

Bristol City Council – LPA S62A Statement

Planning Inspectorate reference: S62A/2025/0084

LPA reference: 25/10801/PINS

Address: 37 Sandholme Road, Brislington, Bristol, BS4 3RP

INTRODUCTION

This statement relates to a full planning application (LPA reference: 25/10801/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the demolition of the existing rear extension and erection of a single storey rear extension; alterations to roof including construction of a rear dormer and change of use of property from a single dwelling to two flats.

The lower flat would be a two bedroom 3person unit. The upper flat would be a two bedroom 4 person unit. The application form confirms both flats are proposed as C3 Use Class.

Materials for the roof dormer – render with UPVC windows

Materials for the rear extension – render walls upvc door and windows

Boundary wall materials - brick

SUMMARY RECOMMENDATION

The LPA recommends that planning permission should be REFUSED due to the lack of necessary CIL payment.

SITE DESCRIPTION

The application refers to a mid-terraced, two storey four bedroom dwelling. There is an open frontage and garage opening in the front elevation and mid-sized enclosed rear garden. The surrounding area is predominately residential in nature with some commercial units sparsely located amongst the residential dwellings. The site is not situated within a Conservation Area or within the setting of any listed buildings.

PROPERTY HISTORY

24/00934/CP Application for a Lawful Development Certificate for a Proposed use or development - Loft conversion including dormer and extension to ground floor at the rear. Certificate of Lawfulness issued 12/03/2025

24/01783/F Subdivision of existing dwelling to create two, 2-bedroom flats. Pending

RESPONSES TO CONSULTATION AND PUBLIC COMMENTS

Neighbour notification letters were issued to dwellings abutting the site property. No responses were received.

Consultee responses (summarised)

Pollution Control -No objections subject to conditions

1. Details of air source heat pumps

There shall be no commencement of use of any air source heat pump until details of the heat pump have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include location, noise levels, and a calculation, in accordance with Microgeneration Certification Scheme planning standards (MCS 020) to show that the heat pump will be in compliance with noise levels specified in that standard at any neighbouring property. (Details of the Microgeneration Certification Scheme planning standards (MCS 020 including the calculation can be found at <https://www.planningportal.co.uk/permission/common-projects/heat-pumps/the-microgenerationcertification-scheme>)

Transport Development Management –No objections raised.

Nature Conservation Officer

The development would involve replacement of the existing rear extension with a larger rear extension with patio. The Biodiversity Net Gain Exemption Statement is limited in terms of photographs of the existing site. The plans indicate less than 25sq.m of existing onsite habitat would be impacted. Checks recommended following a site visit.

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1. LAND USE PRINCIPLE

Policy BCS1 states that 8,000 new homes are targeted during the plan period in south Bristol.

Policy BCS5 states that new homes should be delivered within existing built-up areas within Bristol.

Policy BCS20 states that effective use of brownfield land should be sought by promoting development on previously used land.

The proposed development would contribute towards general housing delivery in Bristol and is being delivered within an existing residential area. As such, the proposed development accords with the principles of Policies BCS1, BCS5 and BCS20.

Notwithstanding, as an application for subdivision of an existing dwelling, the proposal engages with

Policy DM2 of the Local Plan – (Residential Subdivisions, Shared and Specialist Housing - Site Allocations and Development Management Policies 2015). The Policy confirms that proposals for the sub-division of existing dwellings to flats and other forms of shared housing will not be permitted where:

i. The development would harm the residential amenity or character of the locality as a result of any of the following:

Levels of activity that cause excessive noise and disturbance to residents; or

Levels of on-street parking that cannot be reasonably accommodated or regulated through parking control measures; or

Cumulative detrimental impact of physical alterations to buildings and structures; or

Inadequate storage for recycling/refuse and cycles.

ii. The development would create or contribute to a harmful concentration of such uses within a locality as a result of any of the following:

Exacerbating existing harmful conditions including those listed at (i) above; or

Reducing the choice of homes in the area by changing the housing mix.

