

Section 62A Applications Team  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Our ref: PR0002741

Date: 29<sup>th</sup> May 2025

**Sent via e-mail**

Dear Sir/Madam,

**Town and Country Planning Act 1990**

**237 and 237A Gloucester Road, Bristol BS7 8NX**

**Change of use from 2no. self-contained flats used by a single person or household (Use Class C3a) to 2no. small dwellinghouses in multiple occupation (Use Class C4), including the erection of a cycle and refuse/recycling stores**

I write on behalf of my client, CDC Properties Ltd, to apply for the change of use of 237, and 237A Gloucester Road, from two self-contained flats used by a single person or household (Use Class C3a) to two small dwellinghouses in multiple occupation (Use Class C4), including the erection of cycle and refuse/recycling storage. The applicant has chosen to take the Section 62A route and submit the proposal directly to the Planning Inspectorate. Notice of this intention was given on the 28<sup>th</sup> April 2025. I can confirm that the development would not include CIL chargeable development if submitted to the LPA.

I attach the following documents as part of this application:

- Completed application and CIL forms;
- Drawing no. 4415.PL.01 rev A – site location plans;
- Drawing no. 4415.PL-02 rev A – existing and proposed block plans (including refuse/recycling and cycle storage details);
- Drawing no. 4415.PL-03 rev A – existing and proposed floor plans (NB – no internal or external alterations are proposed to the buildings);
- BNG exemption statement.

## Site and planning history

The site comprises a detached building on the east side of the 'Pigsty Hill' section of Gloucester Road. There is a flat-roofed, single-storey extension to the rear of the building, and a 1.5 storey extension to the side, which provides (fully enclosed) staircase access to the first floor. The property occupies an elevated position, with stepped access from the road, and a paved area to the front of the property (behind a stone boundary wall), which currently provides informal refuse and recycling storage.



*Google Streetview image of site (centre-left) and adjoining properties*

Planning permission was granted for the change of use from a doctors surgery to 2no. self-contained flats (ref: 94/01683/F) in July 1994, and Council Tax records show that the two flats have been in residential use since November 1994. The ground floor flat is known as 237 Gloucester Road, and the first floor flat as 237A Gloucester Road.

Both flats are currently empty. Most recently, the flats were leased to Bristol City Council (from May 2019 in respect of 237, and from September 2019 in respect of 237A) for use as part of the UK Resettlement Scheme, and the Syrian Vulnerable Persons Resettlement Scheme which preceded it. Prior to this, the flats were used as small HMOs (which at the time, fell within the C3 Use Class). For the avoidance of doubt, the flats were occupied by families under the resettlement schemes, and therefore the lawful uses fall within the C3 Use Class.

The site adjoins the Gloucester Road Town Centre, which lies on the opposite side of Gloucester Road. The east side stretch of Gloucester Road, from Brynland Avenue to Wesley Road, is excluded from the Town Centre, which otherwise includes both sides of the road, and continues for 920 metres to the north of the site, and for 1.2km to the south. The Kadampa Meditation Centre Bristol (including the World Peace Café) lies to the south of the site, and beyond this, the Oaks, a residential care home on the junction of Gloucester Road and Brynland Avenue. To the north of the site lies a terrace of seven dwellinghouses (241-253 Gloucester Road). None of these dwellings are shown to be licensed HMOs, and are therefore assumed to fall within the C3 use class. Two (249 and 253) have been sub-divided into flats. 253 has an extant planning permission (ref: 24/00125/F) for the change of use from flats to a 7-bed HMO (approved May 2024).

Three residential dwellings adjoin the site to the rear (4-8 Brynland Avenue), Horfield Baptist Church lies directly opposite, and there are retail uses to the northwest, and flatted development to the southwest.

The site is covered by the North Bristol Article 4 Direction restricting permitted development rights (PDR) from C3 to C4. There are no Tree Preservation Orders, and no other policy designations apply. The building is neither locally nor nationally listed. The site falls within Flood Zone 1.

The inbound bus stop lies 35 metres to the south, and the outbound bus stop 65 metres to the north, with 20+ services per hour operating in each direction towards multiple destinations, including Bristol City Centre.

## **Proposal**

My client proposes the change of use from of the two flats from dwellinghouses used by a single person or household (Use Class C3a) to 2no small dwellinghouses in multiple occupation (Use Class C4) for 3-6 people. The ground floor flat will provide 6no. single occupancy bedrooms, and the first floor flat, 5no. single-occupancy bedrooms. No internal or external alterations are proposed or required, given the previous uses as HMOs. All bedrooms (which range in size from 7.92sqm to 11.66sqm, with an average room size of 9.52sqm) would exceed the minimum 6.51sqm requirement for a single HMO bedroom.

An 18.66sqm lounge, and separate 14.93sqm kitchen, is proposed for 237 comfortably exceeding the 20sqm minimum total living space and 9sqm minimum kitchen size requirement. For 237A, a 29.96sqm combine kitchen/lounge is proposed, again, comfortably exceeding the 18sqm minimum total living space requirement. Two bathrooms and a separate toilet are proposed for

237, and two bathrooms for 237A. The proposal would be in full compliance with HMO licensing requirements, given the previous uses as HMOs up until 2019.

Refuse and recycling would continue to be stored within the paved area to the front of the house, but within the dedicate stores (providing storage for four sets of containers), and a secure and covered cycle store for twelve bicycles would also be provided within this area.

## Planning analysis

### *Housing mix*

Policy BCS18 supports a neighbourhood with a mix of housing tenure, types and sizes to meet the changing needs and aspirations of its residents. The supporting text states that evidence provided in the Strategic Housing Market Assessment (SHMA) suggests that new developments should provide for more accommodation for smaller households. The SHMA was updated in February 2019 for the wider Bristol area. This states that single person households are expected to represent 40% of the overall household growth: an increase of 34,000 from 2016 to 2036. The proportion of single person households is therefore predicted to increase from 31.7% to 33.3%, whilst households with children are predicted to remain constant, at 26.2%. 'Other households' (which would include shared accommodation) are predicted to increase from 8.3% to 9.8%.

