

WARD: Clifton East CONTACT OFFICER: Ben Burke
SITE ADDRESS: 10 Oakfield Place Bristol BS8 2BJ

APPLICATION NO: 15/06287/F Full Planning
EXPIRY DATE: 11 February 2016

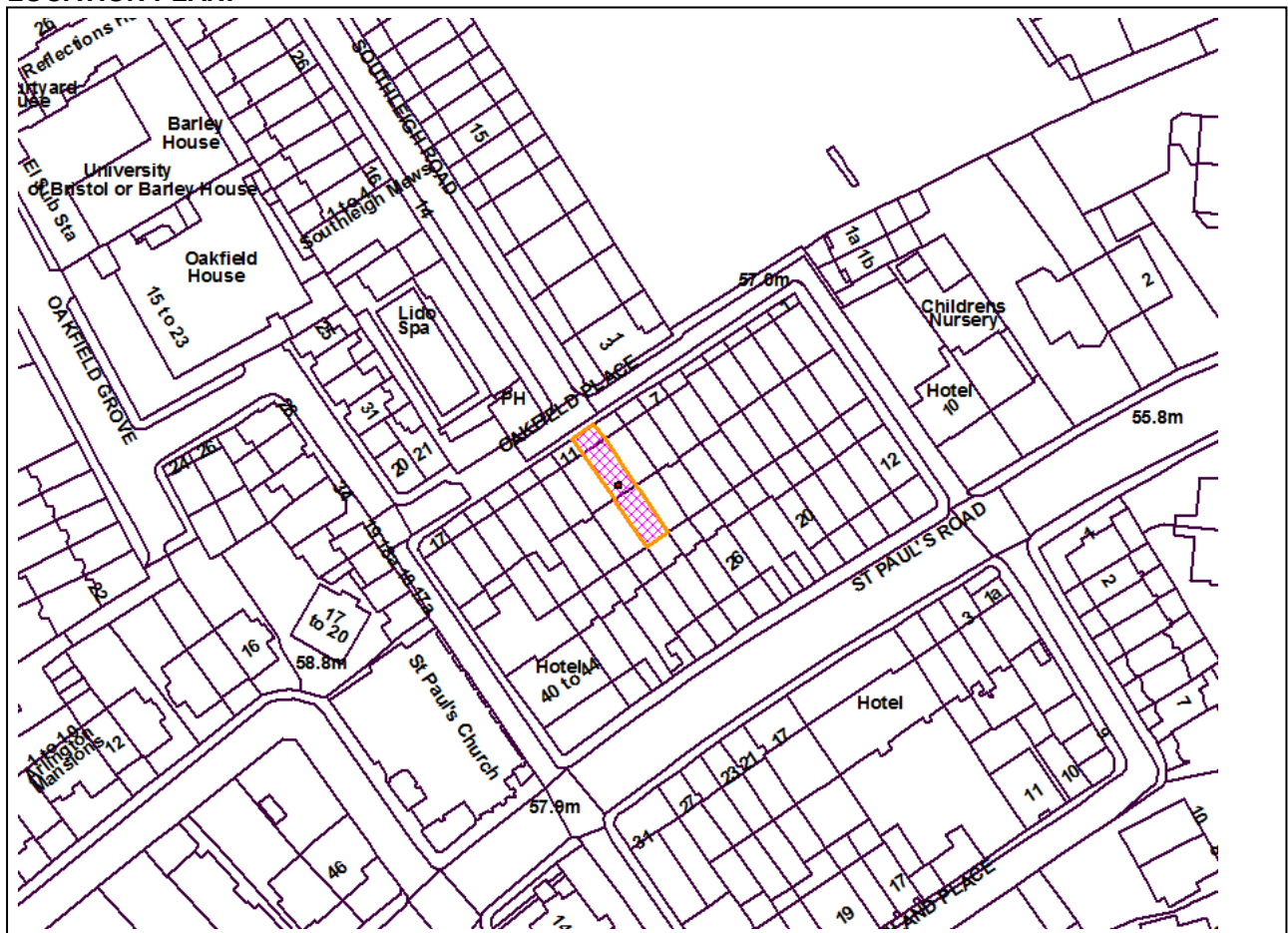
Change of use to a House in Multiple Occupation

RECOMMENDATION: Grant subject to Condition(s)

AGENT: APPLICANT: Mr Peter Cooke
Briery Hall
Longney
Gloucester
GL2 2SW

The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.

