

WARD: Bishopston & Ashley Down

SITE ADDRESS: 21 Oak Road Bristol BS7 8RY

APPLICATION NO: 21/05341/F Full Planning

DETERMINATION DEADLINE: 31 May 2022

*Change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (Use Class C4), with associated cycle and refuse/recycling storage.*

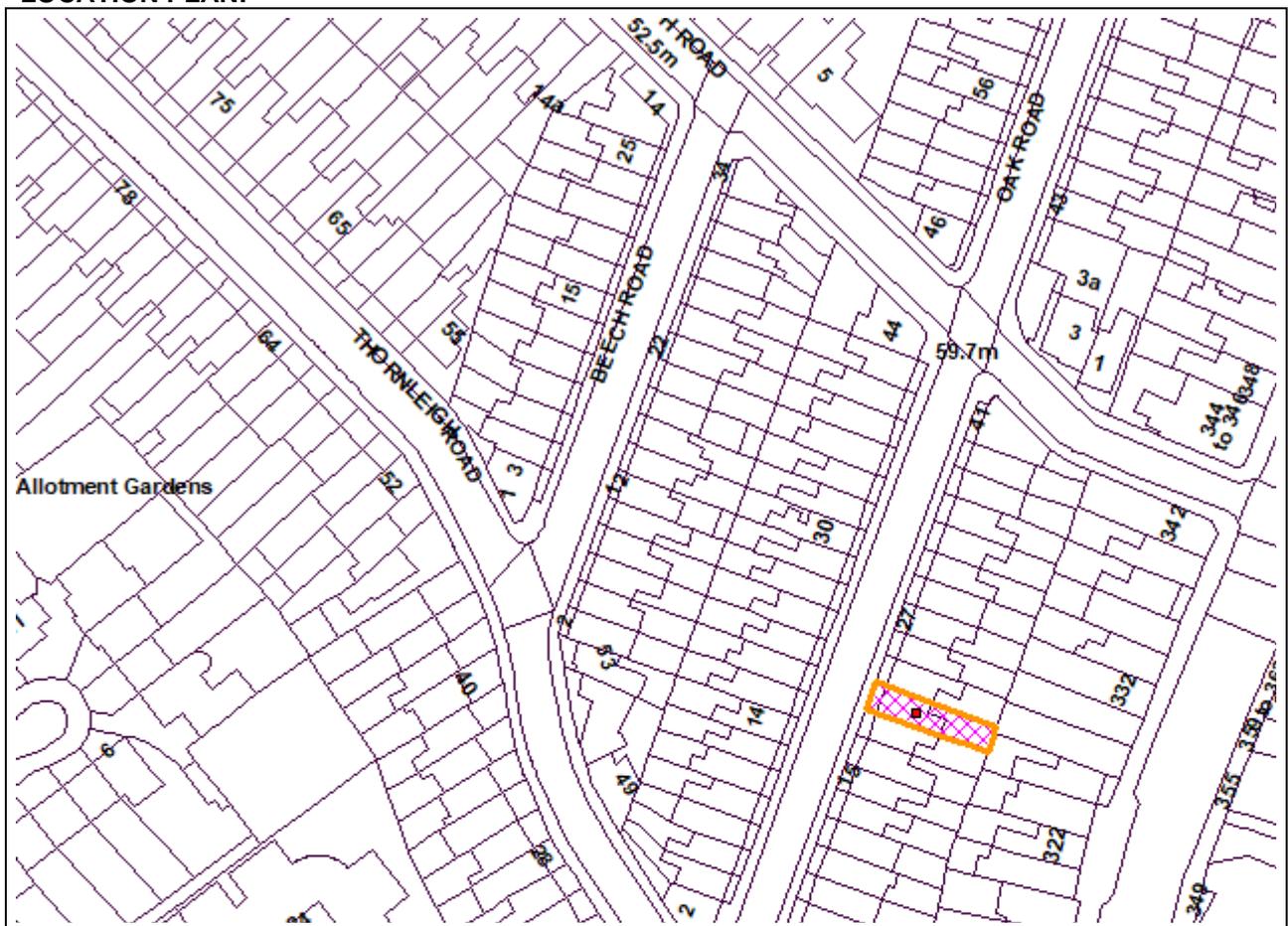
RECOMMENDATION: Other

AGENT: Planning Ventures Ltd  
52 Jubilee Road  
Knowle  
Bristol  
BS4 2LP

APPLICANT: Mr N Green

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

LOCATION PLAN:



**Development Control Committee B – 14 September 2022**  
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**Report to Committee following deferral of application at Development Control Committee B on 18<sup>th</sup> May 2022.**

## **BACKGROUND**

Members originally considered this application at the Development Control Committee B meeting which took place on 18<sup>th</sup> May 2022. The Committee report from that meeting is attached to this addendum.