Where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

These issues are addressed under relevant Key Issues below.

2.Amenity Issues

Levels of activity.

The property is currently a four-bedroom house and given the size of the bedrooms could conceivably provide at least five -six bedspaces for the dwelling occupiers. Further, a Certificate of Lawfulness has recently been granted for extensions and alteration of the property (Reference 24/00934/CP). The approved floorplan indicates five bedrooms, achieved with addition of loft dormer. Given the size of the bedrooms, this additional fallback layout/configuration of the property could conceivably provide at least seven bedspaces. The proposal would result in occupation of the property by two separate households. It is noted that no objections have been raised by either of the adjoining properties. Further no objections have been raised to the proposals by the pollution control officer on the grounds of unacceptable noise and activity. The use of the rear garden by the ground floor flat would not result in unacceptable amenity issues.

Some concerns are expressed with the proposed layout of the development, given the location of the bedrooms of the lower flat to the front of the property, in close proximity to the front yard storage for bikes and refuse/recycling for both flats. Clearly this is not ideal, as the front yard bike storage would be provided for the upper floor flat and there is likely to be noise generated from use of the bike storage which could result in disturbance to the occupiers of the double bedroom adjacent. The refuse storage would also serve both flats and again, use of this could result in disturbance to the single bedroom adjacent. In both respects, the use of these facilities by the upper floor occupants would be outside of the control of the lower floor flat, yet would hold potential for noise impacts on the ground floor residents. These impacts would be intermittent and fleeting in nature and as such, are not considered to present significant amenity issues for future residents. Each of the flats would meet Nationally Described Space Standards and provide adequate natural light and outlook.

For the above reasons, no objections are raised to the proposals on amenity grounds either in respect of impacts on adjoining occupiers or quality of living environment for future occupiers.

3. HIGHWAYS IMPACTS

Policy BCS10 states that development should be designed and located to ensure safe streets where traffic and other activities are integrated. Policy DM23 outlines that development should not give rise to unacceptable traffic conditions and would be expected to provide safe and adequate access onto the highway.

The proposed development would not include the provision of any parking spaces and may give rise to a minor increase on-street parking in the area. The site is located within a short walk to public transport connections and is relatively well connected without the need of a private vehicle, constituting a sustainable location. The area is not currently within a residents parking permit scheme and overall it is considered there is adequate availability of on street parking should residents require it. The proposed development would include adequate secure bin and bike storage.

Overall, the proposed development is acceptable in terms of highways and transport impacts.

4. Physical alterations -Design considerations

Policy BCS20 sets out the development should be at densities informed by characteristics of the site and local context. Policy BCS21 states that new development should deliver high quality urban design which contributes toward an areas character and identity. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies requires new developments to contribute to the character of an area through its layout, form and building design.

The physical alterations to the property are almost identical to those confirmed as permitted development (reference 24/00934/CP). No objections are raised to the design or materials; the scale, massing, design and materials of roof and rear extension are considered adequate and appropriate to the location. A condition is recommended in event of approval to ensure that the new front boundary wall would be constructed of matching brick to that used in the front elevation and to ensure the wall is installed prior to occupation of the units.

5. Housing Mix and Balance

Balanced Communities

Houses in the Brislington West ward account for some 75% of the housing stock. On a LSOA level, houses account for some 68% of the housing stock, with 33% of properties overall comprising of 2 bedrooms. On this basis no objections are raised; it is considered that the provision of 2 no. 2 bed properties would contribute to a mixed and balanced community and housing supply.

6. Sustainability

Policy BCS13 sets out that development should contribute to mitigating and adapting to climate change, and to meet targets to reduce Co2.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaption, material consumption and biodiversity should be included as part of a sustainable or energy statement.

