

Decision Notice and Statement of Reasons

Site visit made by Andreea Spataru BA (Hons) MA MRTPI on 4 September 2024

Decision By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 18 September 2024

Application Reference: S62A/2024/0056

Site address: 1 Repton Road, Brislington, Bristol BS4 3LS

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 12 July 2024 is made by Mr D Brown (Fairholm Brislington Ltd) and was validated on 26 July 2024.
 - The development proposed is for external alterations to existing building.
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Decision

1. Planning permission is granted for external alterations to existing building in accordance with the terms of the application dated 12 July 2024, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (BCC) has been designated for non-major applications since 6 March 2024.
4. Consultation was undertaken on 2 August 2024 which allowed for responses by 2 September 2024. Responses were received from the parties listed in Appendix 1. A number of interested parties and local residents also submitted responses. One representation has been submitted long after the consultation period ended, thus it has been disregarded.

5. BCC submitted comments on 30 August 2024. The consultation response sets out the Council's support for the proposed development.
6. After the consultation period ended, the applicant provided amended and additional plans, which are linked to a planning application submitted to BCC¹ for the change of use of the application property to residential use. BCC also submitted additional plans, which were approved under the same application. In the interest of timeliness and fairness to interested parties, I have considered the proposal based on the initial submitted plans, on which the consultation has been carried on.
7. I carried out an unaccompanied site visit on 4 September 2024, which enabled me to view the site externally and the surrounding area.
8. I have taken account of all written representations submitted within the consultation period in reaching my recommendation.

Main Issue

9. Having regard to the application, the Council's report, together with what I saw on site, the main issue for this application is the effect of the development on the character and appearance of the area.

Reasons

Planning History and Background

10. In parallel to this application, the applicant submitted a separate Class MA Change of use application (Prior Notification) to BCC². The decision notice for the change of use application has been issued on 23 August 2024, and prior approval was given for the 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. The Council outlined within its statement that similar other permissions have been given in the local area³.
11. The proposal before me involves external alterations to the existing building. I have considered the proposal on this basis, while having regard to the planning history of the building.

Character and appearance

12. The application site relates to a commercial building, which appears to have

¹ LPA ref: 24/02548/COU

² LPA ref: 24/02548/COU

³ LPA refs: 23/03955/F & 23/01802/F & 23/04856/F

been vacant for some time. The building occupies a corner position, at the junction of Repton Road with Sandy Park Road. Repton Road is mainly a residential road; Sandy Park Road is a retail street, with various commercial units, particularly at the ground floor level.

13. The proposed external alterations, which involve replacement of ground floor windows and doors, brickwork infilling, and two additional roof windows in the single-storey rear element, aim to give the building a residential appearance.
14. The application building is part of a row of terraced dwellings and is separated visually from the retail area of Sandy Park Road through Repton Road. To the north of the application site, there is another long row of terraced dwellings starting with No 1 Sandhurst Road. As a result of the proposed changes, the application building would be similar in appearance to the dwellings located immediately to its south and north. Thus, when viewed within the context of the street scene, the altered building would integrate well within its surroundings, particularly given the property has permission to be used for residential use.
15. Accordingly, the proposal would not be harmful to the character and appearance of the area. Thus, it would accord with the aims of Policy BCS21 of the Bristol Development Framework Core Strategy 2011 and Policies DM26, and DM30 of the Bristol Site Allocations and Development Management Policies Local Plan 2014, which collectively require developments to contribute toward local character and distinctiveness.

Other Matters

16. Whilst the proposal includes changes to fenestration, it mainly involves reducing the size of the windows and introducing two roof windows in the single-storey rear element. As such, the development would not be detrimental to the living conditions of the occupiers of the adjoining building, with particular regard to privacy.
17. I acknowledge the concerns outlined by interested parties, and I note that they refer particularly to the change of use from commercial to residential, which is not a matter for me to decide on given the existing permission granted by the Council. Their concerns regarding the effect of the development on the living conditions of the occupiers of nearby buildings, highway safety and lack of car parking spaces are also linked to the change of use.
18. The Council's statement indicates that the application has been considered by the Council's Transport Development Management Team (TDMT). In the interest of highway safety, TDMT requested further information regarding the

waste storage that would be located to the front of the property. The Council stated that amended plans were received and approved as part of the change of use application which included a boundary wall to clearly demarcate the area⁴. The Proposed Site Plan (PL04) shows bin stores located to the front. Subject to a condition requiring further details of the bin stores' enclosure, I find that the proposal would not be detrimental to highway safety.

19. I have had regard to the concerns raised by consultees and interested parties insofar as they relate to the development before me. Notwithstanding this, given my findings above the proposal is acceptable and in accordance with the development plan.

20. The application form states the biodiversity net gain condition as set out in paragraph 13 of Schedule 7A of the Act would not apply as the proposed development would be subject to the de minimis exemption. I have no reason to disagree. However, in light of Article 24 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013, I have included a note in this decision that refers to the relevant regulatory provisions on the biodiversity gain condition.

The Planning Balance

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.

22. I have found that the proposal would not be harmful to the character and appearance of the area. Given the above, I find that the development would accord with the development plan. As there are no material considerations that justify making a decision contrary to the development plan, I conclude that planning permission should be granted subject to conditions.

Conditions

23. I have considered the planning conditions suggested by BCC and I have imposed four out of five. A condition requiring the development to be commenced within three years is required, as is a condition specifying the plans, for certainty. In order to protect the character and appearance of the area, and in the interest of highway safety, the Council's suggested conditions requiring matching materials, and further details of the boundary wall (bin stores' enclosure) are necessary.

⁴ LPA ref: 24/02548/COU

24. The Council has also suggested a condition which requires the implementation/installation of refuse storage and recycling facilities, as per the plans approved for the change of use application⁵. Given that this condition relates to the change of application, I do not consider it reasonable for the development before me.

Conclusion

25. For these reasons, and having regard to all other matters raised, the proposal accords with the aforementioned Core Strategy and Local Plan policies and so it would accord with the development plan when read as a whole and therefore I recommend that Planning permission should be granted.

Andreea Spataru

Appeal Planning Officer

Inspector and Appointed Person's Decision

26. I have considered all the submitted evidence and my representative's recommendation and on that basis planning permission is granted.

Zoe Raygen

Inspector and Appointed Person

⁵ LPA ref: 24/02548/COU

Schedule of Conditions

Conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: As required by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Location Plan and Site Plan (PL01), Existing and Proposed Floor Plans (PL02), Proposed Site Plan (PL04), Proposed Floor Plans (PL05), Proposed Elevations (PL06).

Reason: To provide certainty.

3. All new external work and finishes shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reason: In order to protect the character and appearance of the area.

4. Detailed drawings (plan and elevation) at the scale of 1:50 of the boundary wall shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. Drawings should show the proposed materiality of the boundary wall and its dimensions. The details thereby approved shall be carried out in accordance with that approval.

Reason: In order to protect the character and appearance of the area, and in the interest of highway safety.

Informatives:

- i. In determining this application no substantial problems arose which required the Planning Inspectorate, on behalf of the Secretary of State, to work with the applicant to seek any solutions.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision.
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>.
- iv. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.
- v. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Bristol City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or

transitional arrangements is/are considered to apply – in this case the exemption below:

Development below the de minimis threshold, meaning development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Appendix 1 - Consultee responses

List of consultees responses

Bristol City Council

In addition, 14 responses were received from local residents, including Councillors, all either outlining concerns or explicitly objecting to the proposed development.