At the meeting, Members raised concerns regarding the number of HMOs in the immediate area and the number of unlicensed HMOs which are not counted within the two data-sets used to calculate the total number of HMOs in the area. It was apparent from public objections and statements that a number of other properties may be in use as unlicensed HMOs, particularly No. 23 Oak Road, which would result in a sandwiching effect on Number 23 Oak Road if this application were granted.

These were as follows:

- A. Impact on the amenity of the area / Sandwiching / Further information on the number of HMOs
- B. Transport / Parking

The Committee resolution was that these issues should be looked at by Officers before being brought back to Committee for a decision.

The applicant however notified planning officers on 13<sup>th</sup> July 2022, that they had submitted an appeal against non-determination to the Planning Inspectorate. The reference for the appeal is APP/Z0116/W/22/3303057 and we are currently awaiting the 'Start Letter' confirming the appeal is valid and setting out the appeal timetable. From the appeal information that was forwarded to the Council by the applicant, we are aware that the appellant has chosen the written representation format.

An appeal against non-determination is made when the statutory period for the Council to make a decision has passed and the applicant decides to place the application in the hands of the Secretary of State for Levelling Up, Housing and Communities (via the Planning Inspectorate).

In appeals against non-determination, the Council is required to put forward to the Planning Inspectorate, reasons on which the planning application would have been refused if a decision had been taken, in order that the Planning Inspectorate may consider the merits of the application and reach a decision on the appeal.

## **RESPONSE FROM PUBLICITY AND CONSULTATION**

Following the Committee meeting on 18<sup>th</sup> May 2022, two further objections have been received. Similar concerns were raised to those set out in the summary of the grounds for objection in the Committee report for the 18<sup>th</sup> May 2022 meeting.

## **REASONS FOR REFUSAL**

- A. Impact on the amenity of the area / Sandwiching / Further information on the number of HMOs

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Members raised concerns that public representations had been made about No. 25 Oak Road being in use as an HMO. It has been confirmed that No. 25 Oak Road was not in use as an HMO, with only two people occupying the property. The property has had either a joint tenancy (two people) or single tenant for more than two years.

However, since the decision to defer the application, three more HMOs have been licensed within the immediate area of the application site. One of these is at No. 15 Oak Road. It is understood that this property license started on 13<sup>th</sup> June 2022. This would therefore now result in a sandwiching effect on Nos. 17 and 19 Oak Road were this application to be granted planning permission at this time. As such, this is a material change in circumstance and consequently, a refusal would now be warranted on the grounds of a sandwiching effect on those properties.

Turning to the HMO threshold assessment, the report for the Committee on 18<sup>th</sup> May 2022 noted that at that time, 7.78% of properties within 100 metres of the application site were in use as HMOs. This figure was based on an output from the Council's software used to calculate the proportion of dwellings that are in use as HMOs within any given 100 metre radius of the application property or site.

It appears that following the Committee on 18<sup>th</sup> May 2022, 7 further HMOs have now been identified through licensing within 100m of the application site. Therefore, using the software and running the same calculation again now, results in a concentration of 11.98% of properties within 100 metres of the application site being used as HMOs.

The 'Managing the development of houses in multiple occupation' SPD (Adopted 3 November 2020) states 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 100 metre radius of the application property or site are unlikely to be consistent with Local Plan policy.'

Having regard to the additional licensed HMOs and the change in circumstances since the 18<sup>th</sup> May 2022 Committee resulting in more than 10% of properties now being in HMO use, it is considered that the application could now also be refused due to a harmful concentration of HMOs in the immediate area.

#### B. Transport / Parking

During the determination period, BCC Transport Development Management (TDM) Team requested a parking survey be undertaken. This was completed and submitted by the applicant and reviewed by TDM. It was determined that the application would not warrant refusal on transport grounds.

#### **EQUALITIES ASSESSMENT**

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

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This assessment has been carried out in accordance with the Council's Equality Objectives and in compliance with the Public Sector Equality Duty.

**RECOMMENDATION**

To resolve that, if the Committee had the power to determine the application, it would REFUSE planning permission on the grounds of a sandwiching effect on Nos. 17 and 19 Oak Road caused by the existence of a new HMO License granted to Number 15 Oak Road on 13<sup>th</sup> June 2022 and a harmful concentration of HMOs in the immediate area as set out in the HMO SPD (2020) which would have a detrimental impact on the amenity of the area. The application would therefore be contrary to the Council's 'Managing the development of houses in multiple occupation' Supplementary Planning Document (2020); Policy DM2 of the Site Allocations and Development Management Policies (2014) and the National Planning Policy Framework (2021).