The 2019 SHMA states that, *"whilst there is projected to be an increase of 34,000 extra single person households, only 14,600 extra dwellings have one bedroom (5,000 market homes and 9,600 affordable homes). This reflects that many single person households will continue to occupy family housing in which they already live."* (para 2.20). It therefore follows that the provision of accommodation for single households (which HMO rooms provide) would potentially free up family housing, in addition to meeting an identified need. The SHMA predicts that the need for 1-bed accommodation will increase by 16.8% over the period, whilst the need for 3-bed houses will increase by a broadly similar figure (17.6%).

Further to the 2019 SHMA, the LPA published the "City of Bristol Local Housing Needs Assessment Report of Findings" (November 2023), as a background paper to the new Local Plan. This predicts that, for the period 2020-2040, single person households will represent almost a third of the overall household growth (15,000, 32%), couples without dependent children will represent almost a further third of the growth (13,600, 29%), whilst families with dependent children will make up approximately one fifth of the overall household growth (9,000, 19%). Pertinent to the application, the need for HMO and student households (9,400, 20%) exceeds that for families with children.

In terms of rental property more broadly, Bristol City Council has publicly acknowledged that the city has a “rent crisis”<sup>1</sup>, with over one-third of the population (134,000 people) currently renting privately in Bristol. As the Council itself notes, *“Over the last decade, private rents in Bristol have increased by 52%, while wages have only risen by 24%. On average, Bristol residents now need almost nine times their annual salary to buy a house. The spiralling costs mean housing is becoming increasingly unaffordable, pushing many further away from their place of work, family, and support networks.”*

There is no doubt that a shortage of supply of rental accommodation in the city has had an impact on rentals costs. A recent (October 2023) report by Unipol and HEPI<sup>2</sup> shows that average student rental costs in Bristol, at £9,200 per room for the 2023/24 period, are the highest outside London, and have increased by 9% from 2021/22. It is not outlandish to suggest that the Council’s adoption of Article 4 Directions, removing Part 3, Class L PDR to create small houses in multiple accommodation, introduced to limit the spread of HMOs, has also contributed to rising rents, for both young people in employment and students. Restricting supply will naturally increase demand.

The Bristol City Council ‘JSNA Health and Wellbeing Profile 2024/25’ reported a near-trebling in the number of households in temporary accommodation from 2019/20 Q3 (573) to 2024/25 Q1 (1554).

In this context, the provision of a 2no. HMOs would therefore help to meet an identified need for accommodation for single households. Conversely, continued use as C3 dwellings with five and six bedrooms would likely result in under-occupation, given average family-sizes, whilst the lack of outdoor space for the first floor flat, and the town centre/main road location, would further reduce the appeal to families.

*“Managing the development of houses in multiple occupation” Supplementary Planning Document*

The Council’s ‘Managing the development of houses in multiple occupation’ Supplementary Planning Document identifies what constitutes a harmful concentration of HMOs. On a street level, this arises when a proposed dwelling is sandwiched between two HMOs. On a

<sup>1</sup> <https://www.bristol.gov.uk/council-homes/tackling-the-rent-crisis>

<sup>2</sup>

neighbourhood level, this arises when HMOs comprises 10% or more of the housing stock within a 100-metre radius.

In respect of the neighbourhood, the Council does not provide a tool for calculating the number of HMOs within 100 metres of a site, and therefore applicants/appellants are required to manually calculate this figure. There are currently 5 HMOs within 100 metres out of 148 dwellings (accounting for flat conversions). In addition, there is an unimplemented planning permission at 253 Gloucester Road for an HMO conversion, and also at 160 Gloucester Road. This expires in January 2026, and has not yet commenced (it is currently being advertised as a development site and the site was last in use as a community space). The current proportion of HMOs therefore stands at 3.4% (5 out of 148). If both extant HMO planning permissions were implemented, this would increase to 4.7% (5 out of 148, with a residential unit lost at 253, but gained at 160). If permission was granted at the application site, the proportion of HMOs would range from 4.7 to 6.1%, depending on the outcomes at 253 and 160 Gloucester Road. As such, the 10% threshold would not be breached in any scenario.



Extract from Council's Pinpoint website (red circle indicates 100m radius).

In respect of sandwiching, the SPD states that sandwiching situations can occur, inter alia, when up to 3 dwellings in a street are located between two HMOs, or when there are HMOs both adjoining and to the rear of a (C3) dwelling. The nearest HMOs are at Olives Court, and the extant

permission at 253 Gloucester Road, neither of which would create a sandwiching situation with the application site (the SPD states that sandwiching cannot occur when there is a separating road, and therefore, notwithstanding that The Oaks comprises 21 flats, it would not be sandwiched by virtue of Brynland Avenue being a separating road).

239 Gloucester Road would in effect share a boundary (though noting that the properties are detached from each other) with two HMOs, though as these would be in the same direction, this cannot be considered to be a sandwiching situation. In respect of the properties to the rear, the outdoor space would only be accessible by occupants of the ground floor unit, and so whilst these properties could share a boundary with two HMOs (based on Land Registry Title Plans), in reality it would only be one HMO that actually adjoined these properties, and again, as both HMOs would be to the rear only, this cannot be considered a sandwiching situation by any reasonable interpretation of the word.

It is important to bear in mind that the SPD only states that sandwiching or a breach of the 10% threshold can have *the potential* to create harmful impacts. An extract from the SPD listing the potential harms that can arise is included below.

- **Reduced community engagement from residents** resulting from an increase in the transient population of an area;
- **Noise and disturbance** resulting from intensification of the residential use and/or the lifestyle of occupants;
- **Overlooking and loss of privacy** resulting from poorly considered internal layouts and intensification of use;
- **Detriment to visual amenity** resulting from poor waste management, poor property maintenance, accumulative external alterations to properties and use of frontage areas for off-street parking;
- **Reduced community services** resulting from a shift in the retail/business offer towards a narrower demographic;
- **Highway safety concerns** resulting from congested on-street parking and poor waste management.

Of relevance is a recent appeal decision at Nailsea Electrical, Gloucester Road, Bristol (ref: APP/Z0116/W/23/3335671, appended to this letter). The site, which lies within the Gloucester Road town centre boundary, 270 metres to the south of the application site, had an extant consent for a flatted scheme, and sought consent for an HMO scheme of 9 units. In this case, the LPA had objected on the grounds of a breach of the 10% threshold. The Inspector noted that the SPD takes a two-part approach, and that a breach of the 10% threshold does not automatically lead

to harm such that the Local Plan policies would be breached; it is only an indication that such a breach is likely (para 35). The Inspector concluded on this issue that:

*"36. In this case, I note that the threshold would only be exceeded by 3%. In the context of this particular site, which is located on a corner plot, by a busy road in an area of a significant mix of uses, 3% above the nominal percentage threshold outlined in the SPD would be minor. In addition, having regard to the findings above, the development would not result in any of the harms, set out in the relevant Policy, in terms of noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to the building.*

*37. Compared to the two previous schemes at the site, there would be a different mix of housing. The Council notes that the previous proposal for 17 flats was acceptable as it would increase the availability of smaller properties in an area where houses, with a greater number of bedrooms was predominant. This proposal would introduce a number of HMOs rather than small flats. However, it would still introduce more housing choice for those seeking smaller types of accommodation. Therefore, both the 17 flats scheme and this appeal scheme would increase choice, and I have no evidence that one would be significantly more beneficial than the other."*

The site has most recently been used to house refugees, and prior to that as two HMOs. There is no evidence that the transient natures of these uses has resulted in detrimental impacts on the area, and the applicants are not aware of any noise complaints relating to the property during that time.

With regards to overlooking and loss of privacy, the change from a five and a six-bed dwelling to a five and a six-bed HMO could not be considered an intensification, and no additional windows are proposed. The only additional development (in respect of visual amenity), would be the cycle and refuse/recycling stores, which are policy requirements to address any potential highway concerns, and would be partially screened by the front boundary wall. Given the absence of intensification, and the highly sustainable location, the proposal is unlikely to generate significantly more vehicle movements as C4 dwellings than as C3 dwellings, and there is no evidence of a reduction in community services locally, with the Town Centre continuing to more than adequately serve both HMO and non-HMO residents alike.

The SPD also identifies a Good Standard of Accommodation, and proposes to adopt the current standards for licensable HMO properties. Given that the properties have previously had HMO licences, they evidently comply with these requirements, as the proposed plans demonstrate.

In summary, none of the potential harms identified with HMOs are present in this particular instance, and there would be no conflict with the relevant local plan policy (DM2).

The principle of HMO accommodation in this location is therefore acceptable, subject to an analysis of neighbour impact, design and parking, which is included below.

### *Design*

Policy BCS21 requires development to contribute to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 requires design to respond appropriately to the existing built environment, particularly in respect to predominant materials and architectural styles. DM27 requires quality landscape design which responds to the contextual character, whilst policy DM30 requires development to respect the setting of the host building and the general streetscene.

The proposal is for a change of use only, with the only physical alterations comprising the erection of cycle and refuse/recycling stores, within an area currently used for informal refuse storage, and partly screened by existing boundary wall from public view. As such, the proposal would not unduly impact on the character and appearance of the area.

### *Residential amenity*

Policy DM2 seeks to ensure that the conversion of properties to HMOs results in adequate residential amenity, does not result in harm due to excessive noise and disturbance, any impact upon street parking, the character of the dwelling or through inadequate refuse or cycle storage.

The requirement for a mandatory HMO licence will help ensure that the property is well-managed, and that the amenity of neighbours is not prejudiced. Whilst a common concern with regards to HMO conversions is an increase in noise and disturbance, these issues, should they arise, can be dealt with through environmental protection legislation, and it would be considered unreasonable to request an HMO management plan in respect of this planning application, or to condition the provision of any such plan, when this separate legislation would apply in any case. In conclusion, the proposal would not give rise to significant harm to neighbour amenity.

With regards to residential amenity, all the bedrooms would exceed the requirements for a single bedroom, and policy-compliant shared facilities (living room and kitchen) are proposed. The ground floor unit would retain access to the rear garden (133sqm, excluding access paths). No

amenity space is proposed for the first floor flat (mirroring the current situation), however the site is within 500 metres walking distance of St Andrews Park, a designated important open space, and so future occupants would have reasonable access to outdoor amenity space. For the avoidance of doubt, the cycle store would occupy lower ground than the bay window, and would not project above the window sill level.

#### *Parking, cycle and refuse/recycling storage*

The Council's Waste Guidance states that for every three bedrooms (NB – the guidance does not state that this requirement should be rounded up) a refuse bin, two dry recycling boxes (44ltr & 55ltr), kitchen waste bin (29ltr) and cardboard sack (90ltrs) is required. Storage for 4 sets of containers is proposed.

DM23 states that for both C4 and C3 dwellings, three bike storage spaces are required for properties with four or more bedrooms. Secure and covered cycle storage for 12no. bicycles (in excess of the policy requirement) is proposed within the front patio area.

DM23 states that the maximum number of spaces permitted for a C4 dwelling is 1.5 spaces (for properties with 3-6 bedrooms). This is in line with the supporting text to DM23, which states, "*The approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport, as encouraged by Core Strategy policy BCS10*" (para 2.23.7). The policy also states (in line with the NPPF), that development should not give rise to unacceptable traffic conditions.

It is unlikely that the use as a HMOs would generate any more vehicle movements than as similarly-sized C3 dwellings, or that the proposal would give rise to unacceptable traffic conditions, given the highly sustainable location. It is noted that the HMO conversion at 253 Gloucester Road was approved as car-free development for similar reasons.

### **Other issues**

#### *Biodiversity net gain*

The Environment Act 2021 introduces the mandatory "biodiversity net gain" (BNG) requirement for new housing and commercial development in England, subject to any exemptions that may apply. The exemptions that apply to the BNG requirements are habitats below a 'de minimis' threshold of 25 metres squared; or five metres for linear habitats like hedgerows.

As the proposal is for a change of use only and the cycle store and refuse/recycling would be erected on an existing sealed surface. The proposal would be exempt from the BNG requirement. If the Inspector considers that the NPPF§187d requirement to provide net gains for biodiversity applies to the application site, then the provision of bird and/or bat boxes could be secured by condition.

#### *Sustainable energy*

The application is for a change of use only that involves no increase in floorspace or subdivision of units. As such it is exempt from the requirement for a sustainability and energy strategy, and the need to achieve a 20% reduction in carbon emissions, or to follow the heat hierarchy. The Policies BCS13-15 do not therefore apply in this instance.

#### *CIL*

As the proposal is for a change of use with no additional floorspace, the proposal would be exempt from CIL.

### **Conclusion**

The HMO SPD was adopted not to prevent HMOs, but to ensure that they are not overconcentrated in particular neighbourhoods, and to direct them towards areas with lower concentrations. The current proposal would not result in any harm arising from any potential sandwiching, and the proportion of HMOs within 100 metres would remain far below 10%. As such, and given the previous uses of the site as HMOs without incident, there can be no in-principle objection to the properties being used as small HMOs, and the overwhelming proportion of properties in the area would continue to provide family accommodation.

The Council recognises, in its Equalities Screening for the HMO SPD, that, *"It is possible that a reduction in the supply of HMOs at a local level may have a disproportionate impact on the groups who typically occupy this type accommodation - i.e. younger people (e.g. students), migrants and those on lower incomes. Impacts may include possible increases in rent and/or increases in commuting distances for work or studying."* Similarly, in respect of draft policy H6 (Houses in multiple occupation and other shared housing) of the new Local Plan, the Equality Impact Assessment lists the potential adverse effects of the policy as, *"Deprivation/Age (younger people): People including younger people on lower incomes in need of more affordable*

*accommodation, such as HMOs/shared housing, may experience supply issues in areas where imbalance exists between this form of housing and other housing types."*

As this letter details, rents have risen across the city since the introduction of the HMO SPD, and supply has shrunk, and whilst correlation does not necessarily equal causation, it is axiomatic that prices rise as supply falls. In this context, it is all the more important to approve HMOs in areas where the 10% threshold has not yet been reached.

The proposals would, in effect, provide additional accommodation for eleven households (at the recent appeal at Nailsea Electrical, 102 Gloucester Road, Bristol (ref: APP/Z0116/W/23/3335671), the Inspector concluded that a development of 9no. large and small HMOs would "introduce more housing choice for those seeking smaller types of accommodation" (para37)), meeting a need identified in the latest SHMA and the Local Housing Needs Assessment. As such it would meet the aims of both BCS18 and DM2.

In the context of the Council not having a 5YHLS, not meeting the 2024 Housing Delivery Test (the fourth consecutive year that this has happened) and paragraph 11d of the NPPF currently being engaged, the proposal offers: social benefits through the provision of housing suitable for single person households, whilst providing communal living which can combat the acknowledged health impacts of loneliness; economic benefits through increased spending in the locality; and environmental benefits through the more efficient use of land to provide increased accommodation (over the provision of new-build one-bedroom accommodation).

The proposal would provide a high standard of accommodation and represent a valuable addition to the housing stock in a highly sustainable location, with excellent sustainable transport links.

The fee will be paid directly to the Planning Inspectorate. If you have any further queries, then please do not hesitate to contact me.

Yours faithfully,

**Stokes Morgan Planning Ltd**



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# Appeal Decision

Site visit made on 28 June 2024

**by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 January 2025**

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**Appeal Ref: APP/Z0116/W/23/3335671**

**Nailsea Electrical Ltd, 102 Gloucester Road, Bishopston, Bristol BS7 8BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Whitehorse Homes Ltd against Bristol City Council.
  - The application Ref is 23/03348/F.
  - The development proposed is demolition of western part of former chapel and single storey extension and construction of a three-storey extension comprising 9 dwellings (5 small houses in multiple occupation (use class C4) and 4 large houses in multiple occupation (sui generis), retention of 225sqm of Commercial, Business and Service floorspace (use class E), external alterations, associated access and landscaping works.
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## Decision

1. The appeal is allowed and planning permission is granted for the demolition of western part of former chapel and single storey extension and construction of a three-storey extension comprising 9 dwellings (5 small houses in multiple occupation (use class C4) and 4 large houses in multiple occupation (sui generis)), retention of 225sqm of Commercial, Business and Service floorspace (use class E), external alterations, associated access and landscaping works at Nailsea Electrical Ltd, Bristol BS7 8BN in accordance with the terms of the application, Ref 23/03348/F, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters and Main Issues

2. For reasons of brevity, I have referred to the Commercial, Business and Service element of the proposal simply as “commercial” throughout this decision.
3. This appeal relates to an application where the Council did not issue a formal decision. However, it has provided putative reasons for refusal. It is undisputed between the parties that the Council cannot demonstrate a supply of specific and deliverable sites to provide a minimum of five years’ worth of supply against their housing requirement in the strategic policies. Therefore, this appeal must be considered with regard to paragraph 11 d of the National Planning Policy Framework (the Framework).
4. The appeal site is a former chapel located on a corner site, until recently it has been used for commercial (retail) purposes. In recent years the appeal site has been subject to two relevant planning applications. Consent has been granted for the redevelopment of the site including a three-storey extension which would result in the provision of 9 dwellings, a retail unit and office accommodation. The Council’s Development Management Committee has subsequently determined to approve an alternative scheme which also includes a three-storey extension, retail space and 17 flats.

5. Having regard to the Council's putative reasons for refusal, and other matters raised I consider the following to be the main issues in this appeal, with each considered against the backdrop of the schemes the Council has found to be acceptable:
- the effect of the development on the character and appearance of the Gloucester Road Conservation Area;
  - the effect of the development on the living conditions of the occupants of nearby dwellings with regard to privacy, noise disturbance, and the physical effect of the building;
  - the effect of the development on the living conditions of the future occupants of the proposed development with regard to privacy, outlook, daylight and the internal environment of the dwellings;
  - whether the parking provision would be appropriate having regard to the effect on parking pressures in the locality and highway safety; and
  - whether the development would result in an appropriate balance of housing type in the locality.

## **Reasons**

### ***Conservation Area***

6. The appeal site is located within the Gloucester Road Conservation Area. The part of the Conservation Area near the appeal site is characterised by a mix of commercial and residential buildings principally either two or three storeys in height. Many of the buildings along Gloucester Road are orientated so that a gable fronts the road with the ridgeline running perpendicular to the road creating a "V" shaped gap between ridgelines at roof level. However, there are also buildings orientated with the ridgeline running parallel to the road and examples of more recent development of significant scale with flat roofs.
7. The previous scheme for 17 flats included a three-storey extension fronting Berkeley Road which contained a slightly recessed link element between the extension and the former chapel. In general terms, this is similar to the proposed scheme with both having a similar overall height and width. The three-storey extension proposed on the previous scheme had a roof form of several front facing gables which would provide 'V' shaped gaps between them at roof level. Although front facing gable elements are proposed in the appeal scheme, these would be part of a wider roof arrangement with a west-east alignment, similar to the existing chapel building. This would result in a greater level of roof visible than with the previous scheme lacking in the gaps provided by the front facing gables.
8. Front facing gables, allowing for these 'V' shaped gaps are common in the immediate area with both two and three storey examples nearby. However visible ridge lines and other roof extensions, such as large flat roof dormer structures, are also common elements of the character of this part of the Conservation Area and immediately adjacent area. The appeal scheme would be seen in the immediate context of the ridge line of the former chapel and the neighbouring side extension roof form. It's height and bulk would appear commensurate with these neighbouring buildings and incorporate a modest step up in line with the incline of Berkeley Road.

9. The proposed link element would contain a door at ground floor level and two windows above at first and second floor level. This is similar to the 17 flat scheme, but the first and second floor windows would be smaller than the previous scheme with greater areas of walling visible. Although this would not have the same, nearly, fully glazed appearance, with the slight recess and lower flat roof, it would still allow for a clear visual break between the historic chapel and the new extension. In this regard, the scheme would have a different but broadly equivalent impact to the previous scheme and the character and appearance of the Conservation Area would be preserved.
10. Although there would be other changes to the appearance of the building from the previous schemes, these would be modest in nature. Overall, the appeal scheme would preserve the character and appearance of the Conservation Area. Therefore, there would be no conflict with Policy BCS22 of the Bristol Development Plan: Core Strategy (the CS) and Policy DM31 of the Bristol Development Plan: Site Allocations and Development Management Policies (SA&DMP). Together these Policies seek to preserve the special character of conservation areas.

### ***Living Conditions – Neighbouring Residents***

11. The appeal site sits next to 4 Berkeley Road, a two-storey semidetached property which has been extended to the side adjacent to the shared boundary. This side extension incorporates an under croft allowing access to a driveway for a residential dwelling (number 4a) located to the rear of numbers 4 and 6. In this context the modest increase in the step back of the building compared to the previous scheme would not result in an undue effect on the neighbouring occupiers in terms of the physical effect of the building.
12. Both the previous scheme for 17 flats and this appeal scheme would contain windows with an outlook to the rear from the proposed three-storey extension. Regardless of whether the overall level of occupation of the building would rise, overlooking from the rearward facing windows between the schemes would be similar. Indeed, the appeal scheme would lack first floor balconies which can give rise to a greater sense of intrusion of privacy by neighbouring residents compared to a window. Side windows are proposed on the three-storey extension, but these would have an outlook to a largely blank side gable of 4 Berkeley Road and would not result in significant overlooking.
13. This appeal scheme would provide a mix of large and small houses in multiple occupation (HMOs), whereas the previous schemes would result in dwellings or flats. In terms of overall level of occupation, it is likely that the appeal scheme would accommodate a greater number of residents. However, all schemes would result in residential uses of a fairly high density. This would be in an area of mixed use with a range of commercial uses sitting close to residential properties and in proximity to busy roads. In this context, noise levels from residents of the appeal scheme would not result in harm to the living conditions of the occupants of neighbouring dwellings.
14. Overall, the scheme would result in acceptable living conditions for the occupiers of neighbouring dwellings in terms of privacy, noise disturbance, and the physical effect of the building. It would accord with Policy BCS21 of the CS and Policies DM27, DM29 and DM30 of the SA&DMP. Together these Policies seek to ensure that development would safeguard the amenity of existing development and occupiers including in terms of privacy, outlook and daylight.

### ***Living Conditions – Future Occupiers***

15. The Council's Supplementary Planning Document (SPD): Managing the development of houses in multiple occupation sets out guidelines for minimum room sizes in HMOs. The Council suggests that 5 of the 9 flats would not meet the threshold for the communal space in the proposed HMOs.
16. The guidance provides room sizes for a room to be used solely as a bedroom, where it is combined with a living room, and where it is combined with both a living room and kitchen. In addition, minimum sizes are given for kitchens and the total communal living space where the room is proposed to be shared by occupiers. In this appeal scheme each HMO flat provides private rooms, with some sitting space indicated within the bedroom. Each flat would also have a communal kitchen area with dining space indicated.
17. All the proposed bedrooms would exceed the guidance of 9sqm for a 1-person room with a small number of rooms at or exceeding the guidance for a 2-person room where a combined bedroom and living room is proposed. The SPD is not clear if, and by how much, any discount to the kitchen and/or the overall communal living space should be given where living accommodation can be provided in the private bedrooms. The Council's evidence also does not clarify this matter. However, logically it seems that where a bedroom is of a size deemed suitable to provide living space, some effect on the overall communal space should be considered. All of the proposed kitchens, in themselves, would be above the size threshold; fairly significantly so in some cases.
18. I note that the SPD and the associated room sizes are guidance and not prescribed by policy. Where the Council indicates that the total communal space is below the guidance it is typically by 1 bedroom (and 2 in a single case). All kitchens could provide for some dining space where social interaction could take place and, taking account of the allowance for living space in each bedroom, I consider that the internal space of each HMO flat would not be unduly cramped. Therefore, in this regard the development would comply with Policy BCS18 of the CS which seeks to ensure that development provides sufficient space for everyday activities.
19. Not all the flats would be dual aspect, and a small number of bedrooms would only be provided with a roof light in terms of a window to allow for outlook. In addition, outlook from the kitchen/communal areas of some of the flats would be provided by windows with an outlook to the flank of 4 Berkley Road, restricting the view provided. Policy DM29 of the SA&DMP indicates that residential development should provide dual aspect where possible, particularly where one aspect is north facing. This Policy does introduce a degree of pragmatism such that dual aspect accommodation should be provided where possible. In addition, I note that the previous 17 flat scheme, while not identical, did have similar characteristics.
20. Some views from the street into the proposed bedrooms in Flat 1 (ground floor) would be possible. However, these windows would be setback some distance from the pavement on Berkeley Road and views into the flats that would front Berkeley Road would also be possible in the 17 flat scheme.
21. The appeal scheme proposes communal gardens to the front and rear. The previous scheme for 17 flats proposed a mixture of private gardens for the ground floor flats, a small number of private balconies for upper floor flats and

a communal garden. The manner in which outdoor space is provided is different between these two schemes, however even with the 17 flat scheme a number of dwellings would not have private space. Both the Council and appellant agree that St Andrew's Park is located about 350m away.

22. In both schemes there would be reliance on the communal space but with the opportunity to seek outdoor recreation in the nearby park. This is not uncommon for flatted development and shared accommodation in urban areas. Even if the appeal scheme could result in a higher degree of occupants than the 17 flat scheme, this would be by a modest degree and not such that it would be under undue additional pressure.
23. Given the urban, built up, nature of the area, and the type of accommodation proposed, the living conditions proposed, in terms of outlook and access to outdoor space would be acceptable and not contradict the overarching policy aims.
24. The Council has raised a concern that there is a risk of overheating within the development and that insufficient information has been provided to demonstrate that this could be mitigated. This is relevant to climate change and sustainability policy goals; however, its direct impact would be on the living conditions of the future occupants.
25. The evidence before me indicates that there was a similar concern with the previous scheme for 17 flats but that ultimately it was concluded that this matter could be addressed by a condition. Although there are differences between the schemes, I have no evidence that this appeal scheme is so different that the necessary mitigation is unlikely to be achievable. However, while heating is mentioned in the Policy, I have no reason to conclude that matters relating to this would not be adequately controlled by building regulations, therefore duplicating such controls through a condition is not necessary. In this regard I conclude that the living conditions of the future residents could be safeguarded and that the related sustainability goals be achieved.
26. Overall, the proposal would comply with Policies BCS13, BCS14, BCS18, and BCS21 of the CS and Policies DM27, DM29 and DM30 of the SA&DMP. These Policies require that development respond to climate change and that heating and cooling is in accordance with the heat hierarchy and provide a high-quality environment for future occupiers including in terms of indoor and outdoor space, outlook and overlooking.

### **Parking**

27. The appeal scheme would provide for 3 parking spaces for the proposed commercial area and 1 disabled parking space relating to the HMO flats. There would be 57 secure and covered cycle parking spaces for the HMO flats and additional cycle stands for the commercial element of the scheme. The relevant Policies have maximum levels of car parking and there are no minimum levels (other than relating to disabled parking). A signed/completed planning obligation under section 106 of the Town and Country Planning Act 1990 which would secure contributions for the Council to make a traffic regulation order and implement travel plan measures has also been provided.

28. The Council acknowledges that the site is located within a very sustainable location and where a development is designed to be car free lower levels of car ownership can be expected. The appellant has provided evidence to indicate that in the environs of the appeal site lower car ownership levels are likely for private rented accommodation (which by their nature HMOs would almost always be). In addition, the appellant has provided evidence that car ownership for HMOs in a neighbouring authority area was at around 1 car per HMO on average.
29. The appeal site is in an urban area, very close to a wide range of services and facilities and public transport links. Like many urban areas, it is evident that there are on-street parking pressures. Although the number of bedrooms would rise in this appeal scheme compared to the previous 17 flat scheme, it is not clear that the number of bedspaces and therefore overall occupants would rise as significantly.
30. The evidence suggests that car ownership for rented accommodation is likely to be at a lower level than other forms of accommodation. I give limited weight to the evidence that relates to the neighbouring local authority area; however, it does provide a limited indication of likely car ownership levels for the appeal scheme. There would be an appropriate level of cycle parking provision for the likely maximum occupation of the development. The submitted planning obligation would allow for contributions to aid with maximising sustainable travel and manage associated traffic matters.
31. Taking matters in the round, there is not strong evidence to indicate that the appeal proposal would result in significantly greater levels of car ownership than the 17 flat scheme and in this respect no harm would arise. Therefore, I conclude that the appeal scheme would accord with Policy BSC10 of the CS and Policy DM23 of the SA&DMP, which seek to ensure development is located where sustainable transport patterns can be achieved and appropriate levels of parking would be available.

### ***Housing Type***

32. The proposed development would result in the creation of 9 dwellings to be used as HMOs. Amongst other matters Policy DM2 of the SA&DMP deals with shared housing which includes HMOs. The Policy sets out that such development should not be permitted where it would create or contribute to a harmful concentration of such uses within a locality. Relevant to this appeal, this includes where a development would harm residential amenity or character which includes matters relating to noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to a building. These matters have been considered under the relevant subheadings above.
33. In addition, HMO development should not reduce the choice of homes in an area by changing the housing mix. The Council's Supplementary Planning Document (SPD): Managing the development of houses in multiple occupation sets out criteria for assessing HMO proposals. This includes whether there would be a sandwiching effect and the percentage of HMOs in the dwelling stock that would result within a 100m radius.
34. The Council has concluded that the development would not result in a sandwiching effect as set out in the SPD and I have no substantive reason to disagree with this assessment. The SPD sets out that where the introduction of

new HMOs would result in more than 10% of the dwellings, in a 100m radius, being HMOs, this is unlikely to be consistent with Local Plan policy. The Council's evidence indicates that currently the HMOs within a 100m radius of the site equates to 5.17% of the housing stock and that this would rise to 13% with the proposed development.

35. I note the appellant has set out an argument as to why it could be considered that the scheme would fall below the 10% threshold. However, even if I accepted the Council's position on this matter, a breach of the 10% threshold does not automatically lead to harm such that the Local Plan policies would be breached, it is only an indication that such a breach is likely.
36. In this case, I note that the threshold would only be exceeded by 3%. In the context of this particular site, which is located on a corner plot, by a busy road in an area of a significant mix of uses, 3% above the nominal percentage threshold outlined in the SPD would be minor. In addition, having regard to the findings above, the development would not result in any of the harms, set out in the relevant Policy, in terms of noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to the building.
37. Compared to the two previous schemes at the site, there would be a different mix of housing. The Council notes that the previous proposal for 17 flats was acceptable as it would increase the availability of smaller properties in an area where houses, with a greater number of bedrooms was predominant. This proposal would introduce a number of HMOs rather than small flats. However, it would still introduce more housing choice for those seeking smaller types of accommodation. Therefore, both the 17 flats scheme and this appeal scheme would increase choice, and I have no evidence that one would be significantly more beneficial than the other.
38. Taking these matters together I conclude that the concentration of HMOs in the area would not result in harm that would breach the Policy objectives. In this regard I therefore conclude that the development would accord with Policy DM2 of the SA&DMP.

### ***Other matters***

39. Concern has been raised in respect of land ownership around parts of the site boundary. I have no significant evidence that the relevant ownership certificates submitted with the application are incorrect. Therefore, this is not a matter that is relevant to the determination of this appeal.

### **Planning Balance and Conclusion**

40. As the Council cannot demonstrate a supply of specific and deliverable sites to provide a minimum of five years' worth of supply against their housing requirement in the strategic policies, paragraph 11 d of the Framework applies. This means that planning permission should be granted unless policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development or any adverse effects if doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Relevant to this appeal particular regard should be had to key policies for directing development to sustainable locations and making effective use of the land.

41. There would be no harm to assets of particular importance (the Conservation Area in this case). The scheme would result in housing provision in a sustainable location, and it would make effective use of the land. Taken in the round, there would be no conflict with other relevant policies both in the Framework and the Council's development plan. For the reasons given above the appeal is allowed.

### **Planning Obligations and Conditions**

42. The submitted planning obligation would secure matters relating to the implementation of a travel plan and regulating traffic matters. I am satisfied that these are necessary to make the development acceptable, that the measures the contributions would secure are directly related to the development, and that the scale of the contributions are fairly and reasonably related to the scale and kind of the proposed development.
43. The Council has provided a list of suggested conditions. A number of these would be pre-commencement conditions. The appellant has had an opportunity to comment on these conditions. A number of matters have been raised, including relating to the wording of the conditions to ensure some are worded more robustly to be a pre-commencement condition. However, no direct objection was made to such conditions being pre-commencement conditions. I have also simplified and amalgamated some of the suggested conditions to provide clarity.
44. Conditions to ensure the development is commenced within 3 years and that it is in accordance with the submitted plans are necessary for the avoidance of doubt and in the interest of clarity. In view of the close proximity to neighbouring dwellings and trees, conditions are necessary to secure a construction environmental management plan and tree protection. Given the nature of the matters to be controlled, it is necessary that these are pre-commencement conditions. However, given the relatively modest scale of the development, they do not need to be as detailed as the wording suggested by the Council and the two conditions that would deal with protection of trees can be secured via a single simple condition.
45. In the interests of the visual appearance of the development a condition is required to ensure that suitable methods for the installation of the green roof over the cycle store and its ongoing maintenance. It is necessary that this matter is approved before works to construct the cycle store. A condition to secure materials, including the works to the chapel building to be retained is necessary in the interest of the character and appearance of the Conservation Area. The wording of the condition can be simplified from those suggested by the Council.
46. A condition is required to secure appropriate waste management for the commercial element of the scheme to ensure that the living conditions of nearby residents is not unduly impacted. The details of this does not need to be secured before any works start on site so it does not need to be a pre-commencement condition.
47. To ensure the development contributes to adapting to climate change the installation of photovoltaic panels is necessary. A two-stage condition to secure the details and then ensure that it has been installed to an adequate specification is necessary. However, it is not necessary that no works be