LOCATION PLAN:



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SUMMARY

The proposal is for the retrospective change of use of a single dwelling house to a House in Multiple Occupation ((HMO) small scale - C4 Use Class), occupied by 6 persons. Our Noise Team (Pollution Control) has confirmed that there have been 10 complaints concerning noise and disturbance within the street in the last 5 years (since 2011), which is not considered a high level of nuisance and these are not primarily attributed to HMOs. No specific complaints concerning the application property have been reported. On this basis, there is no evidence that HMOs or the application property is resulting in noise, nuisance or disturbance to local residents. Given the property's location within the Clifton East Residents Parking Zone (RPZ) parking is adequately controlled within the area and it is unlikely that the HMO use results in greater parking pressures than a single dwelling house. The proposal would maintain an adequate mix of single dwellinghouses, flats and HMOs within the street and, in the current situation, there is the potential for the property to be changed back to a single dwelling without planning permission. As such, the proposal would not reduce the choice of homes within the area or be detrimental to the achievement of mixed and balanced communities. On this basis, the proposal is considered to be acceptable and officers recommended approval to Members.

SITE DESCRIPTION AND APPLICATION

The property concerned is Grade II listed and located within the Whiteladies Road Conservation Area. It consists of a four storey Victorian property with a basement level and rear garden. Separate refuse/recycling and cycle storage is located at basement level. The application is for the retrospective change of use of a single dwelling (C3 Use Class) to a small scale House in Multiple Occupation ((HMO) C4 Use Class), with an occupancy of 6 persons. The property has been in unlawful use as a HMO by the applicant since August 2015, although they have advised that the property had already been operating under such use for over 5 years. The Council is of the view that the use remains unlawful, which has resulted in this application. The area falls within Clifton East Resident Parking Scheme and, therefore, subject to parking restrictions.

RELEVANT HISTORY

There are no previous planning applications recorded for the property.

EQUALITIES ASSESSMENT

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

RESPONSE TO PUBLICITY AND CONSULTATION

Press notice published, site notice displayed (13.01) and 101 neighbours consulted (26.01) – 31 objections received.

A) Mixed and Balanced Communities:

The percentage of students within the area now exceeds 30%;

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Students account for 50% of the local areas population;
 Oakfield Road and the surrounding neighbourhood already has too many HMOs;
 The property has been an unlawful HMO for some time;
 Families are being pushed out by student accommodation;
 There are very few single houses;
 Given the extent of the student population its growth now needs to be restricted;
 The transient population has reduced the sense of community;
 The property should revert to a family dwelling;
 Oakfield Place presently contains 11 flats and 4 HMOs, a high density of HMOs for a small street.
 2011 census shows that within Clifton East there is a 23.4% occupancy of one bedroom dwellings compared with 13% in Bristol. Oakfield Grove LSOA has 37.3% students compared to 1.9% in Bristol and 9.5% in Clifton East. The proposal would result in an unacceptably high occupancy rate compared with Clifton East and the Oakfield Grove LSO;
 In 2010, when considering whether to implement the article 4 direction, evidence was gathered and it was shown that the Oakfield Grove LSO was in the top 20 list of HMO over the whole of Bristol (5 LSO being in Clifton East, and Oakfield Grove being the highest). Clifton East was the second highest ward for HMOs;
 The proposal is contrary to BCS21 concerning mixed and balanced communities;
 The property is suitable for family accommodation of which there is a shortage.