## **Supporting Documents**

**5.** 21 Oak Road

1. Previous committee report – 18<sup>th</sup> May 2022

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## SUMMARY

The application seeks planning permission for the change of use of No. 21 Oak Road from a residential dwelling (use class C3) to a six-person single occupancy House of Multiple Occupation (HMO) (use class C4).

The key issues raised by the application are whether the location is suitable for an HMO and an assessment of the potential impacts on the amenity of neighbouring residential properties.

Initially, the application was for an eight person HMO (Use Class Sui Generis). Further alterations to the initial proposal is the reinstatement of a natural lawn rather than AstroTurf as originally proposed, the removal of fixed furniture from the garden and revised bin storage to provide sufficient facilities for a six person HMO.

The application has been called into Committee by Councillor Edwards. The reason for referral is the high number of objections, that the property is too small for eight people, that there is not enough parking space and that it will create too much disruption to the street and neighbourhood at large.

## SITE DESCRIPTION

The application site is a four bedroomed mid-terraced dwelling located on the east side of Oak Road within the Bishopston and Ashley Down Ward of Bristol. The property has been extended with a wrap-around rear single storey extension and an additional storey following planning permission granted in 2019.

The street runs parallel to Gloucester Road, a designated Primary Shopping Area and Town Centre. It is not within a Conservation Area.

## APPLICATION

Planning permission is sought for the change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 6 residents (C4), with associated cycle and refuse/recycling storage.

Please note that the scheme has been revised with the application initially being for the change of use from residential dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) for up to 8 residents (Sui Generis), with associated cycle and refuse/recycling storage.

## RELEVANT PLANNING HISTORY

19/03113/H: New single storey ground floor rear extension and new mansard roof extension to create a 3 storey 4 bedroom property including some minor external alternations to the front elevation. GRANTED subject to conditions on 20.09.2019.

20/01702/NMA: Application for a non-material amendment following grant of planning permission granted under app.no. 19/03113/H - New single storey ground floor rear extension and new mansard roof extension to create a 3 storey 4 bedroom property including some minor external alternations to the front elevation - proposed changes to elevations, including front roof ridge and front/rear parapets, affecting the mansard roof design. AGREED on 28.04.2020.

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RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties were contacted by letter with a deadline to respond of 06.12.2021. Site and press notices issued with expiry date of 10.11.2021.

Following revision of the scheme to a reduced number of occupants and minor changes to the bin store arrangements and garden area, a 14 day reconsultation letter to all neighbours and respondents was issued with a deadline to respond of 25.04.2022.

Due to the Planning Online section of the Council website being down for 5 days during the reconsultation period, responses up to the 09.05.2022 have been accepted.

In total, 228 objections were received to the initial scheme, of which it appears that we have received multiple submissions from some individuals.

163 objections were received initially.

A further 65 objections were received following reconsultation on the proposal for a reduced number of occupants.

Two representations have been made in support of the application. One of which was received from the applicant.

Given the high number of objections, the key reasons for objection are summarised below. Full comments can be found on the application file.

- Parking pressure in the street and immediate area.
- Parking survey is inadequate, should have been conducted over longer period.
- Highway safety.
- Noise, antisocial behaviour, pollution.
- Will be used for student accommodation.
- Lack of family homes in Bristol.
- Loss of community, fabric of area changing with .
- Already a harmful concentration of HMOs in the area.
- Overconcentration of people in the property.
- Inadequate bin/recycling provision.

The reasons given in support of the application are summarised as follows:

- There is a need for homes for young professionals that cannot afford to rent entire properties.
- Application helps to address the affordable housing imbalance for young professionals.
- Application accords with relevant planning policies and guidance.
- There is no harmful concentration of HMOs in the area.
- Young professionals want to be part of the community.
- The property would be fully licensed and managed.
- The number of occupants would be the same as the previous family occupants (6 persons).
- The property is in a highly sustainable area with good public transport links and cycle storage.
- If there are parking pressures, potential occupiers with cars would not choose to live where they cannot park.
- The property will benefit from sound insulation measures.

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ELECTED MEMBER RESPONSE:

Councillor Emma Edwards, Ward Councillor for Bishopston and Ashley Down commented on the application as follows:

‘There has been a lot of upset and objections from neighbours in Oak road about this application for the property to be turned into an HMO; that the house is too small for 8 people, that there isn’t the parking space, that it will create too much disruption to the street and neighbourhood at large. I have received many emails in relation to this application and because of the strength of feeling it has created I believe it needs to come to the committee.’

OTHER COMMENTS:

The Pollution Control Officer has commented as follows:

Initial comments (dated 20.12.2021)

‘Whilst I appreciate that permission was granted to extend this property from a 2 bedroom house to a 4 bedroom house The conversion to a 8 person HMO does appear to give a significant intensification of residential use here and I have concerns that this intensification of could lead to an increase in the potential noise nuisance from the property, particularly to the adjoining neighbours.

Usually for such applications I would want to see information as to how the property will be managed in order to control any noise or antisocial behaviour from residents. Without any such information I find it difficult to make a fully reasoned judgement on this application.

As well as the overall intensification of residential use at the property also have concerns over the potential for noise from the communal area on the ground and hallways and staircases which are on the party wall with the adjoining property. With the increased numbers of residents at the property there will be the potential for noise from the use of the communal areas particularly if there is insufficient sound insulation to these rooms. There is also a proposed new en-suite bathrooms on the ground and first floors with have the potential to lead to noise issues for neighbouring property.

I would therefore really need to see further information provided as part of the application with regards to sound insulation between the proposed HMO and the neighbouring properties. If however you are minded to grant the application I would ask that the following condition be applied to any approval:

1. Noise insulation

Due to the increased numbers of occupants of the property, prior to the commencement of any development, an assessment , including any appropriate scheme of mitigation measures, for the transmission of noise between the following areas and the adjoining residential property has been submitted to and approved in writing by the Council.

Ground floor communal areas and Ground/first floor staircase Any new en-suite bathrooms on party walls

The assessment shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings. Any approved scheme of mitigation measures shall be implemented prior to the commencement of the use and be permanently maintained thereafter.’

Further comments following submission of further details on sound insulation and a Management Plan (dated 04.05.2022):

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'I've looked through the further information submitted and this does allay my concerns from my previous comments.

It would appear from the information provided that the HMO will have a management regime in place and the insulation to the party walls has already been upgraded removing the need for my previously suggest sound insulation condition.

I therefore feel that I no longer have any grounds to object to this application and would not ask for any conditions should it be approved.'

The Transport Development Management Officer has commented as follows:

Initial Comments (dated 20.12.2021):

'Principle

The applicant proposes to convert the existing house into an eight bed HMO. Given the pressure for on-street parking and the insufficient waste and cycle storage arrangements, Transport Development Management (TDM) recommend that it be refused.

Transport Note

A Transport Note has been submitted setting out that the site is in a sustainable location due to its being adjacent to one of the cities strategic bus corridors which is served by the T2, 72, 73, 75, and 76 routes. The note goes on to describe parking, cycle and waste storage arrangements, concluding that there is no transport reason why the proposal should be refused. TDM does not agree with this analysis for the reasons set out below.

Car Parking / Cycle Parking

No off-street parking is possible. The Transport Note sets out the following: "The car parking requirements of Development Management Policy DM23 are noted (1.5 spaces per 3+bedroom dwelling) and this can be accommodated within on-street provision. It should not be assumed that all 8 occupants will own cars, particularly given the target audience and the sites extremely sustainable location (see above)". No evidence has been submitted to support this assertion. An analysis of car ownership data for the Bishopston & Ashley Down Ward using data from the 2011 census must be carried out and then a parking survey conducted using the Council's methodology to indicate whether there would be sufficient on-street parking for the number of vehicles that may be generated by the proposals. In respect of cycle storage the applicant proposes to place a single Sheffield Stand in the front garden for visitors and two fully enclosed cycle stores, constructed from timber measuring 2.2m wide x 1.2m deep x 1.35m high, each able to accommodate four cycles, equating to a total of eight cycles. Whilst the amount of storage would be policy compliant the location would mean residents would have to carry their cycles through the property which they may not be physically strong enough to do, thereby dissuading them from using it and secondly that it may result in mud or water being deposited on the floor.

Waste

The applicant proposes to provide a high level closable timber structure measuring 1.5m wide x 1m deep x 1.2m high. This will be able to accommodate one x 360ltr bin for refuse, two x 25ltr kitchen waste bins and four x 40ltr recycling boxes. This does not comply with Waste and Recycling: Collection and Storage Facilities – Guidance for Developers, Owners and Occupiers which sets out that for every three bedrooms there must be one full set of containers. Thus for eight bedrooms the site requires three x 180ltrs bins, three x 44ltrs recycling boxes, three x 55ltrs recycling boxes, three x

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25ltrs kitchen waste bins and three x 90ltrs cardboard sacks. As a result the proposed refuse storage arrangements must be revised.

