



Decision Notice and Statement of Reasons

Site visit made by R Dickson BSc (Hons) MSc MRTPI on 10 April 2025

Decision By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 19 May 2025

Application Reference: S62A/2025/0085

Site address: 1-3 High Street, Bristol BS9 3DR

- 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 14 February 2025 is made by 1 High Street Ltd and was validated on 3 March 2025.
 - The development proposed is for the change of use of first floor ancillary commercial accommodation to 2no. self-contained flats. Erection of a second-floor extension to provide 2no. self-contained flats. Reconfiguration of ground floor to provide 107sqm commercial unit, including new shopfront, and refuse/recycling and cycle storage.
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Decision

1. Planning permission is granted for the “change of use of first floor ancillary commercial accommodation to 2no. self-contained flats. Erection of a second-floor extension to provide 2no. self-contained flats. Reconfiguration of ground floor to provide 107sqm commercial unit, including new shopfront, and refuse/recycling and cycle storage” in accordance with the terms of the application dated 14 February 2025, subject to the conditions set out in the attached schedule.

Statement of Reasons

Procedural matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the application.
3. 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.

4. Consultation was undertaken on 6 March 2025 which allowed for responses by 4 April 2025. BCC did not submit comments during or after the consultation period. Two consultation responses were received during the consultation period. BCC Pollution Control submitted a response on 7 April 2025, and a letter of representation was received on 16 April 2025. Having regard to the Wheatcroft Principles, I accepted the late responses. In line with the S62A Written Representation and Miscellaneous Provisions Regulations, I am able to take late representations into account without re-consultation. I have taken account of all written representations in reaching my recommendation.
5. I carried out a site visit on 10 April 2025, which enabled me to view the site and the surrounding area.

Preliminary matters

6. Bristol City Council submitted comments on 24 February 2025. The response summarises the Council's position with regards to development which would be liable for a Community Infrastructure Levy (CIL) contribution. It has been identified that a CIL payment would be necessary to provide the infrastructure necessary to support growth across the local authority area.
7. The CIL amendment regulations came into force on 1 May, which allows the Planning Inspectorate to collect CIL payments on behalf of BCC.

Main Issues

8. Having regard to the application and what I saw on site, the main issues for this application are:
 - *The effect of the proposed development upon the character and appearance of the area, with specific regard to Westbury-on-Trym Conservation Area;*
 - *Whether the proposal would provide satisfactory living conditions for future occupiers;*
 - *The effect of the proposal on the living conditions for neighbouring occupiers; and*
 - *Whether the proposal would provide adequate cycle and refuse storage.*

Reasons

Relevant Planning History and Background

9. The site, 1-3 High Street, is a former bank, and is situated within Westbury-on-Trym CA, on a roundabout within the commercial core. The site has two prior approvals, firstly for the change of use from a bank to 2 self-contained flats,

approved on 19 December 2024¹, and secondly for the change of use from a bank to 3 self-contained flats which was approved at appeal on 7 March 2025².

10. The proposal seeks to provide two flats at first floor level, a second-floor extension containing another two flats, and a commercial unit at ground floor level with new shop front. The proposal would also provide cycle and refuse storage at ground floor level.

The effect of the proposed development upon the character and appearance of the CA

11. Westbury-on-Trym CA is characterized by having a commercial core, within which the application site sits. It derives its significance from its historic architecture, road layout, and consistent street frontage. Most of the surrounding buildings have commercial uses at ground floor level, with a variety of uses nearby which contributes to the busy and vibrant feel.
12. With the exception of banks, most of the shopfronts in the area have large windows which span the entire front of the unit, which provides an active frontage, contributing to the consistent street frontage. The existing building is unoccupied and when compared to other commercial units nearby, has a less active frontage.
13. The building is identified by the Westbury-On-Trym CA Character Appraisal (2015) as having a neutral impact within the CA, compared to most others around it which are defined as character buildings. The existing frontage is in contrast with the street scene as it has a relatively blank façade with limited detailing, appearing as a plain unit amongst other more detailed and historic buildings.
14. The introduction of a larger glass fronted unit, with traditional detailing, would be in keeping with the existing frontages, particularly those along Westbury Hill and Canford Lane. It is clear that most of the units within the primary shopping area are occupied, therefore the creation of a more active shop frontage within this location would be beneficial to the area. In this respect, it would enhance the character and appearance of the CA.
15. The second-floor extension would be occupied by two self-contained flats. The mansard roof would have a slate finish, with metal clad dormers and would be set behind the parapet which is created by the facade. The buildings surrounding the site are of varying heights and range from a single-storey building (Men's Club) to a row of three-storey buildings opposite the site on the roundabout.
16. The additional storey, being contained within the new mansard roof, would be visually subservient to the host building, and its scale would be recessive in nature. Although it would introduce additional height to the building, the change of materials would make it less noticeable from the street-level, particularly as

