



Decision Notice and Statement of Reasons

Site visit made on 9 October 2024

By Bhupinder Thandi BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 15 November 2024

Application Reference: S62A/2024/0062

Site address: Unit H, Eastgate Retail Park, Eastgate Road, Bristol BS5 6XX

- 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 25 June 2024 is made by CPG Bristol Ltd and was validated on 2 October 2024.
 - The development proposed is external alterations comprising the removal of the tower corner feature and changes to part of the roof parapet, with replacement cladding and glazing alterations forming extended shopfront glazing and entrances.
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Decision

1. Planning permission is granted for external alterations comprising the removal of the tower corner feature and changes to part of the roof parapet, with replacement cladding and glazing alterations forming extended shopfront glazing and entrances in accordance with the terms of the application dated 25 June 2024, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. 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) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 8 October 2024 which allowed for responses by 4 November. Responses were received from the parties listed in Appendix 1. No other interested parties and local residents submitted responses.

4. BCC submitted a report which sets out that the Council has no objection to the proposed development.
5. I carried out an unaccompanied site visit on 9 October 2024 which enabled me to view the site and the surrounding area.
6. I have taken account of all written representations in reaching my decision.

Background

Planning history

7. There is no planning history directly relevant to the proposal.

Main Issues

8. 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 proposed development upon the character and appearance of the host property and area.

Reasons

9. The application site comprises Unit H at the Eastgate Retail Park. The unit is currently vacant and modern in appearance. The unit is dominated by a bulky overhanging parapet and corner tower feature at the junction with Unit G. The retail park is relatively modern and whilst the height of units vary, there is a degree of cohesion in terms of materials and fenestration.
10. The development proposed involves the removal of the existing tower feature and overhanging parapet, making good the fabric of the building and retained features by installing new light coloured cladding and alterations to the shop front.
11. The dismantling of the tower and parapet would remove architecturally awkward and prominent features resulting in a more simplified design, with a lower height, that would improve the appearance of the building and result in a more comfortable visual and physical relationship between Unit H and the neighbouring one. The cladding and glazing proposed would be appropriate and in keeping with the modern appearance of the retail park.
12. Furthermore, the proposal would also create a more inviting retail environment for patrons walking between the units by removing the unduly oppressive tower feature.
13. Overall, I find that the form and appearance of the proposals would complement the surrounding retail area and would not unduly affect the character and appearance of the Eastgate Retail Park.
14. Accordingly, it would comply with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) and Policies DM26 and DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) which, amongst other things, seek high quality urban design and for

alterations to buildings to reflect local architectural styles, proportions, materials and colours.

Conditions

15. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the National Planning Policy Framework.
16. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.

Conclusion

17. For these reasons, and having regard to all other matters raised, the proposal accords with the development plan and therefore I conclude that planning permission should be granted.

B Thandi

Inspector and Appointed Person

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 Block Plan Drawing Number 10195-P4-PL-L01 P1; Existing Elevation and Section Drawing Number 9852 P4-PL-E01 P1; Existing Part Plan Drawing Number 10195-P4-PL-P01 P1; Existing Roof Plan Drawing Number 10195-P4-PL-P03 P1; Proposed Block Plan Drawing Number 10195-P4-PL-L02 P1; Proposed Elevation and Section Drawing Number 9852-P4-PL-E02 P1; Proposed Part Plan Drawing Number 10195-P4-PL-P02 P1 and Proposed Roof Plan Drawing Number 10195-P4-PL-P04 P1.
Reason: To provide certainty.

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. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.
- iii. 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 11 (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).
- iv. 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

- v. 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>

Appendix 1 - Consultee responses

Bristol City Council