



Planning Statement

423 Whitehall Road, St George, Bristol

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1 Introduction

- 1.1 Crossman Acquisitions Limited, part of the Crossman Group of companies, has acquired 423 Whitehall Road (the property) with the intention of redeveloping it into a large HMO (Sui generis) to provide accommodation for young professionals. The description of development is:

‘Conversion and enlargement of existing building to create a large house in multiple occupation (Sui generis) comprising 20 bedrooms and associated works.’

- 1.2 The purpose of this planning statement is to demonstrate that the proposed development accords with the prevailing development plan policy and other material considerations.

2 Site Context

- 2.1 The property comprises a large end of terrace building on a substantial plot on the corner of Whitehall Road and Embassy Road. The building has been subject to side and rear extensions, which collectively are non-uniform in appearance and detract from the aesthetics of the original building. At ground floor level the property is occupied by a retail unit (use class E). The first floor of the property is occupied as a flat (use class C3).
- 2.2 The local context is characterised by residential properties of varying styles and ages. To the south of the property, on the opposite side of Whitehall Road the residential properties comprise a Victorian terrace. The residential properties on Embassy Road comprise larger, post-war terraced housing interspersed with some semi-detached dwellings. The predominant building material is stone and brick with render finish.

3 Development Plan and Other Material Considerations

- 3.1 Those components of the development plan relevant to the application comprise of the following development plan documents:

- Bristol Core Strategy (June 2011); and
- Site Allocations and Development Management Policies Local Plan (July 2014).

- 3.2 The following material considerations are also of relevance:

- The National Planning Policy Framework (the Framework) (September 2023);

- The Planning Practice Guide; and
- Managing Development of Houses in Multiple Occupation SPD (November 2020).

4 The Tilted Balance

4.1 Paragraph 11d) of the Framework states that:

‘where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

4.2 Whether the appeal falls to be determined under the provisions of Framework paragraph 11d) (‘the tilted balance’) is considered below, having particular regard to whether the most important policies to the determination of the appeal are out-of-date.

Out-of-Date Policies

4.3 *Wavendon Properties v SSHCLG & Milton Keynes Council*, confirms that when applying paragraph 11d), the first task is to establish which are the development plan policies most important to determining the application. Having established ‘the basket’ of policies, the second task is to determine which of those policies, if any, are out-of-date.

4.4 The basket of most important policies is considered to comprise of policies:

- Bristol Core Strategy:
 - BCS5 – Housing Provision;
 - BCS13 – Climate Change;
 - BCS14 – Sustainable Energy;
 - BCS15 – Sustainable Design and Construction;
 - BCS18 – Housing Type;
 - BCS20 – Effective and Efficient Use of Land; and

- BCS21 – Quality Urban Design.
- Site Allocations and Development Management Policies Local Plan (SADMP):
 - DM2 - Residential Sub-divisions and Specialist Housing;
 - DM23 - Transport Development Management; and
 - DM30 – Alterations to Existing Buildings.

4.5 Footnote 8 of the Framework states that the most important policies for determining an application involving the provision of housing will be out-of-date in situations where:

'...the local planning authority cannot demonstrate a five-year supply of deliverable housing sites...'

4.6 The council's latest position concerning its five-year housing land supply was published in June 2021 in the documents: *Bristol City Council Five Year Housing Land Supply Assessment 2020 to 2025*. This document, whilst three years out-of-date, confirmed that the council could only demonstrate a 3.7 years' supply. Since the publication of this document, it has been acknowledged at numerous planning appeals that the housing land supply position has worsened, with the latest confirmed position being a supply of between 2.24 years and 2.45 years¹.

4.7 Therefore, having regard to the footnote 8 of the Framework, and also *Wavendon Properties v SSHCLG & Milton Keynes Council*, by virtue of the council being unable to demonstrate a five year-supply of deliverable housing sites, the basket of most important policies is out-of-date and the policies benefit from only limited weight.

4.8 On the basis of the above, the application should be determined in accordance with paragraph 11d) of the Framework applying the tilted balance. Application of the tilted balance has been undertaken in the sections below.

5 The Tilted Balance – Framework Protection

5.1 Where the tilted balance is engaged, paragraph 11d) of the Framework confirms that planning permission should be granted unless:

¹ Land at Broomhill/Brislington Meadow, Bristol (ref: APP/Z0116/W/22/3308537).

‘the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’.

- 5.2 There are no policies in the Framework that afford protection to the property or site. Therefore, planning permission should be granted.

6 Tilted Balance – Adverse Impacts

- 6.1 Paragraph 11.d) ii of the Framework requires any adverse impacts resulting from the development to be significantly and demonstrably outweighed by the benefits when assessed against the policies of the Framework taken as a whole. As confirmed by the courts², this assessment should also include consideration of the extent to which a proposal accords with those policies most important to the determination of the appeal, although where it is shown that these policies are out-of-date, as is the case here, they should only be afforded limited weight.

- 6.2 Given the primacy of the development plan, the proposal’s compliance with the most important, albeit out-of-date policies, is demonstrated in the section below, followed by an assessment of the adverse impacts and associated benefits.

7 Development Plan Compliance

BCS5 – Housing Provision

- 7.1 Policy BCS5 seeks to deliver a minimum of 24,600 dwelling during the plan period of 2006 to 2026. The policy envisages a broad distribution of these dwellings across identified areas of the city comprising of ‘South Bristol, ‘City Centre’, ‘Inner East, ‘Northern Arc and finally the ‘Rest of Bristol’. The property is located in an area that is defined as ‘Rest of Bristol’, in which a minimum of 6,000 dwellings are to be delivered.
- 7.2 According to the council’s latest monitoring data³, a total of 5,889 dwellings have been delivered against a target of 6,000 dwellings. This data is now more than two years old, so it is possible that the total number of housing completions may have exceeded the target of 6,000 dwellings. However, given that the target is expressed as a minimum, in the event that over delivery were to occur, this would not result in a policy breach. Moreover, given the council’s

² Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government

³ Bristol Development Monitoring Report 2021

severe housing land supply shortfall, any over provision in housing against the policy’s target should be seen as a significant benefit. Therefore, the proposed development would accord with policy BCS5.

BCS13 – Climate Change

- 7.3 Policy BCS13 requires that development should contribute to both mitigating and adapting to climate change, and to meet targets to reduce carbon dioxide emissions. To ensure compliance with this policy, and as set-out in the sustainability statement that accompanies the application, the development will include renewable sources of energy in the form of an air-source heat pump as well as the inclusion of roof-mounted photo-voltaic panels. In addition, a ‘fabric first’ approach to construction will be adopted, resulting in thermal elements and fenestration that will exceed the standards required by part L of the building regulations. Furthermore, the development has been designed to benefit from cross-ventilation, which will reduce the need for mechanical ventilation, and which will be actively promoted by the development’s management team. Finally, the development is located in a highly sustainable location, within walking distance of all of the amenities and services required for every day living, thereby reducing reliance on the private motor car. Therefore, the proposed development would accord with policy BCS13.

BCS14 – Sustainable Energy

- 7.4 Policy BCS14 specifically requires new development to include measures to reduce carbon dioxide emissions from energy use in accordance with an energy hierarchy. Through adherence with the energy hierarchy, it must be demonstrated that through renewable energy generation, carbon dioxide emissions from residual energy use is reduced by at least 20%.
- 7.5 As set-out in the submitted energy statement, through the use of air-source heat pumps and roof-mounted photo-voltaic panels, the development would achieve a 21.8% reduction beyond residual emissions. Therefore, the proposed development would accord with policy BCS14.

BCS15 – Sustainable Design and Construction

- 7.6 Policy BCS15 requires sustainable design and construction techniques to be integral to all new developments. As set-out in the submitted energy statement, the application will benefit from a ‘fabric first approach’ through the utilisation of construction materials that achieve low U-values (achieved through increased insulation, advanced double glazing etc.) and also ensuring

reduced losses through non-repeating thermal bridges. All new thermal elements will exceed the minimum requirements of part L of the building regulations. Therefore, the proposed development would accord with policy BCS15.

BCS18 – Housing Type

7.7 It is acknowledged in the development plan that HMO accommodation provides a valuable contribution to the city’s housing requirement. As set-out later in this statement, there is only a very small number of HMOs in the locality. Therefore, the proposed development will add to the mix and diversity of residential accommodation in the area.

7.8 Moreover, given increasing house prices in the city, (lower quartile affordability ratio at 9.85⁴), accessibility to more affordable housing produces is of critical importance. In this regard, high-quality HMO accommodation as proposed plays an important role in providing accessible rental accommodation.

