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# Appeal Decision

Site visit made on 9 January 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> January 2023

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**Appeal Ref: APP/Z0116/W/22/3299847**

**7 Belvedere Road, Westbury Park, Bristol BS6 7JG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Jasbir Baryah of Meadowcare Homes against Bristol City Council.
  - The application Ref 22/01529/F, is dated 25 March 2021.
  - The development proposed is change of use from 3 x residential flats (Class C3) to a 12 x bed extension to the nursing home at 8-9 Belvedere Road (Class C2) (Revised proposal).
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## Decision

1. The appeal is dismissed, and planning permission is refused.

## Preliminary Matter

2. The appeal results from the failure of the Council to determine the application within the prescribed period. Therefore, there is no decision notice. However, the Council's Statement of Case sets out the reasons why it would have refused permission.

## Main Issue

3. The main issue is the effect of the proposal on highway safety and congestion, having regard to on-street parking availability in the locality.

## Reasons

4. Belvedere Road is a two-way street primarily of residential uses including nursing homes. Unrestricted parking is available for much of its length, albeit punctuated by driveways and dropped kerbs, and with some spaces restricted to disabled people. Surrounding roads have similar on-street parking arrangements, but with a few residents-only permit spaces.
5. The appeal site has been the subject of previous proposals for additional bed spaces. These include an application<sup>1</sup> for a 17-bed extension, refused by the Council in June 2020 and later dismissed on appeal<sup>2</sup> on parking grounds. A subsequent application<sup>3</sup> was made for a smaller, 14-bed extension, which was also refused by the Council for similar reasons. The proposal now is further reduced, being for a 12-bed extension.

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<sup>1</sup> LPA reference 19/03104/F

<sup>2</sup> APP/Z0116/W/20/3263935

<sup>3</sup> LPA reference 20/06030/F

6. The appellant has confirmed that residents of the care home cannot drive and so would not have a car. Furthermore, the appellant estimates that three spaces currently taken up by occupants of the three flats to be converted would become available because of the proposal. However, the increase in bed spaces would generate further demand for parking from additional visitors and staff members, which the appellant estimates would result in approximately four additional parked vehicles, taking into account staff changeover periods.
7. The appellant has undertaken surveys of vehicle parking in local roads. These date from October 2020, and despite their age the Council accepts that they remain robust. The site can be accessed by a range of transport modes, with services and facilities available nearby on foot or by cycle, for which additional parking is proposed. There are regular buses into the city centre and elsewhere from nearby stops. Even so, although the appellant's surveys found around 10 or 12 spaces available in the local area at times, they also found that space occupation was consistently above 90% and was sometimes oversubscribed at over 100%.
8. This accords with my findings when I visited, with evidence of parking stress on Belvedere Road including vehicles parked obstructively across driveways and dropped kerbs. Residents have undertaken further surveys which also show little parking availability locally. Although my visit and the surveys are only snapshots in time, there is no dispute that on-street parking in the area is at a premium with a high level of demand.
9. The previous appeal decision identified concerns regarding existing delivery and service vehicles blocking the road, and that this problem would be worsened by use of the site for more bedspaces. In response, the proposal includes the creation of two part-time loading bays on-street, in place of up to four parking spaces. The loading bays would be in operation during weekday daytimes. At other times the bays would be available for unrestricted parking.
10. Further clarity about the operation of the loading bays has been provided with the appeal. Funding for the necessary Traffic Regulation Order (TRO) has been secured by a Unilateral Undertaking planning obligation. As such, the proposal would differ from the arrangements before the other Inspector. The TRO process involves public consultation and so may not succeed. Although a negatively worded planning condition could be used to prevent implementation of the proposal until any TRO were approved, there would remain a degree of uncertainty.
11. In any case, the appellant's surveys identify that parking demand is high during weekday daytimes when the loading bays would be in operation. The appellant calculates that in the worst-case scenario, there would be an overall loss of four to five on-street spaces. Vehicles that would otherwise have parked in those spaces would be forced to find an alternative. In addition, some loading would take place when the bays are not available for this use, either outside of the hours of operation of the loading bays, or when occupied by other service vehicles.
12. The appellant proposes a Delivery and Servicing Management Plan (SMP). To minimise disruption, a qualified employee would co-ordinate deliveries and collections, and controls would be placed on delivery movements so that they are spread throughout the day rather than in clusters. The provision of an SMP

and its suggested content was not before the previous Inspector and could be secured by planning condition.

