

## **Bristol Draft Local Plan – Examination in Public**

### **Matter 7 Statement: Other Housing Policies**

*Issue 7.2: Whether the remaining policies relating to housing delivery positively prepared, justified and consistent with national policy and would they be effective in securing sustainable development?*

#### Q7:4: Is Policy H6 justified, consistent with national policy and effective?

It is striking that §6.54 is positively-worded as to the benefits of HMO accommodation, especially for younger people, yet the policy itself is wholly negatively-worded.

How can one quantify an exacerbation of existing harmful conditions with regards to excessive noise and disturbance? Will the LPA publish details of areas with large numbers of noise complaints? How does one estimate how much noise a 5-bed HMO might create when compared with a 7-bed HMO with regards to intensification? How does one estimate how much noise and disturbance an HMO creates when compared with a large family dwelling? Do non-student HMOs create more or less noise and disturbance? The policy also fails to acknowledge that noise can be mitigated (e.g. through sound-proofing), resulting in reduced noise transference when compared with the existing situation (whether the property is an existing HMO proposed for intensification, or an existing C3 or non-residential use proposed for conversion).

With regards to §6.63, the sandwiching assessment fails to take into account that different parts of the city have different size frontages. Whilst the sandwiching of three C3 dwellings between 2 HMOs might be harmful in a terraced street, the potential for harm diminishes the further apart the dwellings are. Semi-detached properties with parking to the side might have frontages of 10-12 metres, resulting in 30-36 metres between HMOs. The 10% threshold doesn't allow the decision maker to take into account other factors (eg dividing main roads, the amount of non-resi uses within the 100 metre radius, the specific location of the existing HMOs etc).

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The policy refers to the existing HMO SPD, which gives other examples of sandwiching (e.g. to the side and rear, to the side and across a street, within flats etc). It is unclear as to whether the SPD will be updated to be in line with the policy on sandwiching (i.e. that only in-line sandwiching will be considered).

§6.64 contradicts §6.63. §6.63 states that a local imbalance is likely (not "will") occur where the thresholds are breached, whereas §6.64 states that if there is a local imbalance, proposals will be unacceptable. This also ignores established case law that adding additional bedrooms to an existing HMO does not necessarily constitute a MCU.

No justification has been provided for the 10% threshold. Given that the existing policy is already resulting in HMOs being created on the outer edges of the city, due to the more central (and sustainable) areas being at 10% capacity already, there is justification for the inner urban area wards, and those on key public transport routes, having a higher threshold. In all cases, the decision maker should still have to demonstrate the harm arising from sandwiching or more than 10% of properties being HMOs (or from intensification), given that the policy recognises the social benefits of HMOs.

With regards to refuse and recycling storage, this ties in to policy DC4, which refers to the the 'Waste and Recycling Storage and Collection Facilities' Guidance for Developers of Residential, Commercial and Mixed-Use Properties (March 2022). This states that one set of containers is required for every three bedrooms. Previously, objections have been raised by Transport Development Management where a 5 bed HMO, for example, has been provided with 1 set of bins, not 2. Inspectors have typically taken the approach that for every third bedroom, an extra set of bins is require (i.e. at 3, 6, 9 etc.). This section of the citywide criteria is therefore ambiguous.

With regards to cycle storage, this ties in to policy TA4, which in turn refers to the TDMG. The TDMG does not support cycle parking where residents have to carry bikes through the house, up steps of any height, or along corridors less than 1200mm wide. This often results in objections to HMOs within terraced houses where there is no space at the front for cycle storage (despite the fact that any existing C3 residents would also have to carry their bikes through the house). Inspectors have frequently taken a more pragmatic approach at appeal. The TDMG also fails to take a pragmatic approach to sites where space is limited, e.g., by prohibiting vertical or semi-vertical cycle storage. To allow for the efficient use of land, and taking into account how the existing building might be used, the policy should allow some flexibility.

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The draft Local Plan contains no guidance on minimum cycle parking guidance, and refers instead to a forthcoming Transport SPD. In the absence of any cycle parking guidance, it is unclear as to what would constitute inadequate storage.

With regard to levels of on-street parking, there is currently no guidance on how many vehicles an HMO is predicted to result in. Applicants commonly have to submit an application, wait for highways comments, and then produce a parking survey showing x amount of spaces within 150 metres of the site. It is unclear from the policy how decision makers will assess levels of on-street parking.

In summary:

- the policy is unclear as to whether sandwiching and a breach of the 10% threshold is sometimes harmful or always harmful.
- It lacks clarity on assessing noise, parking, cycle and refuse storage, and fails to take a pragmatic approach to these issues.
- The sandwiching assessment fails to take into account the width of frontages, and contradicts the HMO SPD.
- The 10% threshold fails to take into account situations on the ground, and is considered too low for sustainable areas.
- Overall, the policy fails to comply with NPPF§63, in that It does not reflect the housing needs for students and younger people seeking to live independently in the city, and would limit the supply of such housing to their detriment.

**Word count - 996**