B) Amenity:

HMOs cause anti-social behaviour;
 HMOs result in a lack of recycling and waste management;
 The storage and collection of refuse is a problem within the street;
 This property has resulted in direct and significant noise and disturbance to my property adjacent;
 Many complaints about noise and anti-social behaviour by students have been made to the police, local residents' organisations and University community officials;
 Each academic year brings loud and inconsiderate students;
 Larger HMO's and houses containing 4 or more students result in uncontrollable noise and anti-social behaviour;
 There are too many HMO's within the area in poor condition, detracting from the area's appearance;
 10 Oakfield Place is extremely noisy and been operating as a HMO for some time;
 The proposal to store refuse on the front patio area would be harmful to the area's appearance;
 It is clear from a visual inspection of the property that it is not being managed properly;
 This property has resulted in noise disturbance to local residents on a number of occasions;

C) Transport:

The high student population has put pressure on the availability of on-street parking;

Other

The application form is undated [this has been substituted with a dated version];
 BCS18 and DM27 requires proposals to achieve adequate levels of amenity for occupants. The applicant's want to accommodate 6 students in the house resulting in a cramped and inadequate living environment for the occupants;
 The property does not need a refuse store as there are communal bins for residents adjacent to St Paul's Church.

Councillor Cara Denyer [Clifton East]:

I have received several pieces of casework on this application from local residents. I am writing to object to this application as it is inconsistent with Bristol Core Strategy 18, intended to ensure that new residential development provides for a range of housing types. It specifically states that "an excess of single forms of dwelling, for example flatted development and subdivisions, will gradually limit housing choice or harmfully erode the mix and balance of a community." (4.18.2).

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Oakfield Place is in an area already dense with Houses of Multiple Occupation (HMOs) and other shared houses, to the extent that I believe granting permission for further HMOs would be detrimental to the mixture of housing stock, and to the amenity of existing residents of the area. Their amenity is affected by the high density of residents in converted HMOs that were not originally intended for the number of people who now live in them, and often do not have sufficient infrastructure, waste and parking facilities, noise insulation, etc. These factors often also affect the quality of life of the residents of the HMOs themselves.

However, I understand that this property has been a de facto HMO for a number of years already. I also note that although there is an Article 4 Direction that covers HMO applications in this area, this document does not specify a threshold (as is the case for Article 4 Directions in other Local Authority areas such as Bath), so although the owner is required to apply for permission, the Committee has limited powers with which to refuse it at present. Some residents in my ward are working towards developing a Supplementary Planning Document to address this issue in the long-term, and I hope that this will be successful.

The Oakfield Resident's Association ORA:

As a resident's association covering the area containing Oakfield Place we would collectively like to strenuously object to this property being given planning permission. It has been operating illegally as an HMO for some time and has been reported by local residents to the police and University Liaison Officer for anti-social behaviour, noisy parties and lack of recycling. The student population in the area has now risen to above that sustainable and is causing much friction with local permanent residents. No more HMOs should be permitted in the area and students should be restricted to smaller properties or large purpose built buildings. We suffer all the academic year from noise, litter and vomit caused by large groups of students.

Further comments:

Interest as a family house is a reflection on price for sale or condition;
 This house has been the scene of a number of noisy parties;
 Gordon Scofield writing on behalf of Bristol University is no longer in their employment;
 There are only 4 single dwelling houses remaining within the street;
 We arranged for the bins to be taken away from this property.

Clifton and Hotwells Improvement Society (CHIS):

The area is already flooded with students. To upset the residential balance in this way is inconsistent with the provisions of BCS 18. This fact seems to have been ignored in all too many instances, to the extreme detriment of the residential amenity of the area. This application should be refused and if, as has been said, it is already being illegally used as an HMO, then enforcement action should be taken.

Community Liaison Officer - University of Bristol:

I am the Community Liaison Officer at the University of Bristol. This office has received no complaints as described by the Oakfield Road Residents Association: Comments for Planning Application 15/06287/F: "and has been reported by local residents to the police and University Liaison Officer for anti-social behaviour, noisy parties and lack of recycling". On checking the records I can find no complaints for this address for the past three years.

OTHER COMMENTS

Pollution Control:

Oakfield Place overall has had 10 noise complaints in the last 5 years (since 2011), but there have been no such complaints specifically concerning 10 Oakfield Place. As such, we raise no objection to the application.

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RELEVANT POLICIES

National Planning Policy Framework – March 2012

Planning (Listed Buildings & Conservation Areas) Act 1990

Bristol Core Strategy (Adopted June 2011)

BCS10	Transport and Access Improvements
BCS18	Housing Type
BCS22	Conservation and the Historic Environment
BCS23	Pollution

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM1	Presumption in favour of sustainable development
DM2	Residential sub-divisions, shared and specialist housing
DM14	The health impacts of development
DM23	Transport development management
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM35	Noise mitigation

KEY ISSUES

(A) WOULD THE HMO AND LOSS OF THE SINGLE DWELLING BE ACCEPTABLE?

Policy BCS18 of the Core Strategy concerns 'Housing Type' 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.' In addition: 'To achieve an appropriate tenure, type and size mix the development should aim to (amongst other things):

- 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.

The supporting text (paragraph 4.18.5), with reference to the evidence provided by the Strategic Housing Market Assessment, comments that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type.' In addition, that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Policy DM2 of the Site Allocations and Development Management Policies concerns: 'Residential Sub-divisions, Shared and Specialist Housing'. The policy confirms that it applies to, amongst other things, 'the conversion of existing dwellings or construction of new buildings to be used as houses in multiple occupation.' It specifies that proposals will not be permitted where the development would harm the residential amenity or character of the locality as a result of four criteria which are set out below. In addition, where the development would create or contribute to a harmful concentration of such uses within a locality as a result of any of two criteria. It also comments 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 this policy comments that whilst making a valuable contribution to the city's housing requirements shared housing can have an impact on residential amenity and the character and housing mix of an area. Specific issues common to both forms of housing can include:

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- Noise and disturbance associated with intensification of the residential use and/or the lifestyle of occupants;
- Pressure for on-street parking;
- A shift from permanent family housing to more transient accommodation;
- Impacts on social cohesion;
- A shift in the character of shops and businesses supporting the community;
- Impact of external alterations;
- Poor waste management.

When making assessments on new development, consideration is to be given to the particular qualities and characteristics of a residential area or residential uses that might contribute to it being an enjoyable or otherwise satisfactory place to live. Harmful concentrations are likely to arise when issues commonly associated with these uses cumulatively result in detrimental effects on these residential qualities and characteristics. Harmful concentrations will also result where the choice of housing is reduced and no longer provides for the needs of different groups within the community. Assessments should consider the relative impacts at street, neighborhood and ward level. The policy contains criteria for the assessment of these issues.

The property is currently a small scale House in Multiple Occupation (HMO) of 6 persons falling within the C4 Use Class. There is a permitted change between C3 (single dwellinghouse) and a C4 use, except (as in this circumstance) there is an Article 4 Directive in place for the area preventing such a change without planning permission. For clarification, a C3 use generally comprises a dwellinghouse occupied by a single person, couple or family (C3a). C4 Use Class consists of a small scale House in Multiple Occupation (HMO) comprising a shared home occupied by between 3 and 6 unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Large scale HMOs have an occupancy in excess of 6 persons (Sui Generis use).

The proposal is therefore assessed against the criteria set out in policy (DM2), as follows:

Criterion i,

1. Levels of activity that cause excessive noise and disturbance to residents

The objectors have commented that HMOs result in noise disturbance and anti-social behavior; and that many complaints about noise and anti-social behaviour by students have been made to the police, local residents' organisations and University Community Officials. Comments are also made that larger HMOs and houses containing 4 or more students result in uncontrollable noise and anti-social behaviour; and the refuse from HMOs within the area is not managed appropriately resulting in litter and refuse within the street to the detriment of its appearance. With specific regard to the property it is commented that the occupants have caused noise disturbance to local residents on a number of occasions and that it is in poor condition, lacking proper maintenance.

The Council's Pollution Control (Noise Team) has confirmed that they have received no complaints concerning the application property, which has been operating as the use subject of this application for some time. In respect of Oakfield Place overall, 10 complaints have been received concerning noise from dwellings during the last 5 years (since 2011). This is not considered to amount to a high level of complaints considering the street is located close to the city centre and opposite a Public House. The complaints concern a mix of properties classed as single houses, flats and HMOs, so are not primarily attributed to HMOs. In respect of noise issues, all such complaints can be reported to the Council's Pollution Control Noise Team, which is able to take action concerning unreasonable noise nuisance/disturbance (statutory level). Given that there have been no specific recorded complaints concerning the application property, there is no formal evidence that this HMO is resulting in noise, nuisance or disturbance to local residents; and the noise complaints in the street are not primarily attributed to HMOs. Therefore, it is considered that the HMO use is not resulting in levels of activity that cause excessive noise and disturbance to residents to warrant refusal on this ground.

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2. Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures

Local residents have objected on the basis that the high student population within the area and street has put pressure on the availability of on-street parking. In response to this, the applicant has commented that the property has one parking permit so does not restrict parking opportunities within the area, and that the occupants use bikes.

Given the parking permit restrictions within the area, it is considered that the use of the property as a single dwelling or flats is unlikely to result in less car ownership for the property, and could potentially result in an increase. It is noted that the current occupants have bikes although the storage does not currently meet the Council's standards. In compliance with the Council's cycle parking standards a condition is proposed requiring 3 secure and covered cycle parking spaces, providing an alternative to car use. On this basis, it is considered that parking associated within the property can be reasonably accommodated or regulated through parking control measures and again does not warrant refusal on this ground.

3. Cumulative detrimental impact of physical alterations to buildings and structures

The retrospective change of use has resulted in no physical changes to the external appearance of the building and it appears to be in reasonable condition as perceived from the street. As such, the use has not harmed the special interest of the listed building or the character, appearance and significance of the Whiteladies Road Conservation Area. As such, refusal is not warranted on this ground.

4. Inadequate storage for recycling/refuse and cycles

The Local Plan Cycle Parking standards require 3 cycle parking spaces. Given the building's listed status and its location within a conservation area, cycle parking within the front garden would be visually harmful and inappropriate; as such, the plans showing the new provision within this area have been withdrawn. An adequate level of cycle parking will be secured by condition, which it is considered can be achieved within the basement store and rear garden. There is communal refuse/recycling storage within the street, therefore, separate provision at the front of the property is not needed, and the plans showing this provision have also been withdrawn. The proposal, subject to conditions, provides adequate storage for recycling/refuse and cycles and refusal is not warranted on this ground

Criteria ii

1. Exacerbating existing harmful conditions including those listed within the above criteria

As there are no recorded noise complaints for the application property, there is no evidence that the HMO use has exacerbated any existing conditions of noise disturbance within the area. Officers can confirm from site visits that the condition and presentation of the property is acceptable. Therefore, the above would not be the case and, as stated above, refusal is not warranted on this criterion.

2. Reducing the choice of homes in the area by changing the housing mix

The Census Data 2011 is hereby outlined for the ward and Lower Super Output Area. Within the Clifton ward and Oakfield Grove LSOA (shown in brackets) houses, flats and Multi-person Households – Full time students account for 19.1% (10.6), 80.9 (89.4) and 9.5 (14.4) of the population. This compares to a Bristol average, taken in the same order, of 65.6%, 34.4 and 1.9. Focusing on Oakfield Place HMOs (including the application property) amount to 29% of properties; flats and dwellings individually comprise 35%; and HMOs and flats together amount to 65%.

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Local residents have commented that the proportion of students within the area is overly high; it contains too many HMOs; there are insufficient single houses and properties suitable for families; and the proposal would not contribute to the achievement of mixed and balanced communities.

As outlined above, there is a high proportion of flats to homes as well as a high level of HMOs in the ward and LSOA; although the street, subject of this application, amounts to a relatively even proportion of properties comprising single dwellinghouses, flats and HMOs (including the application property). In the current situation, the premises has been used, albeit unlawfully, as an HMO for a significant period of time, there is also the ability for the property to be changed back to a single dwelling in the future easily without the need for planning permission. It is therefore considered that the proposal would not reduce the choice of homes in the area by so detrimentally changing the housing mix or the achievement of mixed and balanced communities to warrant refusal in this instance.

