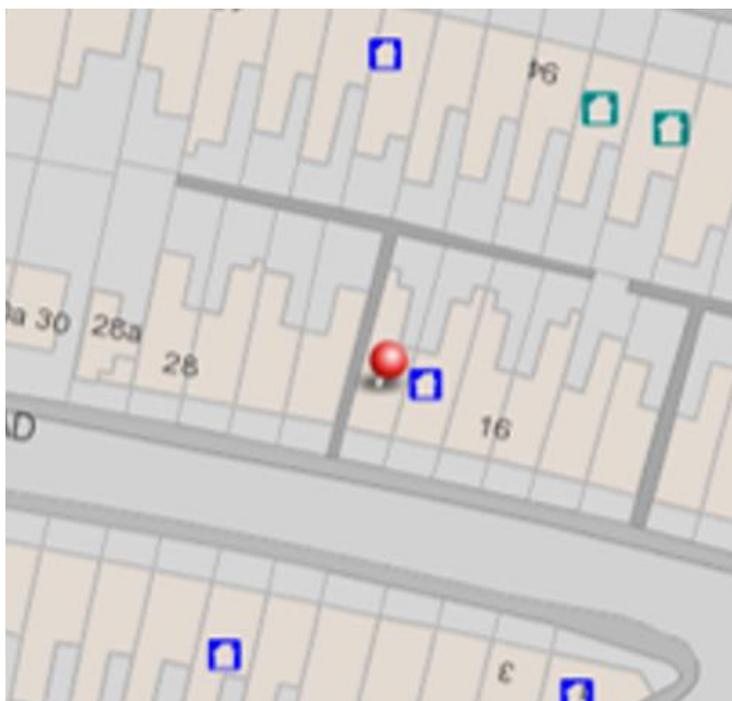
estate agency, is preferable to the risk of homelessness and all the social and economic issues this brings.

### Concentration of HMOs

#### Street Level – Sandwich Assessment

- 3.16 At paragraph 4.1 the SPD sets out a Sandwich Assessment whereby it considers that proposals for new HMOs resulting in an existing residential property or properties (Use Class C3) being sandwiched by HMOs on both sides are unlikely to be consistent with Local Plan policy.
- 3.17 It goes on to say that potential sandwiching situations include up to three single residential properties in a street located between two single HMO properties; or single HMO properties in any two of the following locations: adjacent, opposite and to the rear of a single residential property.
- 3.18 In this case, as shown at Figure 3.1, there is an adjacent HMO at 18 Allington Road, but the proposal at number 20 would not result in a private dwelling being sandwiched along Allington Road.
- 3.19 Number 22 Allington Road, for example, would still have a considerable number of C3 dwellings adjacent to it (to the west) and immediately opposite at 11 Allington Road.