#### Recommendation

Due to the failure to provide any evidence that there is sufficient on-street parking to support the likely number of vehicles that will be generated by the site; the inadequate cycle storage which will be difficult to utilise as residents will be forced to carry their cycles through the property and the waste storage which does not have sufficient storage capacity, TDM recommends that the application be refused on the basis that it fails to comply with:

- Bristol Development Framework Core Strategy – Policies – Adopted June 2011
- Policy BCS10: Transport and Access Improvements
- Policy BSC15 Sustainable Design and Construction
- Bristol Local Plan – Site Allocations and Development Management Policies – Adopted July 2014
- Policy DM2: Residential Sub-divisions, Shared and Specialist Housing
- Policy DM23: Transport Development Management
- Policy DM32: Recycling and Refuse Provision in New Development

Further comments following submission of further evidence including parking survey and revisions to the bin storage (dated 07.04.2022):

#### Principle

The applicant proposes to convert the existing house into a five bed HMO. Following the applicant demonstrating that there is on-street parking available Transport Development Management (TDM) considers the application acceptable on highway safety grounds.

#### Transport Note

A Transport Note has been submitted setting out that the site is in a sustainable location due to its being adjacent to one of the cities strategic bus corridors which is served by the T2, 72, 73, 75, and 76 routes. The note goes on to describe parking, cycle and waste storage arrangements, concluding that there is no transport reason why the proposal should be refused.

#### Car Parking / Cycle Parking

No off-street parking is possible. The Transport Note sets out the following: “The car parking requirements of Development Management Policy DM23 are noted (1.5 spaces per 3+bedroom dwelling) and this can be accommodated within on-street provision. It should not be assumed that all 8 occupants will own cars, particularly given the target audience and the sites extremely sustainable location (see above)”. Prior to this application consent was given for the site to be increased to four bedrooms on the basis that it could generate up to two vehicles. As this methodology was previously agreed, it must be taken into account as part of this application. At the request of TDM a parking survey was conducted of Oak Road, Ash Road, Beech Road, Thornleigh Road and Merton Road. The first survey consisted of an overnight snapshot and was carried out on Tuesday the 1st of March 2022 from 10pm to midnight. The second survey which consists of 15 minute snapshots as well as an overnight snapshot was conducted on Wednesday the 2nd of March 2022 from 7.30am to 9am, 5.30pm to 7pm and 10pm to midnight. The surveys found that from 10pm to midnight, when most residents were likely to be at home, there were hardly any free parking spaces within the five streets surveyed.

Out of 150 spaces recorded there were just three free spaces on the 1st of March (two of which were on Oak Road) and two free spaces on Wednesday the 2nd (one of which was on Oak Road). During the AM peak there were up to a maximum of 23 free spaces, although this is likely due to residents

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travelling to work, as during the PM peak this reduced to a maximum of eight free spaces. Whilst the survey indicates that overnight there is limited parking, it would be sufficient to accommodate the number of vehicles likely to be generated, especially when taking into consideration the parking that is available on Gloucester Road (A38) itself which overnight provides 23 spaces. Vehicles can park on Gloucester Road during the day although they must observe waiting restrictions that are in place from 7am to 9.30am and 4.30pm to 6.30pm Monday to Friday. Outside of these times up to 10 vehicles can park. In addition to the waiting restrictions there is also a marked bay where up to 13 vehicles can park for free for up to a maximum of one hour from 9.30am to 4.30pm Monday to Friday and 8am to 6pm on Saturdays.

Whilst the waiting restrictions would require residents to leave by 7am and not return until either 9.30am or 6.30pm, the parking can be taken into consideration. On this basis TDM considers that sufficient parking can be provided. However, given the number of objections raised on account of parking, if the planning committee were so minded, Advice I045A Restriction of parking permits – future controlled parking zone/residents parking scheme, could be applied. This would prevent any future occupiers from obtaining permits should a controlled parking zone/residents parking scheme be installed in the future. In respect of cycle storage the applicant proposes to place a single Sheffield Stand in the front garden for visitors and two fully enclosed cycle stores, constructed from timber measuring 2.2m wide x 1.2m deep x 1.35m high, each able to accommodate four cycles, equating to a total of eight cycles. Whilst the location is not ideal as residents would have to carry their cycles through the property the principle has been accepted on other similar applications and TDM therefore must consider it to be policy compliant.