An energy statement has been included as part of the application that gives consideration to policies BCS13 and BCS15. The energy statement submitted in support of the application indicates a residual energy saving of 72% against residual carbon emissions through use of an airsource heat pumps. Further details of these measures are sought via conditions. As such, the proposed development is considered to accord with Policies BCS13, BCS14 and BCS15 and would therefore be acceptable.

The proposed development is considered to be acceptable in terms of sustainable design.

7. Nature Conservation

The applicant has provided a Biodiversity Net Gain Exemption Statement. Based on the information available, the application would appear to impact less than 25 sq.m of onsite habitat, however further checks are recommended on site to evidence this.

8. Community Infrastructure Levy

The application is a “chargeable development” as it results in the creation of a new dwelling. Therefore it is liable for the Community Infrastructure Levy (CIL).

CIL Calculation

The applicant has not supplied CIL information. The Council has measured both the existing and proposed floorplans, and concludes that the existing GIA is 135sqm and the proposed GIA is 163sqm

The existing building is in lawful use for the purposes of CIL and so only the additional floorspace (28sqm) is liable for CIL.

The Residential Outer Zone CIL Rate is £50/sqm and the indexation factor from 2013 to 2025 is (391 / 224).

The CIL calculation is therefore as follows $28\text{sqm} \times £50/\text{sqm} \times (391 / 224) = £2,443.75$.

Need for CIL payment

The Council wishes to make it clear that the need for CIL to be paid is totally separate for the need for mitigating measures to be in place to make the development acceptable in planning terms. We are concerned that recent PINS Reports on Section 62A applications (and indeed the guidance on the PINS website) are conflating CIL with mitigating measures. Mitigating measures are specified and secured through planning conditions and planning obligations, whereas CIL is a levy to provide the infrastructure necessary to support growth across the local authority area. There is no requirement for there to be a direct link between a CIL Liable development and the infrastructure that is funded from CIL.

Whilst the Council acknowledges that PINS cannot charge CIL in respect of applications submitted to it under S62A, CIL is nonetheless a material financial consideration under the Localism Act. Consequently, we consider that PINS should be considering whether approving applications that would otherwise have been liable for CIL would have an adverse impact on the Council's ability to provide infrastructure to support the growth of Bristol.

The infrastructure to be funded from CIL is set out in the Council's Annual Infrastructure Statement.

The Infrastructure List identifies the infrastructure schemes that the Strategic Element of CIL has been allocated to, by the Council. The CIL Report sets out the current position in respect of CIL Receipts and Spend. This is summarised in the table below:

Strategic CIL Allocations made by the Council as at 31 March 2024 (A) £53,616,000

Strategic CIL Receipts held as at 31 March 2024 (B) £29,187,000

Shortfall (B) – (A) £24,429,000

Given the current shortfall in funding, it is essential that CIL is charged on, and paid by, all liable developments in order to enable the delivery of the identified infrastructure schemes necessary to support the growth of Bristol. This is consistent with the principles behind CIL which are that development contributes a proportionate sum to infrastructure to support the growth of an area, based on the size of the development and the viability of the relevant development typology. As the necessary CIL payment of £2,443.75, cannot be achieved under Section 62A, the application should not be considered as acceptable.

Section 106 payment

The Council is not currently aware of any mitigation necessary to make the development acceptable in planning terms that could fall within the regulatory tests of CIL Regulation 122, which are as follows:

“(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development”

Recommendation to PINS

There is no requirement for a Section 106 Agreement as there will be no site specific mitigation necessary that complies with the regulatory tests. However, in order to fund the infrastructure needed to support the growth of the City, a CIL payment of £2,443.75 will be required. As PINS is unable to charge CIL on Section 62A applications, this necessary contribution towards infrastructure cannot be achieved and therefore the Council advises that the application should not be considered as acceptable and recommends that PINS refuse the application accordingly.

CONCLUSION

The proposal is recommended for REFUSAL for failure to provide the appropriate and necessary CIL payment.