



Decision Notice and Statement of Reasons

Site visit made on 17 December 2024

By N Robinson BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 17 January 2025

Application Reference: S62A/2024/0069

Site address: 20 Whiteladies Road Bristol BS8 2LG

- 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 28 August 2024 is made by Mr P Evans (Eastman Estates Ltd) and was validated on 12 Nov 2024.
 - The development proposed is Change of use from offices/clinic (Class E) to 8-bed House in Multiple Occupation (sui generis). Infill extension and external alterations including replacement windows to front and rear.
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Decision

1. Planning permission is granted for Change of use from offices/clinic (Class E) to 8-bed House in Multiple Occupation (sui generis). Infill extension and external alterations including replacement windows to front and rear in accordance with the terms of the application dated 28 August 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) has been designated for non major applications since 06 March 2024.
3. Consultation was undertaken on 15 November 2024 which allowed for responses by 16 December 2024. BCC submitted an officer report on 12 November 2024. The consultation response sets out the Council's objections to the proposed development. I have taken account of all written representations in reaching my decision.

4. I carried out an accompanied site visit on 17 December 2024 which enabled me to view the site and the surrounding area.

Background

Planning history

5. **22/04454/F** Refurbishment of existing internal floor space, reconstruction of the ground floor stair lobby and office space, addition of a second floor stair well. Permission Granted 13.02.2024

13/04415/F Proposed change of use and internal alteration at 20 Whiteladies Road, Bristol, from Use Class B1 to dual use as a clinic/training facility (Use Class D1) and office use (Use Class B1). Permission Granted 20.11.2013

Main Issues

6. Having regard to the application and BCC's statement, I consider the main issues for this application are:
 - *the effect of the proposal on the character and appearance of the area including the Whiteladies Road Conservation Area;*
 - *the loss of the existing employment use;*
 - *the effect of the proposal on the highway network;*
 - *whether the proposal would provide an acceptable living environment for future occupiers;*
 - *the effect of the proposal on the living conditions of the occupiers of neighbouring properties;*
 - *whether the proposal would comply with development plan policies regarding energy minimisation and renewable energy generation; and*
 - *the effect of the development on the mix and balance of housing in the area.*

Reasons

Effect on character and appearance of the area

7. The application site comprises 20 Whiteladies Road, a 3-storey vacant rendered building dating from the late 19th century. The building originally comprised a dwelling and was last in use as office accommodation. The building is set back from the road behind a forecourt with an undercroft providing access to the rear and paired arched sash windows above. The building has undergone a number of extensions and alterations. To the rear of the site is a courtyard providing access to the Victoria reservoir and pumping house. The site is located on Whiteladies Road, a busy arterial route towards Bristol city centre, in a mixed area comprising commercial, leisure, education and residential uses. The site is bordered by the Army Reserve Training Centre and toolshed, a commercial unit with a garage forecourt-style canopy and totem sign.
8. The site is situated in the Whiteladies Road Conservation Area (CA). This covers a reasonably large area, and the character of the CA varies between

differing parts. The CA is significant for its historical and aesthetic values due to its role in the development of Bristol as part of the Georgian expansion of the city, as well as its high concentration of listed buildings. The site is situated within area 2 as identified in the Council's interim Enhancement Statement (1993) which follows Whiteladies Road. This area is mixed in character and comprises large villas and townhouses in groups or terraces, many of which have been converted to commercial use. This part of Whiteladies Road also incorporates a number of modern commercial infill developments, including the neighbouring Toolstation. This results in a mixed character to the area surrounding the application site.

9. The proposal seeks to convert the building to form an 8-bedroom House in Multiple Occupation (HMO). To facilitate the proposal, it is proposed to erect an extension which would fill in a small recess at first floor level. This extension would be subservient to the host building, and, given its siting, would be largely screened in street scene views. External alterations including replacement windows and doors to the front elevation, replacement windows to the rear elevation and the installation of an air source heat pump and solar panels would have limited effect on the character and appearance of the building or the wider area. Bin and bike stores to the rear of the site would be screened in street scene views.
10. As the site is within the CA, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and I have paid special attention to the desirability of preserving or enhancing the character and appearance of the area. However, for the above reasons, I conclude the development would not result in any harm to the character and appearance of the host building or the surrounding area and would preserve the character and appearance of the CA, both within its immediate setting and as a whole. The development therefore accords with policies BCS21, BCS22, DM26 and DM27 of the Bristol Development Framework Core Strategy (2011) (CS) and policy DM31 of the Local Plan – Site Allocations and Development Management Policies (2014) (LP).

Loss of employment use

11. The application site was last in use as offices. The proposal would therefore result in the permanent loss of a building in employment use. LP Policy DM12 states that employment sites should be retained for employment use unless it can be demonstrated that set criteria are met, one of which is that there is no demand for employment uses.
12. The proposal is supported by evidence of a comprehensive marketing exercise which indicates that there is no demand for the site to be redeveloped for alternative employment uses, in particular given the divided internal layout, lack of ground floor reception area, lack of parking and accessibility issues. Given this it would appear that there is no prospect of the building continuing in active employment use. Thus, the loss of the employment use would not be harmful to the economy and local employment opportunities and would therefore accord with LP policy DM12.

Highway network

13. The proposal would not make provision for any off-road car parking spaces and there is limited capacity within the surrounding area for on-street parking. Nonetheless, the site is located within convenient reach of day-to-day services and facilities and the University of Bristol campus. It is also accessible by different means of transport including by foot and public transport in the form of bus and rail services. It would therefore be perfectly feasible for occupants to live in the property without the need for a car and who would be able to travel for work, to educational establishments, services or leisure by public transport, bicycle or on foot. The proposal makes provision for 4 cycle parking spaces which would be provided in accordance with locally adopted standards.
14. In light of the above there is no indication that the proposal would result in a harmful increase in the demand for on-street parking or harm to the safe operation of the highway network. Therefore, the scheme accords with CS policy BCS10 and LP policies DM2 and DM23 which seek to encourage development proposals where sustainable travel patterns can be achieved.

Living conditions for future occupiers

15. Future occupiers would each be provided with bedrooms which would exceed the Council's standard of 6.5m² and would each have windows providing natural light, outlook and ventilation. Future occupiers would have access to communal facilities including a kitchen/ living room and a utility/ kitchenette, which would provide a functional and adequately sized space for residents to spend time in preparing and eating meals or undertaking recreational activities. Residents would have access to private external amenity space to the rear in which adequate refuse and cycle storage provision would be made.
16. The application site fronts Whiteladies Road, a busy main road. The application is supported by a noise assessment which recommends sound insulation measures, in particular to the windows in the front elevation, to protect the living conditions of future occupiers from noise from the road. Subject to the inclusion of a condition requiring these measures are implemented, future occupiers would be provided with an acceptable standard of living accommodation in relation to noise.
17. In light of the above, the development would provide adequate standards of living environment for residents in accordance with CS policies BCS18 and BCS21 and LP policies DM2 and DM30 which, amongst other things, require developments to provide sufficient space for everyday activities and a good standard of accommodation for future occupiers.

Living conditions for neighbouring occupiers

18. The site does not border any buildings in residential use. The building is sizeable and there is no particular evidence that the proposal would cause excessive noise disturbance to the occupiers of the neighbouring commercial and educational buildings or the residents of nearby residential properties

from the activities associated with future occupiers. The proposal would not result in any additional opportunities for overlooking of neighbouring land, loss of light or loss of outlook.

19. Given this, the proposed development would safeguard the living conditions of the occupiers of neighbouring properties. It would therefore accord with LP policies BCS21, BCS23, DM27 and DM35 which seek to ensure development safeguards the amenity of existing premises, particularly with regards to noise.

Energy minimisation and renewable energy generation

20. CS policy BCS14 states that development should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements and by incorporating renewable and low-carbon energy sources. The policy goes on to state that development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.
21. The proposal meets the 20% residual energy use target and incorporates an air source heat pump and solar panels. Given this I am satisfied that the proposal meets the requirements set down in CS policy BCS14.

Mix and balance of housing

22. LP Policy DM2 sets out general criteria for shared housing. The policy states that shared housing will not be permitted if it would harm residential amenity or the character of the area in respect of noise and disturbance from activity; or levels of on-street parking cannot be reasonably accommodated or regulated through parking control measures; or the cumulative impact of physical alterations to the building and inadequate storage for refuse and cycles would be detrimental. The policy goes on to state that development will not be permitted where it would create or contribute to a harmful concentration of such uses within a locality as a result of exacerbating existing harmful conditions including those listed above or reducing the choice of homes in the area by changing the housing mix.
23. The Managing the development of houses in multiple occupation Supplementary Planning Document (2020) (SPD) advises that a harmful concentration of HMOs can arise where 10% or more of dwellings within 100m of the application site are HMOs, beyond which negative impacts to residential amenity and character are likely to be experienced and housing choice and community cohesion start to weaken. In this case the desirable 10% threshold within the SPD has been exceeded within both 100m of the application site and within the wider ward. However, the SPD further states that such proposals are unlikely to be consistent with Local Plan policy, not that they are automatically contrary to it. Accordingly, an assessment of each scheme is required, considering those specific matters listed in policy DM2.
24. In terms of assessing the potential harms identified in LP policy DM2 as set out above the increased activity associated with 8 persons would be modest and I have found that it would not harm to the character of the area or the

living conditions of existing residents in respect of noise and disturbance from activity. The plans indicate that the development would be provided with adequate refuse and cycle storage which could be secured through condition.