#### Waste

The applicant proposes to provide a high level closable timber structure measuring 1.5m wide x 1m deep x 1.2m high. This will be able to accommodate one x 360ltr bin for refuse, two x 25ltr kitchen waste bins and four x 40ltr recycling boxes. To meet Waste and Recycling: Collection and Storage Facilities – Guidance for Developers, Owners and Occupiers, in addition to the refuse, kitchen waste bins and two of the recycling boxes, storage must also be provided two x 55ltrs recycling boxes and two x 90ltrs cardboard sacks.

#### Recommendation

Providing the proposed waste storage is enlarged, TDM considers the application to be acceptable on highway safety grounds.

#### Conditions

C5A Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

C13 Completion and Maintenance of Cycle Provision – Shown

#### Advices

I043A) Impact on the highway network during construction

I045A) Restriction of parking permits – future controlled parking zone/residents parking scheme'

#### RELEVANT POLICIES

Managing the development of houses in multiple occupation SPD - November 2020

National Planning Policy Framework – July 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central

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Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017. In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

**KEY ISSUES:**

**A. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN PRINCIPLE IN LAND USE TERMS?**

Planning permission is sought for the conversion of the existing terraced dwelling into a House of Multiple Occupation (HMO) for up to six single persons (Use Class C4). The existing property is residential in nature, consisting of a single dwelling, and is located in a residential area.

There is an Article 4 Direction in place covering the application site which removes permitted development rights to convert a residential dwelling (use class C3) into a small house in multiple occupation (use class C4). This removal of permitted development rights does not suggest that all HMOs are inappropriate, only that they should be assessed against national and local adopted policy.

Policy DM2 (Residential Sub-divisions, Shared and Specialist Housing) in the Site Allocations and Development Management Policies (2014) explains that proposals for the conversions of existing residential properties to HMOs will not be permitted where the development would harm residential amenity or the character of the locality.

General Criteria section (ii) does not permit new HMOs or the intensification of existing HMOs where development would create or contribute to a harmful concentration within a locality. The policy identifies a harmful concentration as a worsening of existing harmful conditions or a change to the housing mix that reduces housing choice. This is expanded upon in the recently adopted 'Managing the development of houses in multiple occupation' SPD (Adopted 3 November 2020).  
**Sandwiching Effect**

The 'Managing the development of houses in multiple occupation' SPD (November 2020) states that 'proposals for the introduction of 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'. It sets out that the following are sandwiching situations:

1. Up to three single residential properties in a street located between two single HMO properties;
2. Single HMO properties in any two of the following locations: adjacent, opposite and to the rear of a single residential property;
3. A residential flat within a sub-divided building where the majority of flats are HMOs.
4. A residential flat within a sub-divided building in a street located between two other sub-divided buildings with at least one HMO flat in each building;
5. A residential flat within a sub-divided building located between two HMO flats above and below;
6. A residential flat within a sub-divided building located between two HMO flats on both sides;

The SPD goes on to explain that 'variations of these sandwiching situations may also occur. Sandwiching situations apply irrespective of limited breaks in building line, such as a vehicular or pedestrian access, apart from a separating road.'  
 Oak Road is split into two sections by Ash Road. In this instance, there are already licensed HMOs at Nos. 1, 9, 29 and 44 Oak Road to the south of the Ash Road junction and Nos.85 and 92 Oak Road are in use as licensed HMOs to the north of the junction. Of the 97 properties on Oak Road, a total of 6 are HMOs.

**Sandwiching Assessment.**

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There are two HMOs on the west side of Oak Road south of the Ash Road junction. The application site would leave four properties to the north between the proposed HMO and the existing HMO at No. 31 Oak Road and five properties to the south between the proposed HMO and No. 9 Oak Road. There are no HMOs immediately opposite or to the rear of neighbouring properties. Consequently, there are no concerns with regard to sandwiching.

#### HMO Threshold Assessment

The 'Managing the development of houses in multiple occupation' SPD (Adopted 3 November 2020) states 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 100 metre radius of the application property or site are unlikely to be consistent with Local Plan policy.'

It goes on to say that 'the 100 metre radius is given to represent the immediate neighbourhood and is measured from a point within the application property or site as defined by the Local Land and Property Gazetteer (LLPG). Dwellings on the edge of the 100 metre radius will only be included if the property point, as defined by LLPG, falls within the radius.

When considering applications the Council's Development Management service will use Bristol City Council software to calculate the proportion of dwellings that are occupied as HMOs within any given 100 metre radius of the application property or site.