*Figure 3.1 – HMOs adjacent to 20 Allington Road*



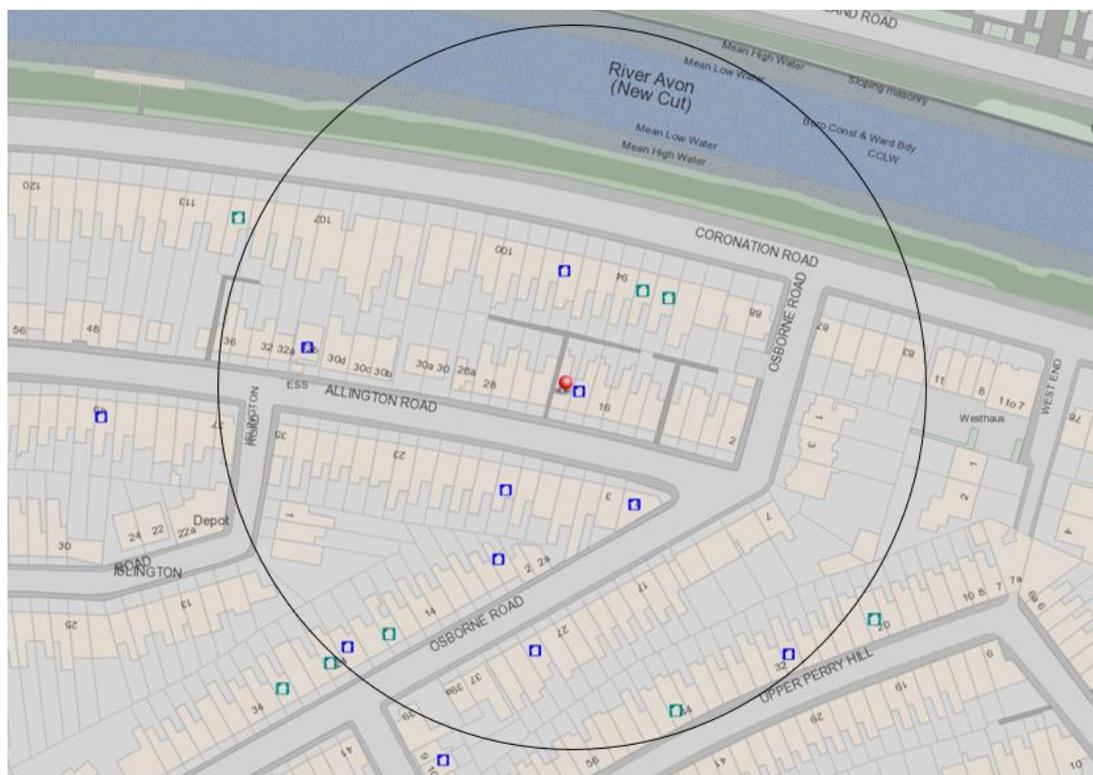
Source: BCC Pinpoint

- 3.20 There is no HMO directly opposite number 22 Allington Road; 13 Allington Road is opposite number 24. In respect of the HMO to the rear, 97 Coronation Road, this is divided from the rear of number 22 by an existing pedestrian path. There is a similar gap between numbers 20 and 22.
- 3.21 This means that number 20 is effectively divided from its neighbours to the north and west, providing a further buffer in respect of noise and disturbance.

### HMO Threshold Assessment – Neighbourhood Level

- 3.22 The SPD also includes an assessment at neighbourhood level where it considers that proposals for the introduction of new HMOs which would result in more than 10% of the total dwelling stock being occupied as HMOs within a 100m radius of the application property or site are unlikely to be consistent with Local Plan policy.
- 3.23 At this stage it is important to note that the SPD only provides guidance and does not carry the same weight as the Development Plan policy. This is because the SPD has not been subject to the same degree of Examination as the Development Plan.
- 3.24 At Figure 3.2, the number of licenced HMO properties (both mandatory and additional licences) are shown within 100m of the application site.

*Figure 3.2 – HMOs within 100m of the application site*



Source: BCC Pinpoint

- 3.25 The total number of HMOs would be **below** the SPD's threshold of 10%.
- 3.26 Furthermore, the imposition of a percentage threshold is an arbitrary and blunt tool that does not take into account factors in the ground. The fact that the 100m radius covers a large area of undeveloped land – i.e. the New Cut of the River Avon – means that mathematically there are a number smaller number of dwellings of all types that would have been envisaged as normally making up the 100m radius, so a small number of HMOs has a disproportionately greater percentage impact.
- 3.27 The SPD itself states that exceeding the thresholds (both at Neighbourhood and Street levels) only makes it “*unlikely to be consistent with Local Plan policy*” (*our emphasis*) so that there is an element of judgement and subjectivity, rather than a purely arithmetical exercise.
- 3.28 Furthermore, as already states, the SPD is only guidance, and case law (for example William Davis Ltd & Ors v Charnwood Borough Council) makes clear that it carries less weight than the policy itself.
- 3.29 This is relevant here because the supporting text to policy DM2 (paragraph 2.2.7) makes clear that “*assessments should consider impacts at street, neighbourhood **and ward** levels*” (*our emphasis*).
- 3.30 The SPD and its evidence makes no reference to ward level assessments, only the Neighbourhood and Street-level assessments, but this is an important component of the Development Plan policy.

### **Ward Level**

- 3.31 When a ward level assessment is made, it is clear there is no harmful concentration of HMOs in the area.
- 3.32 The level of concentration was assessed in 2020 during application 19/05258/F at 111 Coronation Road, for a much larger HMO than that proposed here. This property is outside of the 100m radius from 20 Allington Road, but is relevant as being relatively close by, and in the same ward.
- 3.33 In that case the Officer Report (at **Appendix 1**) reveals that according to Bristol City Council data consists of an average of only 11% multi-person households (1% where all occupants are students).
- 3.34 It assesses that “*While this is higher than the Bristol average (5.8%), it is considerably lower than other wards within north Bristol e.g. Cotham where the figure stands at 23%.*”

*The average household size in Southville is 2.1 persons which is slightly lower than the Bristol average of 2.3 persons per household.” (our emphasis)*

- 3.35 The Officer Report then states that *“In Southville as a whole, approximately 1.5% of the total housing stock is HMOs.”*
- 3.36 The Officer Report concludes that *“On balance, in consideration of the above data it is not considered that there is a significant concentration of HMOs in the area.”* and that *“the Case Officer is satisfied that an HMO in this location would not be harmful to mix and balance of housing in the area and therefore the application is considered to be acceptable in principle.”*
- 3.37 Even if the number of HMOs within 100m does exceed 10%, this does not mean that permission should be refused. This matter was considered in a January 2021 appeal decision in Whiteladies Road, Clifton (reference 3260047) at **Appendix 2**.
- 3.38 In that case, for an HMO of six bedrooms, the Inspector gave careful consideration to the 2020 SPD, and considered that exceeding the threshold (at 14% or even 18%) did not by itself warrant the refusal of permission.
- 3.39 The Inspector stated that *“there is no cogent evidence before me to demonstrate any harm to the mix and balance of housing/population or to the character or amenity of the local area as a consequence of the existing proportion of HMOs.”*
- 3.40 The Inspector went on to say that *“Moreover, it has not been demonstrated how, if at all, the proposed development would exacerbate any existing harmful impact, including any reduced social cohesion or community engagement, as a result of any ensuing demographic imbalance.”*
- 3.41 At paragraph 17 the Inspector concluded that the proposal would be unlikely to result in any population imbalance within the local community and would not harm the amenity of the local area. He found that it would accord with the provisions of CS policy BCS18 and LP policy DM2.
- 3.42 The provision of an additional, very small (3 person) HMO in a ward with a relatively low proportion of HMOs, and in a street with only a handful of HMOs would not result in a demographic imbalance or harm to the mix, balance, character or amenity of local residents.

### **Internal Living Space**

- 3.43 Annex B to the SPD provides detail of internal room sizes used by the Council for licensable HMO properties, although the SPD states only that proposals should 'have regard' to these room size standards.
- 3.44 The proposals comply with these requirements, each room taking one person. The charity will only accept single care leavers so no room will be occupied by more than one person. We would accept a condition to that effect if necessary.

### **Cycle and Car Parking**

- 3.45 The proposals include provision for three cycle spaces, which comply with the

### **Refuse and Recycling Storage**

- 3.46 The proposals include a container for bin storage to the front of the building which complies with the Council's guidance note 'Waste and Recycling: Collection and Storage Facilities - Guidance for developers, owners and occupiers'.

### **Outlook and Privacy**

- 3.47 Core Strategy Local Plan policy BCS21 expects development to safeguard the amenity of existing development and create a high-quality environment for future occupiers while SADMP Local Plan policy DM29 expects new buildings to achieve and existing development to maintain appropriate levels of privacy, outlook and daylight.
- 3.48 The accommodation will provide each room with outlook and daylight, without compromising privacy. There would be no additional windows created, meaning that privacy for neighbouring properties would remain as now.

# Conclusion

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## Section 4

- 4.1 The proposal is for the change of use of the property to a very small (3 person) HMO in a ward.
- 4.2 It is located in a ward with a relatively low proportion of HMOs, in a radius with less than 10% of properties being HMOs, and in a street with only a handful of HMOs and would not result in a demographic imbalance or harm to the mix, balance, character or amenity of local residents.
- 4.3 It is therefore considered that the proposal would satisfy policy BCS22 of the Bristol Core Strategy and policy DM31 of the Site Allocations and Development Management Local Plan and the NPPF, and that planning and listed building consent should be granted.

# Appendix 1

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Case Officer Report application 19/05258/F (March 2020)





**DEVELOPMENT CONTROL () DELEGATED**  
**111 Coronation Road Bristol BS3 1AZ**

APPLICATION

This application seeks retrospective planning permission for the conversion of the dwelling from a single dwellinghouse to a large house in multiple occupation (HMO).

The application in this case seeks retrospective permission for 10 no. occupiers. Large HMOs of more than 6 no. occupiers fall within the sui generis use class.

Cycle storage and waste/recycling storage has also been proposed at the front elevation of the building.

RESPONSE TO PUBLICITY AND CONSULTATION

4 no. comments have been received in response to this application, from 3 no. interested parties.

3 no. of these comments have been raised in objection to the proposed development and 1 no. was raised neither in support nor objection (neutral).

The following planning concerns have been raised:-

- o Over-intensive use of the building;
- o Poor living conditions for occupants;
- o Parking pressure;
- o Impact on waste management;
- o Overlooking to neighbouring properties;
- o Increased noise impacting neighbouring homes and gardens;
- o Harm to the Conservation Area.

The neutral comment received related to a meeting between the applicant and neighbouring occupiers to discuss issues, with the applicant agreeing to remedial works to ameliorate issues related to noise and disturbance.

These comments will be addressed in the Key Issues section of this report.

RESPONSE FROM INTERNAL CONSULTEES

Pollution Control:- No objection.

At the outset of the application, the Bristol City Council Pollution Control Officer expressed concerns regarding the impact of the increased occupancy of the building on noise levels for neighbouring properties. In light of this, the applicant submitted a Sound Insulation Assessment detailing information on potential noise impacts, and how these could be mitigated. Mitigation measures proposed include the installation of sound insulation and new carpeting with appropriate underlay. The Pollution Control Officer confirmed their agreement with the mitigation proposed and stated that with a condition securing installation of measures proposed they could support the application.

This comment is addressed further in Key Issue B.

Transport Development Management - No objection.

Transport Development Management (TDM) has raised no objection to the proposed development.

During determination of the application further information was requested by TDM in relation to

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storage for cycles and waste/recycling boxes to ensure that there was sufficient provision to accommodate the proposed development (three Sheffield Stands for cycles, three bins, six dry-recycling three organic waste bins and three cardboard sacks). This additional information was duly provided by the applicant as shown on drawing no. 04 (see application documents) to the satisfaction of TDM officers. TDM has raised no concerns in relation to the impact of the development on vehicular parking but has stated occupiers should be exempt from receiving resident parking permits.

This comment is addressed in Key Issue C.

**RELEVANT POLICIES**

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

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

**KEY ISSUES**

**A) IS THE PRINCIPLE OF THE CHANGE OF USE ACCEPTABLE?**

Policy BCS18 supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents.

Policy DM2 sets out that the conversion of dwellings into HMOs will not be permitted where the development would create or contribute to a harmful concentration of such uses within a locality through reducing the choice of homes in the area by changing the housing mix.

This application seeks permission for full planning permission for a retrospective change of use from a single dwellinghouse to a 10 no. person HMO.

The existing dwelling is situated in the ward of Southville which according to Bristol City Council data consists of an average of 11% multi-person households (1% where all occupants are students). This does measure higher than the Bristol average (5.8%) but considerably lower than other wards within north Bristol e.g. Cotham where the figure stands at 23%. The average household size in Southville is 2.1 persons which is slightly lower than the Bristol average of 2.3 persons per household.

According to data obtained from Bristol City Council's pinpoint mapping service there are a limited number of HMOs within the immediate vicinity of the site. There are approximately 2 no. HMOs within 100 metres of this application site which only comprises approximately 1.3% of all dwellings. In Southville as a whole, approximately 1.5% of the total housing stock is HMOs.

On balance, in consideration of the above data it is not considered that there is a significant concentration of HMOs in the area. Therefore the Case Officer is satisfied that an HMO in this location would not be harmful to mix and balance of housing in the area and therefore the application is considered to be acceptable in principle.

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**B) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN TERMS OF RESIDENTIAL AMENITY?**

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

Policy DM30 states that alteration to existing development should safeguard the amenity of the host premises and neighbouring occupiers and leave sufficient usable external private space for the occupiers of the building.

Given that no structural changes are proposed to the existing building it is considered that there would be no risk of any harm to amenity of neighbouring occupiers as a result of physical changes to the environment.

The proposed development would increase the occupancy of the site. In light of this the Bristol City Council Pollution Control Officer expressed concerns about the potential for increased noise levels for neighbouring properties. In response to this, the applicant, in consultation with the Pollution Control Officer, prepared a Sound Insulation Assessment to assess noise levels at the site and possible mitigation.

The Sound Insulation Assessment concluded that on the party walls there would be the possibility for increased noise levels to neighbouring properties. As a result it has been recommended that further sound insulation (in the form of independent wall lining) be installed at the wall to the main common areas. Additionally, all plumbing, WCs, Showers etc. would be kept away from the party wall and it was proposed that carpets be installed on the stairs and common circulation areas. The applicant has agreed to implement the proposed measures and this would be secured by way of condition. With this mitigation in place it is considered that the amenity of neighbouring occupiers would be suitably protected.

HMO licensing is a separate process which falls outside the remit of the Local Planning Authority (LPA). This application is for retrospective planning permission and as such the site is already operating as an HMO with the requisite license. The LPA has liaised with Bristol City Council's private housing team who has confirmed that the existing HMO license is for 10 no. occupiers. For the dwelling to have been granted a license it would have to meet minimum space standards and other requirements. The fact that a license has previously been granted is sufficient to satisfy the Case Officer that the amenity of future occupiers would be acceptable.

In summary, with noise mitigation measures in place, the proposed development would be acceptable in terms of its impact on existing neighbouring occupiers and future occupiers of the site. It would accord with policies BCS21, BCS22, DM30 and DM31.

**C) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

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

Appendix 2 of the Site Allocations and Development Management Policies Document (SADMP) sets out both the minimum cycle parking requirements for new development in Bristol, and the maximum car parking provision.

Policy DM32 states that all new residential development must provide sufficient space for the storage of individual recycling and ref use containers to reflect the current collection regime.

Bristol City Council's Transport Development Management department (TDM) has been consulted on

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this application and raised no objection.

In terms of vehicular parking TDM stated that due to the site's sustainable location in close proximity to amenities and sustainable travel options (namely bus) no off-site parking provision would be considered acceptable. In light of the demand for parking in this area, and the limited on-street capacity (as noted in public comments) the TDM Officer did state that 'if permission were to be granted the site must be deemed no car and advice I044A Restriction of parking permits - existing controlled parking zone/resident parking scheme applied'.

TDM did request further information in relation to cycle and waste/recycling storage as limited information was provided on plans originally submitted. This was duly provided by the applicant to the satisfaction of TDM. Whilst normally TDM would request enclosed cycle storage, it was considered a large enclosure in the front garden would potentially detriment the amenity of occupiers by blocking light/outlook to occupiers of the front bedroom. For this reason, the Sheffield Stands proposed remain unenclosed which on balance was considered to be acceptable and would not warrant refusal of the application.

In conclusion, it is considered that the proposal would respect policies DM2, DM23 and DM32 and therefore acceptable in terms of transport and access.

**D) WOULD THE PROPOSAL HARM THE CHARACTER OF THE CONSERVATION AREA?**

The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character or appearance of the area.

Policy BCS22 states that 'development proposals will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including Conservation Areas'.

Policy DM31 states 'development within or which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.'

In consideration of the fact that there are no external changes proposed to the existing building and the applicant has provided suitable waste storage it is considered that the proposed development would cause no harm to the character of the Bedminster Conservation Area. The cycle storage would be largely obscured from the public realm by existing hedging at the front boundary of the site, limiting visual impact of this on the Conservation Area which on balance, is considered to be acceptable.

The proposals would be acceptable in consideration of policies BCS22 and DM31.

**CONCLUSION**

In conclusion it is considered that planning permission should be granted to the proposed development for the reasons outlined within this report and subject to conditions.

**COMMUNITY INFRASTRUCTURE LEVY**

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

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

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This application falls into one of these categories and therefore no CIL is payable.

**RECOMMENDED GRANTED subject to condition(s)**

**Pre occupation condition(s)**

1. Implementation/Installation of Noise Protection Measures

Prior to any occupation of the premises as an HMO under this consent after 1st September 2020, the measures for noise mitigation, as set out within the approved Sound Insulation Assessment (document reference: A1584 TN01) shall be completed within three months of the date of this permission. This includes:

- o Installation of carpet with underlay on all stairs, common hallways and landings
- o Installation of independent wall lining in main common roof (kitchen/living room) as per the methodology set out on page 3 of the Sound Insulation Assessment
- o Installation of a shallow resilient wall lining to the party wall to the common circulation at the rear of the first floor (if any habitable room in 112 shares any part of this wall) as per the methodology set out on page 4 of the Sound Insulation Assessment.

if there were an area where a habitable room in 112 shares

After implementation/installation, these measures should be retained and maintained in perpetuity.

Reason: To protect the amenity of neighbouring occupiers by protecting the noise environment.

2. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

Prior to any occupation of the premises as an HMO under this consent after 1st September 2020, the area/facilities allocated for storing of recyclable materials shall be 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 public highway or pavement, except on the day of collection.

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

3. Completion and Maintenance of Cycle Provision - Shown on approved plans

Prior to any occupation of the premises as an HMO under this consent after 1st September 2020, the cycle parking provision shown on the approved plans shall be completed in accordance with the approved plans, 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.

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**List of approved plans**

4. List of approved plans and drawings

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

04 Existing & proposed front garden., received 17 March 2020

Existing floor plans., received 29 October 2019

Proposed floor plans., received 29 October 2019

Site location plan., received 29 October 2019

Reason: For the avoidance of doubt.

**Advices**

1 The operation of the HMO hereby approved may require a separate license. It is an offence to operate a licensable HMO without a licence. Please contact the Private Housing Team on 0117 352 5010 for further information.

2 Restriction of Parking Permits - Existing Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme of which the development forms part 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.

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Case Officer: Emmeline Reynish

Authorisation: Peter Westbury

commdelgranted  
V1.0211

## Appendix 2

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Planning appeal 3260047 Whiteladies Road, Clifton  
(January 2021)





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## Appeal Decisions

Site visit made on 11 January 2021

**by Neil Pope BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 January 2021**

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### **Appeal A Ref: APP/Z0116/W/20/3260047**

#### **Land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Eastman Estates Ltd against the decision of Bristol City Council.
  - The application Ref. 20/01032/F, dated 4/3/20, was refused by notice dated 4/9/20.
  - The development proposed is the partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage (agreed amended description).
- 

### **Appeal B Ref: APP/Z0116/Y/20/3260048**

#### **Land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT.**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Eastman Estates Ltd against the decision of Bristol City Council.
  - The application Ref. 20/01033/LA, dated 4/3/20, was refused by notice dated 4/9/20.
  - The works proposed are the partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage (agreed amended description).
- 

### **Decisions**

1. The appeals are allowed. Planning permission and listed building consent are granted for the proposed partial demolition of modern brick rear wall and construction of a 2-storey building for use as a 6 bedroom HMO (sui generis student use) with associated refuse and cycle storage at land to the rear of 85, Whiteladies Road, Clifton, Bristol, BS8 2NT. The permission and consent are granted in accordance with the terms of the respective applications, Refs. 20/01032/F and 20/01033/LA, dated 4/3/20, and subject to the conditions set out in the attached Schedule.

### **Preliminary Matters**

2. Prior to the Council's determination of the applications amended plans were submitted. These show a proposed 6 bedroom hipped roof building, clad in natural slates, rather than a mansard style metal standing seam roof building. I have determined the appeals on the basis of these amended plans.
3. An application for costs was made by the appellant against the Council in respect of appeal B. This application is the subject of a separate Decision.

### **Main Issues**

4. The two main issues are: firstly, whether the proposal would be likely to result in any population imbalance within the local community and harm the amenity

of the local area (appeal A only) and; secondly whether the proposal would preserve the settings of the grade II listed buildings at 83, 85 and 87 Whiteladies Road and preserve or enhance the character or appearance of the Whiteladies Road Conservation Area (WRCA) (appeals A and B).

## **Reasons**

### *Planning Policy*

5. The development plan includes the 2011 Bristol Core Strategy (CS) and the Council's 2014 Site Allocations and Development Management Policies Local Plan (LP). The most important policies to the determination of appeal A<sup>1</sup> are CS policies BCS18 (housing type), BCS20 (effective and efficient use of land), BCS22 (heritage assets) and LP policies DM2 (shared and specialist housing) and DM31 (heritage assets).
6. Policies BCS22 and DM31 do not reflect the 'heritage balance' contained within paragraph 196 of the National Planning Policy Framework (the Framework). This would limit the weight to be given to any conflict with these policies.
7. In determining appeal A, I have also taken into account the Council's Supplementary Planning Document (SPD) 'Managing the development of houses in multiple occupation', which it adopted in November 2020.

### *Population Imbalance / Amenity (Appeal A only)*

8. CS policy BCS18 requires all new residential development to maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Amongst other things, such development should aim to contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists. This policy is consistent with some of the housing objectives contained within the National Planning Policy Framework (the Framework).
9. LP policy DM2, amongst other things, recognises that shared housing provides an important contribution to people's housing choice and aims to ensure that future specialist housing for students meets appropriate standards and is sensibly located. Such development is not permitted where it would harm the residential amenity or character of the locality or create or contribute to a harmful concentration<sup>2</sup> of such uses within a locality.
10. The Council's recently adopted SPD is aimed at providing further guidance on implementing LP policy DM2 in relation to houses in multiple occupation (HMO). Amongst other things, the SPD identifies situations where harmful HMO concentrations are likely to arise. These include the 'sandwiching' of residential properties and areas where more than 10% of dwellings are occupied as HMOs.
11. Some interested parties have asserted that the proposal would result in a harmful 'sandwiching' effect. However, this has not been argued by the Council<sup>3</sup> which, instead, is concerned over the amount of HMOs within this part of Clifton. It has calculated<sup>4</sup> that the proportion of HMO accommodation within

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<sup>1</sup> The provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 are not engaged in appeal B.

<sup>2</sup> Exacerbating any existing harmful conditions or reducing the choice of homes by changing the housing mix.

<sup>3</sup> Within the officer's report it is explained why the proposal would not result in such an effect.

<sup>4</sup> Based on licensing data held under Part 2 of the Housing Act 2004.

100m of the centre of 85 Whiteladies Road is about 14%. This rises to about 18% when taken from the centre point of the appeal site.

12. Whichever of the above figures are used, the proposed development would exceed the 10% threshold specified within the SPD. This tends to weigh against granting planning permission and suggests that there may be an existing harmful concentration of HMOs within the area and that the proposal would exacerbate this harmful impact.
13. I note that the area is the subject of an Article 4 Direction controlling the change of use of properties to small HMOs. I also note the concerns of the ward Member and some residents regarding the increase in student population. However, there is no cogent evidence before me to demonstrate any harm to the mix and balance of housing/population or to the character or amenity of the local area as a consequence of the existing proportion of HMOs.
14. Moreover, it has not been demonstrated how, if at all, the proposed development would exacerbate any existing harmful impact, including any reduced social cohesion or community engagement, as a result of any ensuing demographic imbalance. Some interested parties have drawn attention to the changing nature of some retail and business premises within the local area. However, there is no suggestion of any likely reduction in community services as a consequence of any increase in the student/transient population from the appeal scheme. Far greater challenges and changes to the composition of local retail and commercial areas are likely to occur as a result of the current pandemic rather than the proposed six student bedrooms.
15. The proposal would not result in the loss of existing family or other housing and could help reduce the pressure to convert the stock of existing housing to student accommodation. There would be no reduction in the choice of homes available within the area. The proposed development would be located to the rear of some business and commercial premises along the normally bustling Whiteladies Road<sup>5</sup> and would front Hampton Lane which also contains a mix of uses<sup>6</sup>. The increase in activity associated with six new student bedrooms within this part of Clifton would be very modest and unlikely to cause excessive noise and disturbance to existing residents. Most students are respectful of their neighbours but, if required, separate legislation exists to address any anti-social behaviour.
16. The site's convenient location to the University and public transport services would limit the generation of motor vehicle traffic from the proposed development<sup>7</sup>. Adequate provision would be made for cycle parking and refuse/recycling storage and there is nothing before me to indicate any harmful increase in pressure for on-street parking or undue risk to highway safety. The proposed accommodation would offer a good standard of living and would be designed to avoid any significant loss of privacy<sup>8</sup> for neighbouring residents.

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<sup>5</sup> I visited the site during a national lockdown due to the COVID-19 pandemic. However, I have experienced the activities taking place along Whiteladies Road on numerous previous occasions.

<sup>6</sup> I note from the officer's report that development to the rear of Whiteladies Road and Cotham Hill was described as having a "semi-industrial" and "intimate" character.

<sup>7</sup> As I saw during my visit, part of the site is used for car parking and there is unlikely to be any significant increase in motor vehicle traffic.

<sup>8</sup> This matter was carefully considered within the officer's report and no harm was identified to neighbouring residents in this "tight, urban, mews style street". This included the occupiers of 15A, due to the size and positioning of the proposed windows. I agree with the Council's assessment on this matter.

17. Given the above, I conclude on the first main issue that the proposal would be unlikely to result in any population imbalance within the local community and would not harm the amenity of the local area. The proposed development accords with the provisions of CS policy BCS18 and LP policy DM2.

*Settings of grade II listed buildings / WRCA (Appeals A and B)*

18. The Council withheld listed building consent on the basis that without planning permission in place for development of the site there would be unjustified harm to the setting of adjacent listed buildings<sup>9</sup>. Given the similarities in the relevant statutory duties<sup>10</sup> regarding listed buildings, it is unclear why there was no 'duplicate' reason for refusal in respect of the planning application.
19. The appeal site forms part of the surroundings in which Nos. 83, 85 and 87 Whiteladies Road are experienced. It also lies within the WRCA. The above noted statutory duties regarding listed buildings are therefore engaged, as well as the separate duty<sup>11</sup> in respect of conservation areas.
20. Over time, there have been numerous changes to the settings of these mid-19<sup>th</sup> century listed buildings<sup>12</sup>, including the large two storey 20<sup>th</sup> century extension to the rear of No.85 and the loss of rear garden spaces. There is nothing before me to demonstrate that the appeal site, which includes a hard surfaced car parking area with a small section of modern brick wall topped with concrete coping stones, contributes to the significance of these listed buildings. As I saw during my visit, this section of wall also appears to have a significant structural defect. Its removal would not have any adverse impact upon the significance or settings of these listed buildings.
21. I note the contents of the Council's Whiteladies Road Conservation Area Enhancement Statement (1993). The WRCA is a sizeable area that includes a principal shopping street along Whiteladies Road, as well as residential areas that contain a variety of house types and different sized dwellings. The significance of this designated heritage asset is mainly derived from its architectural qualities, which include the contribution made by the numerous listed buildings, as well as its historic attributes, which include the irregular street grids, plot layouts, trees and garden spaces that all form an integral part of this suburb of Bristol. As I noted during my visit, the narrow width of Hampton Lane and the siting of some buildings close to the edge of the carriageway creates something of an intimate character in parts of this street.
22. It would appear that the primary historic function of Hampton Lane was to provide access to the rear of properties on Whiteladies Road and Cotham Hill. As already noted, this lane now includes a mix of uses and buildings of various sizes and styles, such as the mews style houses at 15A and 16 Hampton Lane and the new three storey building (student HMO) at 91 Hampton Lane. I agree with the Council's officers that the appearance of the appeal site is somewhat

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<sup>9</sup> In an email of 22 December 2020, the Council clarified that it was primarily concerned with the setting of 85 Whiteladies Road and "to a lesser extent" also 83 and 87 Whiteladies Road. The Council also informed me that whether the development would enhance the character or appearance of the WRCA was not discussed by members of the Planning Committee. I note that the LPA has not identified any harm to the WRCA and within the committee report the officers identified a negligible degree of harm to the settings of adjacent listed buildings and an enhancement to the character and appearance of the WRCA.

<sup>10</sup> Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>11</sup> Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>12</sup> The significance (heritage interest) of these buildings is primarily derived from their architectural interest, which includes their double-depth plan, limestone ashlar walls, traditional detailing and late Georgian style.

cluttered, disordered and does not amount to a high quality environment. It does not contribute to the significance of the WRCA.

23. The removal of the small section of brick wall within the appeal would not harm the character or appearance of the WRCA and the historic layout of this plot would still be discerned. Given my finding above in respect of the impact upon the settings of Nos. 83, 85 and 87 Whiteladies Road, listed building consent should not be withheld. Appeal B should therefore be allowed.
24. The proposed two storey building would be built close to the edge of Hampton Lane. The Council has calculated that it would be 5.7 metres high to eaves and 7.7m to the ridge. The roof would include a gable facing this street and would be hipped to the sides and rear. Some solar panels would be affixed to the south facing roof slope. The front and rear elevations would be stepped by way of projecting two storey elements. These would terminate at eaves level with flat roofs. The building would be finished with a blue brick plinth and buff brick walls and the roof would be clad using natural slate. A low natural stone wall would be provided adjacent to Hampton Lane and there would be bin and cycle storage facilities at the rear of this new building.
25. The proposed building would be designed to a high standard and would be of comparable height to other two storey buildings within the street. I agree with the Council's officers, that it would offer a revised form of enclosure to Hampton Lane and would result in a successful transition between the single storey buildings to the south and the taller building at 91 Hampton Lane. The appellant's architect has given thoughtful consideration to the proposed design.
26. I conclude on the second main issue that the proposal would preserve the settings of the grade II listed buildings at 83, 85 and 87 Whiteladies Road and result in a modest enhancement to the character and appearance of the WRCA. It would accord with the provisions of CS policy BCS22 and LP policy DM31.

#### *Other Matters*

27. The proposed development would entail the more efficient use of previously developed urban land for housing in accordance with CS policy BCS20. It would increase the stock of housing available within this part of the city and occupiers of the building would help support local services and facilities. The development would also provide some limited support to the construction industry. These public benefits weigh in favour of granting permission/consent.