7.9 For the above reasons the proposed development accords with policy BCS18.

BCS20 – Effective and Efficient Use of Land

7.10 Policy BCS20 actively promotes higher density development on previously developed land, in particular in highly sustainable locations, such as along main public transport routes. In this regard, the site constitutes previously developed land and is located in a highly sustainable location, being within walking distances of a wide range of local services and amenities (see submitted transport statement). Moreover, the site is located on a principal route into the city, which is served by a frequent bus service.

7.11 Therefore, the site is considered to meet the requirements of higher density development, and through the efficient re-use of this previously developed site, would not have a detrimental impact on the character of the area. Therefore, the proposed development would accord with policy BCS20.

BCS21 – Quality Urban Design and DM30 – Alterations to Existing Buildings

7.12 Both policies BCS21 and DM30 seek to ensure that new development delivers high quality urban design and architectural treatments. In this regard, those criteria of relevance to a scheme of this relatively minor scale centre upon the need for development to contribute positively to an

⁴ ONS Ratio of House Price Earnings

areas character, clearly defines public and private space and finally maintains residential amenity.

- 7.13 It is noted that the existing property comprises a somewhat sporadic amalgamation of various extensions, that undermine the appearance of the property and also the immediate locality. Therefore, the proposed development seeks to rationalise these *ad hoc* extensions and present a uniform development. With respect to the proposed frontage, the redevelopment of the side extension reads as a subservient extension to the host property, achieved through a step-back and reduced ridge height. Moreover, by the use of matching architectural detailing, in the form of brown roof tiles, with red brick and render finish to the principal elevation and also matching fenestration, the development positively reflects the existing building.
- 7.14 Turning to the side and rear extension, given this turns a corner the development presents an elevation to Embassy Road. Therefore, whilst maintaining subservience to the host property, the extension maintains similar proportions to the host dwelling and also those properties on Embassy Road. Moreover, the building again utilises the material found in both the host property and also the dwellings on Embassy Road, through the use of red brick at ground floor, a first-floor render finish coloured off white, and also brown roof tiles.
- 7.15 With respect to public and private space, delineation between these areas is provided by dwarf walls with planting above. This serves as a soft interface between public and private space, whilst also serving to ‘green’ the development.
- 7.16 Having regard to residential amenity, the proposed residential use is considered compatible with the adjoining residential properties. Moreover, a comprehensive management plan has been included with the application, and which sets out the management procedures for the development. This includes measures for limiting noise and disturbance and also a complaints procedure for local residents in the unlikely event that issues arise.
- 7.17 For the above reasons the development would accord with policy BCS21.

DM2 – Residential Subdivisions, Shared and Specialist Housing

- 7.18 It is recognised in the SADMP that the sub-division of existing accommodation and the supply of shared housing provide an important contribution to people’s housing choice. However, policy DM2 recognises the need to ensure that such development preserves the residential amenity and character of an area, and that harmful concentrations of such accommodation do

not arise. The supplementary planning document: *Managing Development of Houses in Multiple Occupation (November 2020)* (the SPD) provides detailed guidance on how these matters should be addressed, details of which is provided below.

Harmful Concentration of HMO

7.19 **Figure 1** below shows all of the HMOs within circa 100m radius of the property. In relation to establishing whether development would result in a harmful concentration of HMOs, the SPD sets out two methodologies. The first is the ‘sandwich test’ which resists HMO proposals where it would result in traditional forms of housing being sandwiched between HMO accommodation. As can be seen from **Figure 1**, there are no HMOs in the immediate vicinity of the property, therefore the sandwich test would be satisfied.

7.20 The second methodology requires the proposed development not to result in a greater than 10% increase in the number of HMOs within 100m of the property. Again, turning to **Figure 1**, this shows that there are approximately 223 existing dwellings in the vicinity of the property. Of these, 6 are HMOs. Therefore, the addition of a seventh HMO would result in a 3% concentration of HMOs within 100m of the property. This resulting concentration is well within the permissible threshold set by the SPD and is therefore acceptable.