25. There is no particular evidence before me that the proposal would result in highway safety concerns as a result of increased parking pressure, in particular given the site's location and access to public transport. As the property is not currently in residential use, and may be unsuitable for use as a family dwelling house due to its size, the proposal would not reduce the choice of family homes in the area and could help reduce the pressure to convert existing housing stock.
26. Furthermore, whilst it is noted that the 10% threshold as set out in the SPD has been exceeded within 100m of the application site, given the mixed character of the area, the overall number of HMOs (4) is relatively low and there is no particular evidence before me that the existing proportion of HMOs has resulted in harm to the mix and balance of housing or to the character and amenity of the local area.
27. In my judgement, the threshold identified provides a clear indication of when the extent of HMOs is likely to result in an imbalance in the city's housing stock and communities. Despite the existing concentration of HMOs at the ward level, there is no particular evidence that the proposal would result in a harmful population imbalance to the detriment of social cohesion or community engagement in the local community.
28. Given this, there is no evidence that the harmful effects arising from an overconcentration of HMOs would occur as a result of this application. Therefore, I find good reason for departing from the general guidance of the SPD. Nonetheless, I find that the proposal accords with LP policy DM2 as set out above and CS Policy BCS18 which 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.

Other Matters

Community Infrastructure Levy

29. The Council consider that the proposal is chargeable development under the Community Infrastructure Levy (CIL) Regulations and that if the application had been submitted to them then CIL would have been payable. I have no reason to conclude otherwise, and this is capable of being a material consideration as a local finance consideration.
30. The Council have detailed the infrastructure which such a CIL payment would contribute to. This includes funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. The infrastructure to be funded from CIL is set out in the Council's Annual Infrastructure Statement. I understand that a financial payment of £807.92 has been made to BCC in relation to the application. This is offered in lieu of a CIL contribution. I do not know whether this payment has been

accepted by the Council.

31. In any case, the money paid to BCC in lieu of CIL does not specify what the contribution is for. There is therefore no certainty as to what this money would be spent on. As such, this consideration is neutral and is not a determining factor in my consideration of the application.

Conditions

32. I have considered the planning conditions suggested by BCC and I have had regard to the tests set out in the Framework. In the interests of precision and clarity I have amended the wording of the conditions suggested by the Council.

33. In addition to the standard 3-year time limit condition for implementation it is necessary to specify the approved plans in the interests of certainty. Conditions relating to cycle parking, refuse and recycling facilities and noise mitigation have been imposed to ensure the proposal provides satisfactory living conditions for future occupiers. Whilst not suggested by BCC, in the interests of safeguarding the living conditions of future occupiers I have included in a condition restricting the number of occupiers of the HMO to 8.

Conclusion

34. My decision does not turn on the CIL issue described above. The outcome of this application would have been the same in any event- therefore it is not a determinative consideration. I find the proposed development would comply with the aforementioned CS and LP policies and so it would accord with the development plan when read as a whole. There are no considerations that justify making a decision contrary to the development plan. Therefore, I conclude that planning permission should be granted.

N Robinson

Inspector and Appointed Person

Schedule of 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: 1748(L)00, 1748(L)48 Rev B, 1748(L)49 Rev B, 1748(L)50 Rev C, 1748(L)51 Rev C.

Reason: To provide certainty.

- 3.) The House in Multiple Occupation hereby approved shall be occupied by no more than 8 people at any one time.

Reason: In the interests of protecting the amenity of future occupiers and ensuring that appropriate living conditions are maintained in accordance with Policy BCS21 of the Bristol Development Framework Core Strategy (2011).

- 4.) Prior to the first occupation of the development hereby permitted, all mitigation and recommended details (with regards to sound insulation and ventilation of residential properties) as set out within the submitted noise assessment (by ion acoustics dated 31st July 2024) shall be carried out/implemented in full. Once implemented, the measures shall remain in place in perpetuity.

Reason: In the interests of protecting the amenity of future occupiers in terms of noise pollution and to ensure acceptable living conditions in accordance with Bristol Local Plan – Site Allocations and Development Management Policies (2014) policies DM35 and BCS23.

- 5.) The development hereby permitted shall not be first occupied 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.

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 in accordance with Policy DM32 of Bristol Local Plan – Site Allocations and Development Management Policies (2014).

- 6.) The development hereby permitted shall not be first occupied until the cycle parking provision shown on the approved plans has been completed, and thereafter shall be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Appendix 2: Parking Standards Schedule of the Bristol Local Plan – Site Allocations and Development Management Policies (2014).

Informatives:

- i.* In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the

expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.

- 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, any applications related to the compliance with the conditions must be submitted to the 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 BCC.

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

Bristol City Council