(B) WOULD THE PROPOSAL DETRACT FROM THE AMENITY OF LOCAL RESIDENTS?

Issues of noise and the management of refuse and recycling are covered under Key Issue A above. In respect of privacy and overlooking, the dwelling is a terraced property with no windows facing towards the adjacent properties either side and 16m provides adequate separation distance from the adjacent property to the rear. Therefore, it is considered that the proposal does not detract from the amenity of local residents.

(C) DOES THE PROPOSAL PROVIDE AN ADEQUATE LIVING ENVIRONMENT AND LEVEL OF AMENITY FOR ITS OCCUPANTS?

The dwelling has a total floor area of 209sqm and comprises 6 bedrooms a communal kitchen/breakfast room, a shared room (reception room 3) a bathroom, shower room and separate WC. The 'Technical housing standards – nationally described space standards' provides a standard of 129sqm for a 5 bedroom, 7 person, 3 storey property (nearest standard). The application significantly exceeds this standard. Being located within a terrace with a substantial garden the property provides an adequate level of outlook and privacy. Given this, and the access to a private rear garden, the HMO provides an acceptable living environment and level of amenity for the occupants.

CONCLUSION

On the basis of the above, it is concluded that the noise and disturbance within the street is not primarily attributable to HMOs as opposed to other forms of occupancy. The HMO (small scale), the subject of this application, does not result in noise, nuisance and disturbance to local residents; traffic, movement or parking issues within the street and locality; and inadequate refuse storage and littering of the street and area, as set out above. In addition, the use has not detracted from the character and appearance of the street or area, to the detriment of the listed building and conservation area; or reduced the choice of homes in the area by changing housing mix, to the detriment of achieving mixed and balanced communities. Therefore, the proposal is acceptable and compliant with the cited policies, including specifically DM2 concerning shared housing. It is therefore, recommended that a conditional consent be granted.

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

RECOMMENDED GRANT subject to condition(s)

Post occupation management

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

Within three months of the date of this decision, plans and details of secure and covered cycle parking for three bikes shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided within one month of being approved and; thereafter, the cycle parking shall be kept free of obstruction and available for the parking of cycles only.

