

'Hold Date'	
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Bristol City Council Development Management

Delegated Report and Decision

Application No:	24/02548/COU	Registered:	28 June 2024
Type of Application:	Prior Notification - Change of use (C3)		
Case Officer:	Sarah Harding	Expiry Date:	23 August 2024

Site Address:

1 Repton Road
Bristol
BS4 3LS

Description of Development:

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) - Change of use of existing vacant commercial building (Use Class E) to create four new residential dwellings.

Ward: Brislington West

Consultation Expiry Dates:

Advert and/or Site Notice: 7 Aug 2024

Neighbour:

DESCRIPTION

This application relates to the property known as 1 Repton Road in Brislington West. The property is a commercial corner property located at the intersection of Repton Road and Sandy Park Road, a local high street which features a mix of residential and commercial properties.

The application site is not located within a conservation area and there are no Listed Buildings in the immediate vicinity.

RELEVANT HISTORY

In parallel to this application for the Class MA change of use (Prior Notification), the applicant has submitted a separate application for the replacement of the ground floor shop front with separate windows and doors to the Planning Inspectorate (24/02799/PINS).
24/02799/PINS - Application for Planning Permission for external alterations to existing building.
STATUS: Undetermined

APPLICATION

The current application is made under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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The application seeks to determine if prior approval is required for a proposed change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to provide 4 Units (three 1-bedroom/studio flats and one 2-bedroom flat) with supporting cycle and bin storage.

The application concerns the ground and first floor which currently contain retail, office and storage space.

PUBLIC CONSULTATION

In accordance with the procedural requirements set out at Paragraph W of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Local Planning Authority has given notice of the proposed development by posting a site notice.

The site notice expired on 07.08.2024.

28 objection(s) were received. The key concerns are as follows:

- o Loss of Commercial Space: The conversion from commercial to residential would harm the long-term viability of Sandy Park Road as a thriving retail area, reducing opportunities for new businesses and detracting from the local economy.
- o Impact on Community Character: The loss of this commercial unit would negatively affect the character and historical appeal of the area, particularly given the building's prominent location and its potential contribution to the local high street.
- o Parking and Traffic Concerns: Converting the property to residential use would exacerbate existing parking issues, increasing congestion and creating challenges for current residents.
- o Inadequate Public Consultation: The absence of site notices has limited public awareness and engagement, reducing community input on the proposed development.
- o Historical and Architectural Impact: The proposed changes would remove important historical features, further diminishing the unique character of the area and contributing to the cumulative loss of heritage in Brislington.
- o Incompatibility with Planning Policies: The development is not in alignment with core planning policies BCS21 or the National Planning Policy Framework, failing to enhance or maintain the character of the local area.
- o Quality of Proposed Residential Units: Concerns about the substandard size of the proposed dwellings and the potential negative effects on residents due to noise, pollution, and lack of light.

The comments received that are relevant to Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are to be discussed in the body of this report.

RELEVANT POLICIES

In determining this application, the Local Planning Authority has had regard to all relevant legislation and guidance.

ASSESSMENT

Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

MA.1.—(1) Development is not permitted by Class MA—

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(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

From 05.03.2024, Article 3 of this Order amends Class MA to remove the requirement that a building must have been vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval. Therefore, this criterion is not relevant.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The relevant areas have been within office and retail use for a continuous period of more than 2 years. The application therefore complies in this regard.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres.

However, from 05.03.2024, Article 3 of this Order amends Class MA to remove the floorspace upper limit for building changing use under this right. Therefore, this criterion is not relevant.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest. Not applicable to this site

(ii) is or forms part of a listed building or land within its curtilage. Not applicable to this site

(iii) is or forms part of a scheduled monument or land within its curtilage. Not applicable to this site

(iv) is or forms part of a safety hazard area. Not applicable to this site

(v) is or forms part of a military explosives storage area. Not applicable to this site

(e) if the building is within—

(i) an area of outstanding natural beauty. Not applicable to this site

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1). Not applicable to this site

(iii) the Broads; Not applicable to this site

(iv) a National Park; or Not applicable to this site

(v) a World Heritage Site. Not applicable to this site

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The proposal meets criteria for sub-paragraphs (1)(f) to (1)(g)(ii).

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

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- (i) Class A1 (shops);
 - (ii) Class A2 (financial and professional services);
 - (iii) Class A3 (food and drink);
 - (iv) Class B1 (business);
 - (v) Class D1(a) (non-residential institutions - medical or health services);
 - (vi) Class D1(b) (non-residential institutions - crèche, day nursery or day centre);
 - (vii) Class D2(e) (assembly and leisure - indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

The proposal meets these criteria.

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 (a) transport impacts of the development, particularly to ensure safe site access;

The application has been considered by the Councils Transport Development Management Team (TDM). The comment is as follows:

Principle:

The proposal is for a change of use from commercial, business and service use (Use Class E) to three 1-bedroom studio flats and one 2-bedroom flat, with associated waste and cycle storage.

Local Conditions:

The site is located on the corner of two unclassified roads, Sandy Park Road, and Repton Road, both have 20mph speed limits. Four collisions have been reported on the crossroads directly outside the site, one involving a cyclist, one a pedestrian, one a motorist, and one a motorcycle, although all of these were classified as 'slight' only. The nearest bus stop is located directly outside the site on Sandy Park Road, serviced by route 1, with regular buses towards the City Centre and Cribbs Causeway. Nearby cycling routes and infrastructure are available.

Car Parking:

There is no car parking proposed for the site, TDM has no concerns over this given good availability of public transport and cycling routes in the area. Although there are currently no future/proposed parking schemes in this area, TDM believes residents of the new dwellings should not benefit from any future parking scheme should one be proposed.

Cycle Parking:

As per the BLPs Parking Standards Schedule, one cycle parking space should be provided per 1-bedroom dwelling and two spaces should be provided per 2-bedroom dwelling, giving a total cycle parking provision for the site of five spaces. The site plans only show four spaces, they should be amended to provide five spaces, as inadequate cycle parking is contrary to DM23 and BCS13.

The applicant should ensure access to the cycle parking is secure and the storage is well-illuminated. More information about cycle parking guidelines can be found in the Transport Development Management Guide.

Waste:

More information is needed about the waste storage at the front of the property. Site plans should show adequate storage for all the various waste containers for four dwellings, and as the store is not shown on elevation plans TDM cannot determine whether the size is appropriate. Waste storage

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should be suitably screened, ventilated and secure. As the store is located directly next to the footway, it may be beneficial to install a boundary wall at the front of the site to segregate the area and prevent unauthorised use.

Site plans should show an appropriate door to access the bin stores, which does not open onto the adopted highway. If refuse storage is inadequate it could result in bins being left obstructing the highway to the detriment of safety and amenity, contrary to BCS10, BCS15, DM23, and DM32. More information about waste storage guidelines can be found in the TDMG.

Construction Management:

As the external alterations required are limited and the site is located on an unclassified road, a construction management plan is not required.

In summary, TDM request the following further information:

1. Cycle parking ' increase the number of cycle parking spaces to five on plans, in line with the guidance given above (see 'cycle parking' guidance in TDMG).
2. Waste storage (see 'waste management' guidance in TDMG):
 - Show adequate storage for all the various waste containers on plans, including elevations.
 - Show an appropriate door to access the bin stores on plans.

Once this information is received and deemed satisfactory, TDM can provide you with suggested conditions and informatives.

The applicant subsequently sent updated plans showing revised cycle and bin stores which meet TDM standards. Therefore, the proposed development is not cause for concern for public safety.

The proposal therefore meets this criteria.

(b)contamination risks in relation to the building

The proposed development is not situated on land thought to have been subject to a potentially contaminating land use. A condition will be attached, enforcing the reporting of any unexpected contamination.

(c)flooding risks in relation to the building;

The development is in a low-risk area and proposes no change to the impermeable area and therefore no change to the existing drainage arrangement.

(d)impacts of noise from commercial premises on the intended occupiers of the development;

The application has been considered by the City Council's Pollution Control Team which has no objections to the proposal.

The proposal therefore meets this criterion.

(e)where—

- (i)the building is located in a conservation area, and
- (ii)the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The application site is not located within a Conservation Area. The proposal therefore meets this criterion.

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(f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Flat 1 is a dual aspect studio unit featuring full-length windows facing southeast and northwest. The full-length windows raise privacy concerns in addition to overheating. However, when measured against the General Permitted Development Order adequate natural light would be provided.

Flat 2 is a single aspect one-bedroom unit featuring full-length windows in the bedroom and living room/kitchen spaces facing northwest. While single aspect flats are discouraged and likely result in a poor standard of accommodation, when measured against the General Permitted Development Order adequate natural light would be provided.

Flat 3 is a single aspect one-bedroom unit featuring full-length windows in the bedroom and living room/kitchen spaces facing northwest. Although flat 3 has an awkward layout in addition to being single aspect, it is acceptable in terms of providing adequate light.

Flat 4 is a dual aspect two-bedroom unit featuring windows in the kitchen/living spaces facing southeast and northwest. Bedroom 1 has a single west-facing window. It is acceptable in terms of providing adequate light.

Overall, habitable rooms in the dwelling would receive sufficient natural light. Therefore, the proposal meets the necessary criterion. However, the applicant would be encouraged to consider the suitability and standard of accommodation being provided.

(g)the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

The proposed development does not introduce a residential use in an area of general or heavy industry, waste management, storage, and distribution. The application is therefore considered acceptable on this basis.

(h)where the development involves the loss of services provided by—

(i)a registered nursery, or

(ii)a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2), the impact on the local provision of the type of services lost.

Not applicable to this site.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

Criteria met.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access".

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no

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other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.".

CONCLUSION

In conclusion, the proposal meets the requirements set out in the Town and Country Planning (General Permitted Development) (England) Order.

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 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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RECOMMENDED Prior Approval GIVEN

Time limit for commencement of development

1. The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

Reason: As required by paragraph O.2.(2) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

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.

PL04 REV A , received 22 August 2024

PL05 REV A Proposed floor plans, received 22 August 2024

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PL07 REV A Proposed Bin and Recycling Store Details, received 22 August 2024
PL01 Existing location plan & site plan, received 28 June 2024
PL02 Existing floor plans, received 28 June 2024
PL03 Existing elevations, received 28 June 2024

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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