This calculation has been made and confirms that 7.78% of properties within 100 metres of the application site are already in use as licensed HMOs. Consequently, the application is considered to be acceptable in terms of the principle of development.

#### B. MIXED AND BALANCED COMMUNITIES

Several objections have been received relating to the loss of a family dwelling and harm to the local community as a result of an additional HMO in the area.

Section 5 of the NPPF(2021) reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities". Paragraph 4.18.5, with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Further to this, Site Allocations and Development Management Policy DM2 (2014) states that proposals for the subdivision of existing dwellings to flats will not be permitted where the development would create or contribute to a harmful concentration of such uses within the locality as a result of reducing the choice of homes in the area by changing the housing mix.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. Under these circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind, an overly prescriptive approach to the housing mix would not be appropriate. However it is possible to identify broad housing issues that are applicable to many neighbourhoods. With regard to HMOs, assessment is now based on the

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calculations set out within the adopted 'Managing the development of houses in multiple occupation' SPD (2020).

The proposal seeks permission to subdivide the property to create four single occupancy bedrooms and one double bedroom within the property. All bedrooms, along with the kitchen and communal living space would meet the minimum space standards required. Further, adequate secure and covered bin and bike storage will be provided.

Whilst the loss of a single family dwelling in this area is regrettable, in this instance it is recognised that the property is of a considerable size and can satisfactorily accommodate a six person HMO.

There would not be an overconcentration of HMOs in the area, or on the street itself and given the sustainable location adjacent to a designated town centre where higher population densities are expected, the application is considered acceptable with regard to mix and balance of the community in this instance.

**D. DOES THE PROPOSAL PROVIDE A SATISFACTORY LEVEL OF RESIDENTIAL ACCOMMODATION OR HARM THE AMENITY OF SURROUNDING PROPERTIES?**

The adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

Site Allocations and Development Management (2014) Policy DM2 states that sub-division of residential dwellings would not be permitted where 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, cumulative detrimental impact of physical alterations to buildings or inadequate storage for recycling, refuse or cycles. 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.

With regard to HMOs, the 'Managing the development of houses in multiple occupation' SPD (2020) sets out the requirements for space standards and adequate provision of amenity.

Policy DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, daylight and usable private or communal amenity space, defensible space, parking and servicing where necessary. Policy DM14 in the same document requires developments to deliver a healthy living environment.

**Amenity for Future Occupiers**

The proposal seeks permission to subdivide the property into a six single occupancy bedrooms within the property. Each bedroom benefits from sufficient natural light and all rooms meet the nationally described minimum space standards for single and double occupancy rooms as per the plan specifications. There is sufficient kitchen and combined communal space to meet those standards. Further, adequate secure and covered bin and bike storage will be provided. Adequate waste and recycling provision will be made for all occupants and all occupants will benefit from a cycle parking space.

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Amenity for Neighbouring Properties

The applicant has confirmed in their Planning Statement that the property was most recently occupied by a family of six, with the current application, upon revision, there would be no net increase in the number of occupants of the property, though the conversion of the ground floor lounge into a bedroom would result in a net increase of one bedroom.

Concerns have been raised with regard to noise, litter, antisocial behaviour, the property being used as student accommodation as a result of the conversion of the property from a family dwelling to an HMO. The property would remain residential in nature and use of the property and outdoor amenity space would therefore be of a similar nature to any other residential property.

Planning applications must be assessed on land use and not current or potential occupiers. Whilst concerns have been raised about the potential for students to occupy the property, the proposal is for an HMO of up to six people. Further, the applicant has confirmed that the property will be let to professionals and not to students. This is set out in the Planning Statement and Management Plan, however who occupies the property is not something that the Local Planning Authority could control through a condition. It is also noted that occupiers of family dwellings could potentially cause unneighbourly or excessive noise.

Following the high level of objections received, the case officer requested confirmation of any noise mitigation measures proposed for the property and a management plan.

The applicant has confirmed that the internal layout of the property will be configured to minimise noise disturbance and the following measures are incorporated in the plans:

- Sound reduction measures within floor & wall build-up's as precautionary mitigation throughout the house;
- The kitchen/communal living area is located in the rear extension (where it does not adjoin habitable rooms);
- All bathroom/ensuite plumbing not to be fixed to the party walls;
- Sound-deadening material fitted to the stair treads and tiling underlay in the hall, kitchen and lounge;
- Soft closures added to all doors
- Triple glazing installed throughout.
- 

Given the measures outlined, it is considered that the properties with shared party walls will be suitably protected from any unacceptable noise and the Pollution Control Officer has confirmed that initial concerns have been sufficiently addressed.