7.21 On this basis it is not considered that the development would result in an over-concentration of HMOs.

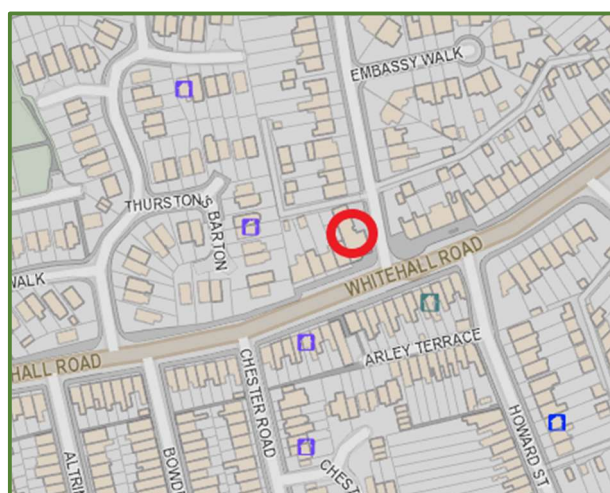


Figure 1: Plan showing number of dwellings and HMOs (purple and green symbols) within 100mm of the property (circled red).

Living Standards, Refuse and Recycling

- 7.22 The SPD requires HMOs to provide sufficient space for everyday activities and which includes appropriate space standards for accommodation. Therefore, to meet these requirements, it is expected that all HMO developments should have regard to the current minimum room standards applied by the council to licensable HMO properties and which requires each bedspace to be at least 6.5m². The smallest bedspace measures 6.5m² and the largest is 10.3m². Average bedspace size is 8.1m². Therefore, the bedspace accommodation is of a sufficient size to enable quality living.
- 7.23 Turning to the communal elements of the proposal, the development would include 66.7m² of communal space (excluding circulation areas) comprising of two good size kitchens (c.12.5m² each) and also a very large living area (42m²). Finally, the development would provide 5 shared bath/shower rooms, distributed across the ground and first floors, plus 3 en-suite shower rooms. This high level of provision will ensure good quality, communal living.
- 7.24 In respect of refuse and recycling, a dedicated bin store has been provided, and which can accommodate sufficient recycling and bin provision that complies with the council's standards. Details of waste management, and the expectations on tenant's will be set-out in tenant welcome packs, and actively monitored by the management team (see management plan).

Cycle and Car Parking

- 7.25 The SPD requires 1 cycle parking space per bedspace, equating to a total need for 20 cycle spaces. This level of provision has been included in the development. With respect to car parking, the core strategy does not set standards for HMOs. Therefore, a transport statement has been included with the application, and which confirms that the three car parking spaces provided with the development, combined with the availability of on-street parking in the immediate vicinity of the development would ensure that the car parking requirements of the development would be met.
- 7.26 Drawing the above together, it is clear that there would not be an overconcentration of HMOs within the locality. On this basis, there would be no reason for the development to cause a disturbance to existing residents especially given that the development will be managed by a dedicated team. The development would also achieve acceptable living for future residents, through the delivery of a high-quality development that exceeds all of the design standards set

by the SPD. On this basis, it is considered that the proposed development accords with policy DM2.

DM23 - Transport Development Management

- 7.27 Policy DM23 requires all new development to not give rise to unacceptable traffic conditions and to ensure adequate cycle and car parking arrangements. Whilst the council has car parking standards, standards are not provided for HMO accommodation. Therefore, an assessment has been undertaken of census information to determine car ownership levels for HMOs. The assessment confirmed a car ownership rate of 0.54, resulting in a theoretical demand for 11 car parking spaces at the development. However, this is considered to be a 'reasonable worst-case scenario' as the site is in a highly sustainable location, within walking distance of all of the services and amenities required for everyday living. Therefore, it is reasonable to assume that the level of parking demand will be less than 11 spaces. However, in the interests of robustness, the needs of the development have been assessed on this basis.
- 7.28 The proposal includes 3 off-street car parking spaces, in the approximate location of existing car parking spaces associated with the existing property. These car parking meet the size standards set by guidance. In respect of the balance of 8 car parking spaces, a car parking survey of the immediate locality has been undertaken to determine the availability of off-street spaces. This assessment has confirmed the availability of 23 off-street car parking spaces. Therefore, the car parking needs of the development can be accommodated without undermining highway safety.
- 7.29 In respect of cycle parking, the council's standards require 1 cycle space per bedspace. In total, 20 covered cycle spaces have been included in the development. Therefore, this requirement has been satisfied.
- 7.30 The development would be located in a highly sustainable location, within walking distance of a wide range of services and amenities. This factor, combined with the measures set-out in the submitted travel plan, would actively encourage a reduction in car ownership. Regardless, the proposal has assumed a reasonable worst-case scenario for car ownership, and demonstrated that car parking can be accommodated at the site and in the local area. The development also satisfies cycle parking standards.
- 7.31 For the above reasons the proposed development accords with policy DM23.