¹ Reference 24/04289/CU

² Reference 24/03326/COU

the parapet would be retained. Given the mix of roof structures, it would not be out of place within the street scene, and would not appear to be any taller than surrounding buildings.

17. The Grade II listed war memorial on the roundabout is seen with the backdrop of the application site, particularly when approaching from High Street. The changes proposed will increase the level of detail in the otherwise plain building façade. The materials and detailing proposed are similar to those used within the rest of the area. Given that the memorial is viewed in the context of other similar buildings when approaching it from Westbury Hill, Stoke Lane and Canford Lane, the proposal would have an overall neutral effect on the setting and therefore significance of the Grade II listed war memorial.
18. For the reasons set out above, I conclude that the proposed development would enhance the character and appearance of the CA. It would accord with policies BCS21 and BCS22 of the Bristol Development Framework Core Strategy (2011) (CS) and policies DM26 and DM30 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014) (LP), which collectively seek to ensure that development contributes positively to an areas character, reinforces local distinctiveness and enhances the character and setting to CAs. *Whether the proposal would provide satisfactory living conditions for future occupiers*

Whether the proposal would provide satisfactory living conditions for future occupants

19. The proposal includes three one-bedroom one-person flats, and one one-bedroom two-person flats. The applicant has provided the dimensions for these which would be in accordance with the provisions set out within the Nationally Described Space Standards.
20. The flats have a number of windows facing in more than one aspect, which would allow sufficient light into the habitable areas. The outlook from the windows would also be acceptable, with most habitable rooms looking across to the roundabout and commercial area.
21. The flats are oriented so that rooms with similar uses are next to each other on their neighbouring boundary, which would help limit noise and disturbance between flats within the same building. The rear of the building is near to the storeroom of the Tesco Express shop next door. It is noted that no habitable rooms would be facing this aspect, therefore the effects of noise from refrigeration units and the proposed air source heat pumps would also be limited for the future occupants.
22. As such, the proposed development would provide sufficient internal space for residents in accordance with policies BCS21 of the CS, and policies DM2 and DM30 of the LP which, amongst other things, require developments to provide sufficient space for everyday activities and a good standard of accommodation for future occupiers.

The effect of the proposal on the living conditions for neighbouring occupiers

23. The building backs on to residential dwellings, most notably those on Stoke Lane. There are several windows at the rear of 1-3 Stoke Lane which would be in close proximity to those on the rear of the host building at first floor level. However, given the angle between the windows on each building, it is unlikely that future residents of the host building would have views into the windows of 1-3 Stoke Lane. Therefore, the proposal would not result in harm to the privacy of the neighbouring occupiers.
24. The residential properties that the proposal backs on to have outdoor yard and garden areas. Despite the increase in height of the host building, it is unlikely that views into the outdoor areas would be possible owing to the height of the boundary, and the presence of other buildings shielding the outdoor areas from view.
25. The change of use from a commercial unit to residential units also means that the perceived level of overlooking is increased. That being said, given the viewing angle from the rear windows of the application site, and the fact that most of the habitable spaces are situated to the front of the building, the perceived sense of overlooking would be reduced to an acceptable level.
26. Air source heat pumps are also proposed and would be situated on the rear elevation. Although situated some distance from the neighbouring boundary, they have the potential to harm the living conditions of the residents of 1-3 Stoke Lane, with respect to noise. Therefore, a condition to assess, and where necessary mitigate any noise has been recommended to ensure the air source heat pumps do not harm the living conditions of the neighbouring occupants.
27. The host already has prior approval for the change of use from a bank into residential units. Given that the proposals before me seek to position most of the habitable rooms towards the front of the building, away from other residential properties at the rear, it would provide better living conditions for the neighbouring occupiers than the existing prior approval.
28. Accordingly, the proposal would not have a materially harmful effect on the living conditions of neighbouring occupants and is in accordance with policy BCS21 of the CS, and policies DM2 and DM30 of the LP, which collectively seek to safeguard the amenity of the host premises and neighbouring occupiers.

Whether the proposal would provide adequate cycle and refuse storage

29. The proposal would provide eight cycle storage spaces which are easily accessible from the street at ground floor level. There is also adequate refuse and recycling storage facilities, which would be easily accessible for residents.
30. Accordingly, I conclude that the cycle storage would be sufficient given the town centre location, and that the refuse and recycling storage is also appropriate for the number of occupants of the building. As such, the proposal is in accordance with policy BCS15 of the CA, and policies DM2, DM7 and

DM32, which collectively seek to ensure that there is adequate storage for recycling and refuse, and cycles.

Other Matters

Biodiversity gain

31. The application form states the biodiversity net gain condition as set out in paragraph 13 of Schedule 7A of the Act would not apply as the proposed development would be subject to the de minimis exemption. I have no reason to disagree. However, in light of Article 24 of the Town and Country Planning (Section 62A Applications)(Procedure and Consequential Amendments) Order 2013, I have included a note in this decision that refers to the relevant regulatory provisions on the biodiversity gain condition.

Community Infrastructure Levy

32. The Community Infrastructure Levy (Amendments etc.) (England) Regulations 2025 came into force on 1 May 2025. Regulation 2 enables developments approved directly under Section 62A of the Town and Country Planning Act 1990 to be subject to Community Infrastructure Levy (CIL) contributions. The proposed development is defined as 'chargeable development' within the BCC charging schedule as it results in the creation of new dwellings within the Residential Inner Zone. The Council has calculated that a sum of £15,273.44 for CIL contribution is required based on the information submitted by the applicant. Based on the information before me I see no reason to disagree. A Liability Notice will be issued directly from the Council to the applicant following the grant of permission. This will set out the necessary payment information and schedule.

Conditions

33. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
34. BCC Pollution Control suggested a condition requiring the submission of details of the air source heat pumps is required to ensure the living conditions of future and neighbouring occupiers are not harmed. I have altered the wording of the condition to ensure it meets the tests set out within the National Planning Policy Framework.

Conclusion

35. 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.

R Dickson

Appeal Planning Officer

Inspector and Appointed Person's Decision

36. I have considered all the submitted evidence and my representative's recommendation and on that basis planning permission is granted.

Zoe Raygen

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:
 - 690-PLA-610 Rev A Proposed Site Plan;
 - 690-PLA-611 Rev A Proposed Ground Floor Plan;
 - 690-PLA-612 Rev A Proposed First Floor Plan;
 - 690-PLA-613 Rev A Proposed Second Floor;
 - 690-PLA-614 Rev A Proposed Roof Plan;
 - 690-PLA-620 Rev A Front Elevation;
 - 690-PLA-621 Rev A Rear Elevation;
 - 690-PLA-630 Rev A Proposed Sections; and
 - 690-PLA-640 Rev A Proposed 3D View

Reason: To provide certainty.

3. No commencement of use of any air source heat pumps shall take place until an assessment on noise from the heat pump(s) at nearby residential properties has been submitted to and been approved in writing by the Local Planning Authority.

If the assessment indicates that noise from the air source heat pump(s) is likely to affect neighbouring affecting residential or commercial properties, then a scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to use of any air source heat pump(s).

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

Reason: To ensure that any noise associated with the air source heat pumps is properly controlled.

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 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 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 the following statutory exemption is considered to apply:

Development below the de minimis threshold, meaning development which:

- 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;
- 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).

- iii. 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.
- iv. 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>
- v. Responsibility for ensuring compliance with this Decision Notice rests with Bristol City Council.