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

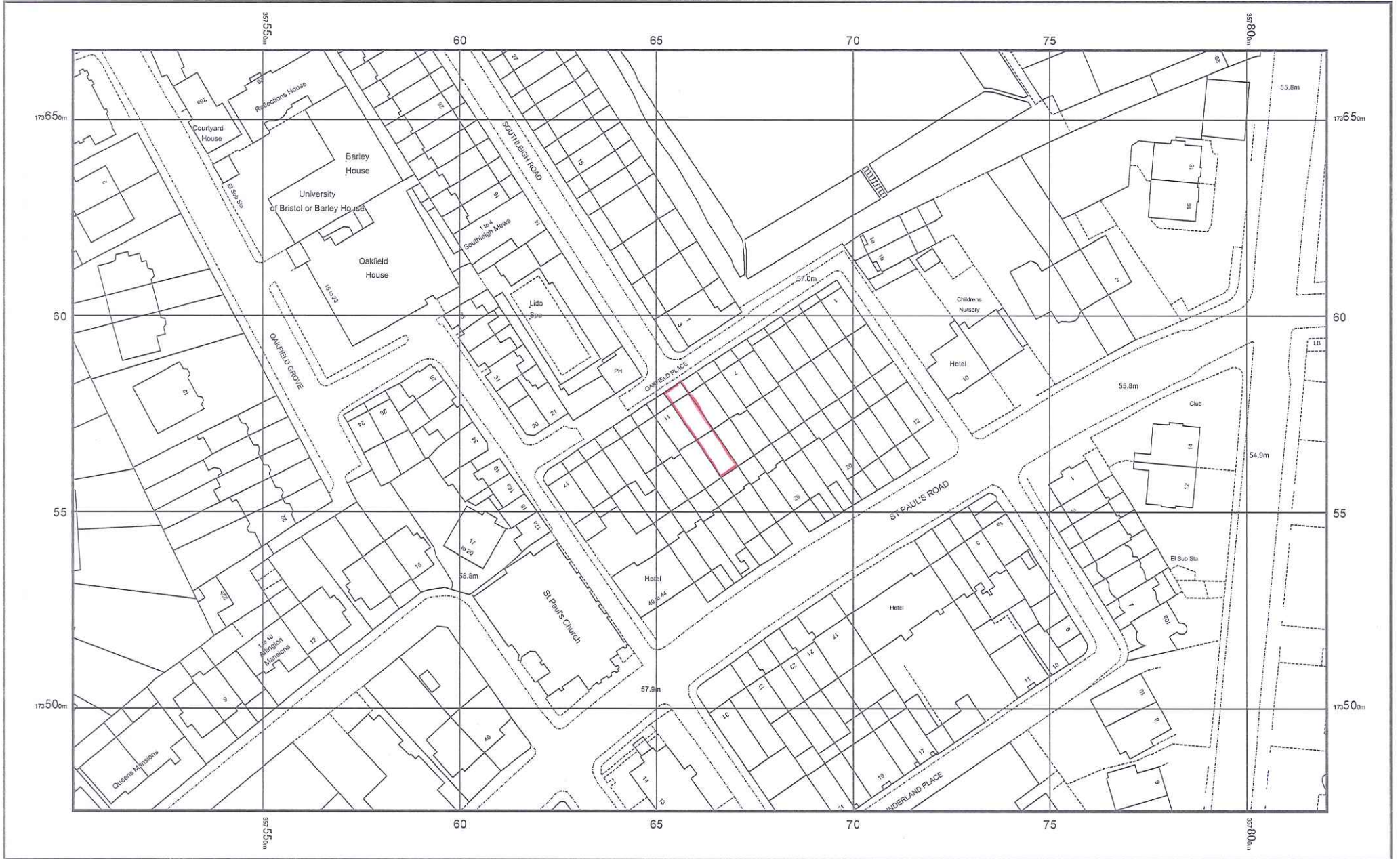
List of approved plans

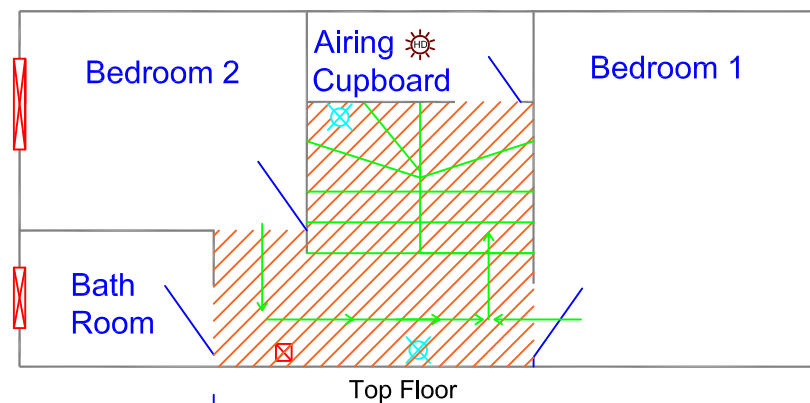
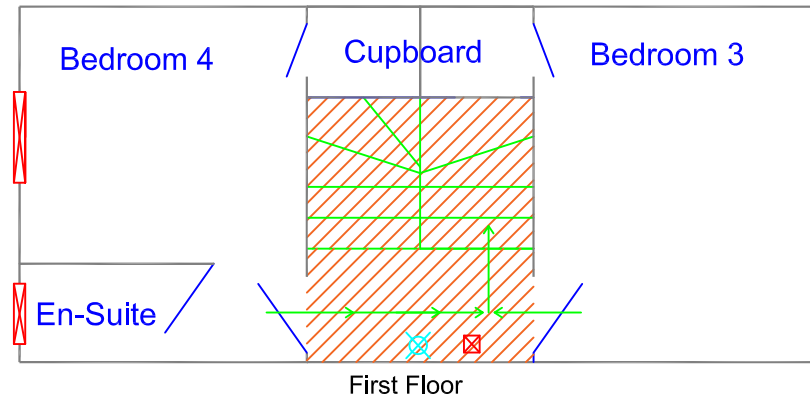
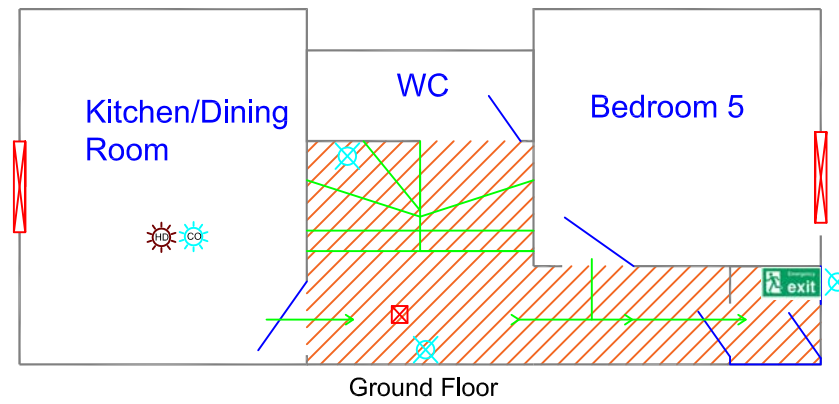
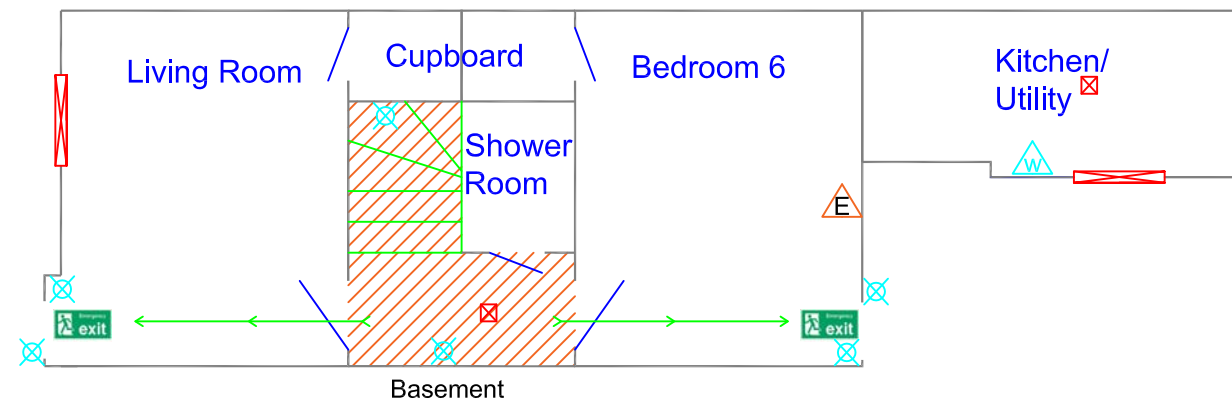
2. List of approved plans and drawings

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.

Existing floor plans, received 17 December 2015
D001 Proposed floor plans, received 15 April 2016
Site location plan, received 17 December 2015

Reason: For the avoidance of doubt.





LEGEND	
	Emergency Lighting
	Heat Detector
	Smoke Alarm
	Emergency Exit
	Carbon Monoxide Detector
	Electricity Shut Off
	Water Shut Off
	Communal Area
	Primary Exit Direction

NOTES		
A	First Issue	01/04/2016
Rev.	Description	Date



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Site: Oakfield Place
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 Bristol
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Client: Peter Cooke

Title: Emergency Escape Plan

Scale: 1:100 @ A3 Drawn By: JH

Contract No. N/A Dwg No. D001