13. However, the SMP provided to me would permit deliveries after 8am, despite the high level of parking that still occurs beyond this time. Furthermore, the extent of the appellant's control over third party delivery and collection companies would in practice be limited. Therefore, whilst the provisions of the SMP would no doubt be beneficial, and its precise wording could be left to a planning condition, it would be unlikely to make a significant material difference to the effects of the proposal on parking and congestion locally.
14. Therefore, for the reasons given above, the proposal would result in additional demand for parking, exacerbating the existing problems. This would risk further vehicles blocking footways and dropped kerbs, causing some pedestrians, particularly those with buggies or in wheelchairs, to use the carriageway itself. This would result in conflict with moving vehicles and risk the highway safety of road users. The additional demand would also result in further congestion and blockage of driveways, causing greater inconvenience and conflict for residents.
15. I therefore conclude that the proposal would have a harmful effect on highway safety and congestion, having regard to on-street parking availability in the locality. I attach significant weight to this harm. As such, for the reasons given above, the proposal would be contrary to policies DM2 and DM23 of the Bristol Local Plan Site Allocations and Development Management Policies (SADM), adopted July 2014, and policy BCS10 of the Bristol Development Framework Core Strategy, adopted June 2011 (the Core Strategy).
16. These policies state that proposals must provide an appropriate level of parking provision and will not be permitted where on-street parking cannot be reasonably accommodated or regulated. They also seek to ensure safe streets that reduce the negative impacts of vehicles. For similar reasons, the proposal would also be contrary to the requirement of the National Planning Policy Framework (the Framework), that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Other Considerations**

17. The Planning Practice Guidance<sup>4</sup> confirms that housing for older people including within residential institutions is counted as part of the housing land supply. The Council accepts that it cannot currently demonstrate a five-year supply of housing land. As such, the Council's housing policies are deemed out of date and it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing the proposed accommodation to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
18. I have found conflict with SADM policies DM2 and DM23 and Core Strategy Policy BCS10, which are consistent with the Framework. Against that, the evidence of the appellant, undisputed by the Council, is that the number of older people in Bristol may rise by 44% by 2039 and that there is a significant shortfall in specialist dementia care bed spaces across the city. The suggested need is for 1,075 spaces now and 1,151 spaces by 2031.

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<sup>4</sup> Paragraph: 035 Reference ID: 68-035-20190722

19. Despite the loss of the existing flats, the proposal would make a positive contribution to the supply of housing, and to addressing the need for bed spaces. Its future use would also make wider positive social and economic contributions including from both staff and residents, and the communal space within the proposal may be made available for community use. The proposal would also result in energy saving benefits. However, the number of additional bed spaces, at 12, would be relatively small, as would be the other benefits. As such, I give them moderate weight.

### **Other Matters**

20. The site is within the Downs Conservation Area (CA). It is common ground between the Council and the appellant that there would be no adverse effect on the CA. Having visited the site and its surroundings, I concur that the proposal would have a neutral effect on the CA as a whole and so would preserve its character and appearance.
21. Concerns have also been raised regarding the effects of the proposal on the balance and character of the neighbourhood, noise and disturbance from construction, the living conditions of existing and future residents and other matters. However, the proposal would extend the existing home and would replace flats rather than family dwellings. As such, it would not result in a harmful perception of overdominance of care homes. Some of the other concerns may be mitigated by planning conditions. These matters did not form reasons for refusal and do not alter my overall conclusions.

### **Planning Balance and Conclusion**

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
23. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d) ii of the Framework. Given the harm that I have identified to highway safety and congestion, in respect of on-street parking availability in the locality, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
24. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR