



Decision Notice and Statement of Reasons

Site visit made on 26 March 2025

By Bhupinder Thandi BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 14 April 2025

Application Reference: S62A/2025/0079

Site address: 515-517 Stockwood Road, Brislington, Bristol BS4 5LR

- 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 31 January 2025 is made by Stockwood Land Ltd and was validated on 18 February 2025.
 - The development proposed is erection of a six-storey building comprising 9 no. self-contained flats.
-

Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposed development by reason of its overall height, scale, mass and form would adversely affect the character and appearance of the host property and the area. It is therefore contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011) and Policies DM26, DM27 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014).
 - 2) The increased parking demand associated with the proposed development would likely lead to the displacement of vehicles onto Stockwood Road and instances of indiscriminate and inconsiderate parking adversely affecting the safe and efficient operation of the local highway network. It is therefore contrary to Policy DM23 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014).
 - 3) The proposed development by reason of its overall scale, mass and projection would result in a sense of enclosure and an oppressive environment for existing residents living in Orchard House unacceptably harming their living conditions in respect of outlook. It is therefore contrary to Policy BCS21 of the Bristol Development

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 6 March 2024.
3. The application has been submitted in outline with landscaping reserved for future consideration. I have determined the application on this basis.
4. A certified copy of a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 has been submitted whereby the applicant covenants to pay £64,353.54 upon commencement of the development in lieu of a Community Infrastructure Levy (CIL) contribution. I consider whether the obligations in the UU meet the tests set out in the Framework and satisfy the requirements of the CIL regulations later in this statement.
5. Consultation was undertaken on 20 February 2025 which allowed for responses by 21 March 2025. A number of interested parties and local residents submitted responses. I have taken account of all written representations in reaching my decision.
6. I carried out an unaccompanied site visit on 26 March 2025, which enabled me to view the site, the surrounding area and nearby roads.

Main Issues

7. Having regard to the application, the consultation responses, comments from interested parties, together with what I saw on site, the main issues for this application are:
 - the effects of the proposed development upon the character and appearance of the host building and the area;
 - the effects upon the safe and efficient operation of the local highway network; and
 - the effects on the living conditions of existing occupiers in terms of light and outlook.

Reasons

Character and appearance

8. Orchard House is a former office building that has been extended and converted into apartments. The application relates to a wedge of land on the northern side of the access road leading to a residents' car park. At the time of the site visit I noted that the land is occupied by a number of small buildings including a disused security booth, an electrical substation and bin store.
9. The proposed development would re-provide the substation and bin store alongside cycle storage with 9 apartments above contained within a six-storey building. The proposal would have a broadly triangular footprint with a return section over the access connected to Orchard House.
10. The surrounding area contains a mix of land uses including vehicle dealerships, industrial, retail parks and fast-food outlets. Opposite the site is the Brislington Park and Ride. Whilst a number of buildings occupy large floorplates, they are not particularly tall, and this combined with the area's predominantly functional and commercial architecture means that buildings have somewhat of a low profile. Orchard House is at variance to this being 6-storey in height and a notably visible feature within the area.
11. Although extended Orchard House has a degree of symmetry and whilst offset within its plot, notable gaps exist either side providing relief between the built form and that act as a transition to lower scale buildings to the north and south.
12. The proposed development would extend the building at full 6-storey height almost right up to the northern boundary projecting for some distance along it. Despite its sympathetic elevational treatment, the overall height, scale, mass and form of the scheme would unacceptably change the building's appearance in an unsympathetic and incongruous manner that would also unbalance the symmetry of Orchard House. The extension of the building would further accentuate its size resulting in an unduly prominent, bulky and oversized block completely at odds with the surrounding context.
13. In localised views the proposed development would be read as an abrupt bookend to the building resulting in an awkward visual and physical relationship between Orchard House and the neighbouring building to the north. It would also unacceptably erode the gap that currently exists resulting in an overly cramped form of development.
14. I conclude that the proposed development would adversely affect the character and appearance of Orchard House and the surrounding area on account of its overall height, scale, mass and form. It would be contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011) (CS) and Policies DM26, DM27 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014) (LP) which, amongst other things, require high quality urban design; the design of development proposals to contribute towards local character and

distinctiveness by responding appropriately to the height, scale, mass, form and proportions of existing buildings and immediate context.

Safe and efficient operation of the local highway network

15. The applicant advises that the proposed development would be car free and thus no parking spaces would be provided for future occupiers of the flats. However, no mechanism for ensuring that the development is car-free has been provided. As such, a proposal for nine two-bedroom flats would likely increase the number of residents' vehicles at the site.
16. At the time of my visit on a weekday morning I observed significant pressure for parking in the residents' car park serving Orchard House with a car parked along the access road. Whilst I acknowledge that this is a snapshot in time, based on my observations and the evidence before me, it is apparent that the availability of parking is at a premium during the day. It is likely that the demand for parking is even greater in the evening and at weekends due to residents returning from work or daily activities.
17. The proposal would increase the likelihood of vehicles, including visitors, seeking to park within the car park where demand for parking is already high. I note that stretches of Hungerford Road are unrestricted, however, given its distance from Orchard House it is unlikely that it would offer a reasonable alternative for residents to park.
18. This lack of available on-site parking and the increased likelihood of vehicles seeking to park would lead to instances of indiscriminate and inconsiderate parking taking place in the area, including on the grass verges that extend along both sides of Stockwood Road, resulting in a significant adverse impact on the safe and efficient operation of the highway network.
19. Whilst the site is located close to bus stops and nearby fast-food outlets I am not satisfied that this would overcome the harm that I have identified in relation to highway safety when taking into account the likely number of additional residents that would occupy the proposed development.
20. I conclude that the proposed development would adversely affect the safe and efficient operation of the local highway network contrary to LP Policy DM23 which, amongst other things, requires developments not to give rise to unacceptable traffic conditions and the provision of an appropriate level of safe, secure, accessible and usable parking.

Living conditions of existing occupiers

21. The applicant advises that there would be a distance of some 18m between existing and proposed windows. Taking this distance into account I am satisfied that there would be adequate separation between the windows proposed and nearby apartments. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking that would lead to a loss of privacy.

22. Despite the above, the height, position and projection of the proposed development would result in a significant sense of enclosure and an oppressive environment for existing residents living in Orchard House particularly for those residing in apartments on the lower floors.
23. In the absence of a Sunlight and Daylight Assessment there is no certainty that the proposed development would provide adequate light for occupiers of Orchard House.
24. I conclude that the proposed development would unacceptably harm the living conditions of existing occupiers in respect of outlook. It would be contrary to CS Policy BCS21 and LP Policy DM27 which, amongst other things, require the layout and form of development to achieve appropriate levels of privacy, outlook and daylight and safeguard the amenity of existing development.

Other Matters

25. A number of interested parties have made representations that the current cladding on Orchard House is unsafe and poses a serious fire risk. Whilst I acknowledge the gravity of the situation for existing residents this is a matter that falls outside the scope of this application.
26. Comments received in respect of the potential effect upon the structural integrity of Orchard House, ongoing maintenance and the cost of repairs and property values are not matters that I can take into account in my assessment of this planning application.
27. I acknowledge that conditions relating to biodiversity enhancement, tree protection, energy efficiency and ground conditions could be imposed. However, this would not overcome my concerns in relation to the main issues.

Community Infrastructure Levy

28. BCC consider that the proposed development is chargeable development under the 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.
29. The Council advise that the CIL payment would be spent on funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
30. A signed UU has been submitted whereby the applicant covenants to pay £64,353.54 prior to commencement of the development in lieu of a CIL contribution.
31. The UU submitted in lieu of CIL does not specify what the contribution is for. Accordingly, there is no certainty as to what the monies would be spent on. As such, it is a matter of neutral consequence in consideration of the application.

The Planning Balance

32. 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.
33. The Council cannot demonstrate a deliverable five-year supply of housing land as required by the National Planning Policy Framework (the Framework). Consequently, Paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
34. The delivery of nine apartments would make a modest contribution towards the area's housing supply and would utilise a brownfield site. Given its small scale means it would likely be built out relatively quickly. I give the provision of nine dwellings great weight in the planning balance.
35. The development would provide jobs, but this would be largely limited to the construction phase. Future occupiers would help maintain services and facilities through increased use and spend. These social and economic benefits attract moderate weight in the balance.
36. On the other hand, the proposed development would adversely affect the character and appearance of Orchard House and the surrounding area. I also find that it would demonstrably harm the outlook for existing occupiers and would adversely affect the safe and efficient operation of the local highway network.
37. The Framework makes clear that good design is a key aspect of sustainable development. Decisions should ensure that developments will function well and add to the overall quality of the area; are sympathetic to local character and history, including the surrounding built environment. The Framework also expects a high standard of amenity for existing and future users and development to have an acceptable impact on highway safety. Even taking into account the objective to promote the effective use of land and to significantly boost the supply of housing and the Council's housing land supply position, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this application.
38. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development.

Conclusion

39. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan and therefore I conclude that planning permission should be refused.

B Thandi

Inspector and Appointed Person

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>