- started before the initial details are submitted and the demolition elements could commence on site first. For similar reasons securing the provision of an air source heat pump(s) and other energy efficiency measures is necessary.
48. To avoid the risk of surface water flooding, details and maintenance of a drainage scheme is required. Controlling external lighting is necessary in the interests of the living conditions of neighbouring and future residents. The addition of bird, bat and bee boxes and adhering to bat mitigation is necessary to secure appropriate levels of biodiversity. Given the historic uses of the site, a condition to control reporting and mitigation of any unexpected contamination is necessary.
49. To ensure adequate access to alternative means of transport is provided the provision of suitable cycle storage is necessary. Suitable means of access and the provision of the car parking area is necessary in the interests of traffic and parking management and securing visibility is necessary for safety reasons. In the interests of the visual appearance of the development a landscaping scheme, including its maintenance, is necessary. Similarly preventing the erection of new boundary treatments to the front of the building (beyond those approved as part of the development) is necessary.
50. In the interests of the living conditions of the future occupiers, conditions to secure appropriate noise insulation between the flats and between the flats and the commercial use is necessary. In the interests of the living conditions of existing and future residents it is necessary to control the noise generated by the commercial unit. Similarly controlling the operating hours of the commercial unit is necessary. However, given the mixed-use nature of the area and proximity to a busy road, this need not include a prohibition on the operation and use by customers on Sundays and Bank Holidays. Greater limitation of noisier activities such as deliveries and managing refuse and recyclables should be more limited to provide the nearby residents reprieve from noisier activities in the evenings and on Sundays and Bank Holidays.
51. A condition to secure details relating to offsite highway works, such as those affecting the footway, is not necessary because the Council, as Highway Authority has other means to secure appropriate provision of these works. The important elements of the historic chapel are shown as being retained with the elements of demolition relating to parts of the building which are of no historic merit. In these circumstances a contract for redevelopment is not necessary. The existing building, when historically used as a retail/commercial use did not appear to have clear glazed windows facing the highway. While this could be an improvement to the appearance of the historic chapel, it is not necessary given the previous and current appearance of the building.
52. The Council has requested a condition to secure a scheme for local employment opportunities during construction. I note the reference to a decision made by the Secretary of State where such a condition was imposed with reference to Chapter 6 of the Framework. However, it appears that the scheme referred to was greatly more significant than this appeal scheme in terms of scale. As such I do not consider that such a condition is necessary to the extent that planning permission should otherwise be withheld for this appeal scheme.

*K Taylor*  
INSPECTOR

## **Schedule of Conditions**

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans:
  - 3516/104- Proposed floor plans & roof plan
  - 3516/105- Proposed elevations & sections
  - 3516/106- Proposed site plan
  - 3516/107- Proposed bike store plans & elevations
  - 3516/108- Proposed site location plan
3. No works shall be undertaken on site, including demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
4. No works shall be undertaken on site, including demolition, until a scheme for the protection of trees on/adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
5. No works shall be undertaken on site, including demolition, until an update of the Bat & Protected Species Survey (EcoLogic, 3rd April 2023 update Rev 03), including any updates to the ecological mitigation and enhancement strategy, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
6. No works shall be undertaken on site (other than demolition) until details of all proposed external materials, fenestration, external joinery and external repair, replacement and remedial works to the chapel building to be retained have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. No works shall be undertaken on site (other than demolition) until details of a drainage strategy, including ongoing management and maintenance have been submitted to and approved in writing by the Local Planning Authority. The drainage works and ongoing management and maintenance shall thereafter be carried out in accordance with the approved details.
8. No works shall be undertaken on site (other than demolition) until details of the noise insulation between the residential elements of the development and commercial elements of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the residential occupation and commercial use of the building and thereafter retained.
9. No works shall be undertaken on site in respect of the construction of the cycle store until details of the green roof, including the method of installation

and ongoing maintenance and management has been submitted to and approved in writing by the Local Planning Authority. The works and ongoing management and maintenance shall thereafter be carried out in accordance with the approved details.

10. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the storage of the commercial waste and recycling and associated ventilation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained for the purposes of storing waste and recycling associated with the commercial area.
11. No works shall be undertaken on site (other than demolition) until details of the proposed photovoltaic system, including a technical specification and calculation of annual energy generation and the associated reduction in residual CO2 emissions, has been submitted to and approved in writing by the Local Planning Authority. Prior to the residential occupation and commercial use of the building, evidence that the system has been installed and is sufficient to meet the approved calculation of annual energy generation and the associated reduction in residual CO2 emissions shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be retained for the lifetime of the development.
12. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained.
13. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the installation of bird and bat boxes and a bee brick(s) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained.
14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be carried out in accordance with its terms and a remediation/validation report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
15. The building shall not be occupied by residential occupants until the waste and recycling provision for the residential uses has been implemented in accordance with the approved plans. Such provision shall thereafter be

retained for the purposes of storing waste and recycling associated with the residential use.

16. The building shall not be occupied by residents until details for the securing and lighting of the cycle store has been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided in accordance with the approved plans and the approved details relating to security and lighting prior to the occupation of the residential accommodation. The cycle storage, including the security and lighting systems shall thereafter be retained for the lifetime of the development and kept available for the storage of cycles associated with the approved residential use.
17. The building shall not be occupied by residents or the commercial use commenced until the means of access for pedestrians, cyclists and vehicles (including the provision of associated dropped kerbs on the highway) have been provided in accordance with the approved plans and thereafter retained.
18. The building shall not be occupied by residents or the commercial use commenced until the car/vehicle parking area and cycle stands for the commercial use shown on the approved plans has been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles and cycles associated with the development. The disabled parking bay shown on the approved plans shall be kept free of obstruction and available for the parking of residents registered disabled and allocated this space only.
19. The building shall not be occupied by residents or the commercial use commenced until pedestrian visibility splays of 2 metres x 2 metres to the rear of the footway, has been provided at the vehicular access serving 4A Berkeley Road adjacent to the west of the site. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 1 metre to the rear of the footway which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
20. The building shall not be occupied by residents or the commercial use commenced until a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted.
21. All recommendations detailed in the Noise Assessments submitted with the application with regards to sound insulation and ventilation of residential properties shall be implemented in full prior to the occupation of the building

and the commencement of the use permitted and be permanently maintained for the lifetime of the development.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the ground floor commercial unit hereby approved shall only be used for the following uses within Class E: retail, financial and professional services (other than medical or health services) or office use and for no other use within The Town and Country Planning (Use Classes) Order 1987 as amended 1<sup>st</sup> September 2020, or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).
23. The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statement (Sustainable Energy Statement Revision E- 20 April 2022) prior to first occupation. A total of at least 20% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.
24. The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
25. No customers shall remain on the commercial premises (Use Class E) outside the hours of 08:00 to 23:00 on Monday to Sunday.
26. Activities relating to deliveries and the collection of refuse and recyclables and the tipping of empty bottles into external receptacles, for the commercial premises, shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no fences, gates or walls, other than those approved as part of the approved plans and/or the landscaping scheme shall be erected within the site forward of any wall of the building which fronts onto a road.