In addition, following Case Officer advice, proposals to AstroTurf the garden and the addition of fixed garden furniture encouraging residents to sit outdoors have been removed from the plans. Use of the garden by occupants is considered to be similar to that of a family garden in a residential neighbourhood. Further, the nature of an HMO is for individuals to rent rooms, and not a multiple person let to a group of individuals at any one time. Given the nature and scale of the use proposed, it is therefore considered that any use of the garden areas would likely be commensurate with surrounding residential uses.

Given the above, it is considered that the change of use of the property from a single family dwelling to a small HMO for up to six occupants would not result in unacceptable harm to the amenity of neighbouring properties with regard to noise or odour.

There are no alterations to the envelope of the property proposed. It is consequently considered that no harm to neighbouring properties by way of overbearing, overlooking, loss of light or loss of privacy will result from the proposed development.

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No other concerns with regard to amenity are identified.

**E. HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES**

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

Policy DM23 within the Site Allocations and Development Management Policies (2014) states that the provision in new development of secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process.

A large number of representations have been received objecting to the application on the basis that the proposal would result in several more cars on the street and insufficient parking in the area. The Transport Development Management (TDM) Officer requested a parking survey to be conducted in line with approved parking survey methodology in order to determine whether the local area provides sufficient parking. This was submitted on 22<sup>nd</sup> March 2022 and has been reviewed by the TDM Officer.

Whilst there is potential for all occupants to have their own car, Bristol City Council car parking standards for a 3+ bedroom home averages 1.5 spaces, therefore we should allow two spaces for the proposed HMO. This would be a status quo compared to a 4 bedroom family dwelling. Upon receipt of the Parking Survey, the Transport Development Management Officer has confirmed that there is sufficient parking available to accommodate the HMO given that it replaces a four bedroom family dwelling. Given the highly sustainable location, adjacent to the Gloucester Road Town Centre and in close proximity to key bus routes with regular services into and out of the City Centre, the development would be considered as a low/zero car development and would not be eligible for parking permits if a residents parking scheme is introduced to the area.

Whilst assessment is made purely on land use terms, it is accepted that car ownership is a choice and potential occupants that have concerns over parking issues would be likely to choose to live where they can reasonably expect to park at or close to the property.

Following Case Officer advice, the proposal has been revised to incorporate sufficient waste and recycling receptacles for a six person HMO. This will be located in the small amenity space to the front of the property within timber bin stores.

Sufficient cycle storage is also proposed. It is noted that the bike store is within the rear garden which does not benefit from direct access to the street and that bikes will need to be carried through the property. This is not ideal, however it is accepted that there is insufficient room to the front of the property and is considered acceptable on balance in this instance.

Given the above, there is insufficient transport concern with regard to parking to warrant refusal of this application.

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**F. WOULD THE PROPOSAL BE ACCEPTABLE IN DESIGN TERMS?**

The proposed alterations to the property are minimal, with no alterations to the external façade of the building. Initially the proposal included AstroTurf to the rear garden, however this was revised to natural lawn following Case Officer advice.

The proposed bike store in the rear garden, boundary wall to the front of the property and timber bin store in the small front bounded amenity space are considered acceptable. No further concerns are raised with regard to design.

**EQUALITIES ASSESSMENT**

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

This assessment has been carried out in accordance with the Council's Equality Objectives and in compliance with the Public Sector Equality Duty.

**CONCLUSION**

The application is recommended for approval subject to conditions.

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

**Time limit for commencement of development**

1. Full Planning Permission

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

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

**Pre occupation condition(s)**

2. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

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

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

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

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

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

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

**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.

ORB-CC-PL-A-01 REV P1 Site location plan, received 1 October 2021  
 ORB-CC-00-PL-A-02 REV P1 Existing site & block plan, received 1 October 2021  
 ORB-CC-PL-A-03 REV P2 Proposed front & rear garden plan, received 8 April 2022  
 OR-CC-XX-PL-04 REV P1 Existing ground & first floor plans, received 1 October 2021  
 ORB-CC-02-PL-A-05 REV P1 Existing second floor plan, received 1 October 2021  
 OR-CC-00-PL-A-06 REV P3 Proposed ground & first floor plan, received 8 April 2022  
 ORB-CC-02-PL-A-07 REV P1 Proposed second floor plan, received 1 October 2021  
 ORB-CC-XX-EL-A-08 REV P1 Existing elevations, received 1 October 2021  
 ORB-CC-XX-EL-A-09 REV P1 Proposed elevations, received 1 October 2021

Reason: For the avoidance of doubt.

**Advices**

1 Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

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

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