#### *Planning Conditions*

28. In addition to the 'standard' conditions requiring development/works to commence within a period of three years, in the interests of certainty conditions would be necessary specifying the approved drawings.
29. Some pre-commencement conditions have been suggested by the LPA. The appellant's agent has agreed that these would be necessary if the appeals were to be allowed. There are some exceptional circumstances that would justify attaching some of these conditions<sup>13</sup>, such as the need to limit the risk of congestion on and damage to the highway (Construction Management Plan, survey of the highway and reinstatement of the footway), the need to ensure

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<sup>13</sup> Appeal A only.

adequate drainage (submission of drainage details) and the need to provide adequate living conditions for occupiers of the building (noise assessment).

30. In both appeals, conditions would be necessary to safeguard the settings of the above noted listed buildings and the character and appearance of the WRCA (details of the proposed recessed brick panels and the external materials). Separate conditions would be necessary (appeal A) to ensure adequate climate change mitigation was secured and to achieve the sustainable credentials of the proposal (the proposed photovoltaic system and those matters set out in the Sustainability Statement submitted in support of the proposals).
31. Conditions would also be necessary (appeal A) to ensure adequate arrangements for waste management, pedestrian and cycle access to the site and safeguarding public health in the event of any unexpected land contamination being discovered. Where necessary, and in the interests of concision, I have modified some of the suggested conditions. Other conditions suggested to me would not meet the tests in paragraph 55 of the Framework.

#### *Overall Conclusions*

32. Given all of the above, I conclude that both appeals should succeed.

*Neil Pope*

Inspector

#### SCHEDULE OF CONDITIONS

##### Appeal A (Planning Permission)

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be undertaken in accordance with the following approved drawings: 1:1,250 scale site location plan [ref. 1670(L)00]; 1:200 scale proposed site plan [ref. 1670(L)120 Rev A]; 1:100 scale proposed ground floor plan [ref. 1670(L)121 Rev B]; 1:100 scale proposed first floor and roof plan [ref. 1670(L)122 Rev D]; 1:100 scale proposed east elevation [ref. 1670(L)124 Rev D]; 1:100 scale proposed north elevation [ref. 1670(L)125 Rev C]; 1:100 scale proposed west elevation [ref. 1670(L)126 Rev C]; 1:100 scale proposed south elevation [ref. 1670(L)127 Rev C]; 1:200 scale proposed west elevation street context [ref. 1670(L)131] and; 1:50 scale proposed sections [ref. 1670(L)130].
3. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) a Construction Management Plan;
  - b) a survey of the condition of the existing highway along this section of Hampton Lane;
  - c) details of the reconstruction of the footway along this section of Hampton Lane and a timetable for undertaking such works;
  - d) the proposed foul and surface water drainage details;
  - e) a noise risk assessment of the development, including details of noise

insulation measures.

The development shall be undertaken in accordance with the approved details.

4. No development shall proceed above slab level until details of the proposed photovoltaic system to be used in the building, including the expected annual energy generation and a timetable for providing this system, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the approved system shall be retained for use thereafter.
5. No development shall proceed above slab level until details of the proposed recessed brick panels (including reveal depth) and those materials specified on the approved drawings, including the proposed buff coloured clay facing bricks, the Staffordshire blue coloured plinth bricks, the natural slates to be used on the roof and the natural stone and coping to be used on the low section of roadside wall, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
6. The development shall be undertaken in accordance with the details specified in the Waste Management Plan dated 27 February 2020 and submitted with the application. Except on collection days, the bins shall be stored in the facilities shown on the approved plans.
7. In the event that contamination is found at any time when carrying out the approved development, it shall be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment shall then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme shall be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the LPA.
8. The building hereby approved shall not be occupied until the means of access for pedestrians and cyclists have been constructed in accordance with the details shown on the approved plans. These accesses shall thereafter be retained.
9. Insofar as the development relates to a 6 bedroom building as opposed to a 9 bedroom building, it shall be undertaken in accordance with the Climate Change & Sustainability Statement dated 14 February 2020, and submitted with the application.

#### Appeal B (Listed Building Consent)

1. The works hereby permitted shall begin before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be undertaken in accordance with the following approved drawings: 1:1,250 scale site location plan [ref. 1670(L)00];

1:200 scale proposed site plan [ref. 1670(L)120 Rev A]; 1:100 scale proposed ground floor plan [ref. 1670(L)121 Rev B]; 1:100 scale proposed first floor and roof plan [ref. 1670(L)122 Rev D]; 1:100 scale proposed east elevation [ref. 1670(L)124 Rev D]; 1:100 scale proposed north elevation [ref. 1670(L)125 Rev C]; 1:100 scale proposed west elevation [ref. 1670(L)126 Rev C]; 1:100 scale proposed south elevation [ref. 1670(L)127 Rev C]; 1:200 scale proposed west elevation street context [ref. 1670(L)131] and; 1:50 scale proposed sections [ref. 1670(L)130].

3. No works shall proceed above slab level until details of the proposed recessed brick panels (including reveal depth) and details of those materials specified on the approved drawings, including the proposed buff coloured clay facing bricks, the Staffordshire blue coloured plinth bricks, the natural slates to be used on the roof and the natural stone and coping to be used on the low section of roadside wall, have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.