8 Adverse Impacts

- 8.1 It has been demonstrated that the proposal accords with the most important, albeit out-of-date local plan policies, a benefit that carries substantial weight. In addition, the tilted-balance set by paragraph of 11d)ii of Framework also requires an assessment as to whether the adverse impacts of approving development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 8.2 No adverse impacts that would result from the development have been identified.
- 8.3 After establishing the level of harm, in this case none, the next step of paragraph 11d)ii of the Framework is to establish the resulting benefits, thereby enabling the tilted balance exercise to be undertaken.

9 Benefits of the Development

- 9.1 The following benefits would result from the development.
- 9.2 *Compliance with policies* – the proposed development accords with all development plan policies. As a result, the proposal should be granted planning permission. This benefit should be afforded **significant weight**.
- 9.3 *Delivery of 20 bedspaces* – HMO accommodation provides a very important component of housing supply across the city, in a location that is experiencing a critical shortage of housing delivery. Therefore, the delivery of this accommodation is a benefit that should be afforded **significant weight**.
- 9.4 *Architectural improvements* – the property has been subject to a number of extensions that are non-uniform in appearance and detract from the architectural appearance of the property. The proposed development would assimilate the existing *ad hoc* extensions through a single high-quality development. The proposed development would present attractive elevations to both Whitehall Road and Embassy Road, and would be in-keeping with the existing architectural vernacular. The resulting improvements to the streetscene are benefits that should be afforded **moderate weight**.
- 9.5 *Sustainable construction* – through the use of sustainable construction techniques, including the provision of on-site renewable technologies, the proposed development would achieve a

21.8% reduction in CO2 emissions. Given the climate emergency, this benefit should be afforded **moderate weight**.

9.6 *Efficient use of previously developed land* – the redevelopment of this previously developed land with an efficient, and attractive scheme is considered to be a benefit that should be afforded **moderate weight**.

10 The Planning Balance

10.1 After establishing the proposal’s conformity with out-of-date policies, the extent of adverse impacts, and finally its resulting benefits, the planning balance exercise can be undertaken, as shown in **Table 1** below.

Adverse Impacts	Benefits
None identified.	Compliance with the basket of out-of-date policies – significant weight.
	Delivery of 20 bedspaces – significant weight.
	Architectural improvements – moderate weight.
	21.8% reduction to residual CO2 emissions – moderate weight.
	Efficient use of previously developed land – low weight.

Table 1: *planning balance exercise*

10.2 Having regard to the above, it is clear that the adverse impacts of approving the appeal proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, in accordance with paragraph d) of the Framework, the proposal constitutes sustainable development and should be approved without delay.

11 Conclusion

11.1 The council is currently unable to demonstrate a five-year housing land supply, therefore the most important policies relevant to the proposed development are out-of-date and benefit from only limited weight. Notwithstanding this, the proposed development would accord with

all development plan policies and associated supplementary planning documents. On this basis alone, the planning application should be granted permission.

- 11.2 The proposed HMO would provide high quality accommodation for young professionals, with the accommodation exceeding the design standards set by the development plan. This is type of accommodation that plays a critical role in meeting housing need, in an area that currently has a lack of this type of housing. The accommodation would be subject to the requirements of a management plan, which will ensure the appropriate daily running of the development, whilst also providing mechanisms to ensure the wellbeing of residents both of the development, and in the local area.
- 11.3 The scheme would utilise previously developed land, and would maintain a design that is in harmony with the aesthetics of the original property, whilst also respecting the character and appearance of the local area. Therefore, the design of the development is considered to be acceptable.
- 11.4 Given that the council is unable to demonstrate a five-year housing land supply, it ultimately falls for the development to be determined against the tilted-balance set by the Framework. To this end, no adverse impacts have been identified, therefore it must stand that the benefits of the proposal enable the scheme to be defined as sustainable development. Therefore, the application should be approved without delay.