



Bristol City Council – LPA S62A Statement Note

Planning Inspectorate reference: S62A/2025/0103

LPA reference: 25/11957/PINS

Address: Ground Floor Flat 6 Gordon Road Clifton Bristol BS8 1AP

INTRODUCTION

This statement of case relates to a full planning application (LPA reference: 25/11957/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use of vacant pre-school back to single 2bed flat. The external building will be as same as existing in keeping with the area at Gordon Road Clifton.

THE APPLICATION SITE

This application is for the reversion of the ground floor from the “Montessori” pre-school use granted in 2012 (12/00010/F) back to the previously existing 2No. bed ground floor flat use. The previously existing school use has relocated to Hotwells Primary School approximately 1km to the southwest and the ground floor is currently vacant. The previously existing flat is understood to have been originally created in the 1950s.

The application site No.6 (together with No.8) is a Grade II listed semi-detached villa situated in the Clifton Conservation Area. There is a TPO tree on the southeastern boundary.

RELEVANT PLANNING HISTORY

- 12/02574/LA Alterations to existing boundary wall. Erection of new gates and installation of new railings. Alterations to access drive – Consent 13 August 2012
- 21/01459/CLE - Application for a Lawful Development Certificate for an existing freestanding mono-pitched roof shelter – Refused 29 June 2021 (NB: this was a retrospective application and while no planning issues were identified it was refused on the basis that the structure was fixed to the existing boundary wall and Listed Building Consent was therefore technically required. This was disputed.)
- Various tree related applications
- 12/00010/F - Convert existing ground floor flat to pre-school use for maximum 24 children over 38 weeks per year (with associated external alterations comprising revised car parking arrangements, security railing and cycle storage area) – Permission 10 July 2012
- 10/02684/F - Convert existing garden flat to Montessori nursery school for maximum 20 children for 38 weeks a year – Refused 27 August 2010

- 10/02685/LA – Convert existing garden flat to Montessori nursery school for maximum 20 children for 38 weeks a year – Consent 27 August 2010

CONSULTATION RESPONSES

Bristol City Council Transport Development Management (TDM):

TDM is confident that further details of enclosed cycle and refuse storage can be secured by condition.

TDM recommends approval subject to the conditions and advice.

Conservation Team:

No Listed building application has been made to address any alterations back from educational use to residential. returning the property back to residential use is unlikely to pose any impact in its own right. Whilst there is no harm posed to the Listed building or character of the Conservation Area through the change of use, the applicant should be advised that any works impacting on internal fixtures, fittings, and fabric should be accompanied by Listed building consent or, depending on their scale, a Listed building Certificate of Lawfulness.

Nature Conservation:

No comment received.

Neighbourhoods and Communities Team:

Consider the loss of the nursery in line with the existing guidelines.

Arboricultural Team:

No comment received.

KEY ISSUES

(A) PRINCIPLE OF DEVELOPMENT

The site is currently vacant however was most recently occupied as a nursery (Use Class E(f)). Consent is sought for the Change of use of the vacant nursery to a single 2 bed flat (Use Class C3).

There is no objection in principle to the creation of new residential accommodation in this residential area. However, community facilities (such as the existing nursery use) are protected through the following policies, and therefore justification would be required for the loss of the community floorspace.

Policy BCS12 of the Core Strategy (2011) states that existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. The supporting text clarifies that the term community facilities is wide-ranging and can include childcare facilities. In such cases the Council will need to assess the loss in terms of the social, economic and physical impact on the local community and the harm caused to the level of community provision in the area.

Policy DM5 in the Site Allocations and Development Management Policies (2014) more specifically states that proposals involving the loss of community facilities land or buildings will not be permitted unless it is demonstrated that:

- i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or
- ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or
- iii. The community facility can be fully retained, enhanced or reinstated as part of any redevelopment of the building or land; or
- iv. Appropriate replacement community facilities are provided in a suitable alternative location.

In this particular case, the applicant has confirmed that the change of use effectively seeks the reversion of the ground floor from the most recent “Montessori” pre-school use granted in 2012 (Ref. no 12/00010/F) back to the previously existing 2No. bed ground floor flat use. The application site is currently vacant. The applicant has noted that the previously existing nursery has relocated to Hotwells Children’s House at Hotwells Primary School approximately 1km to the southwest. This is also evident on the Hotwells Children’s House website, which states that it “is founded by the managers of a long established, twice outstanding Montessori nursery and preschool in Clifton that sadly closed its doors in July 2024 due to the owner's retirement and the premises being sold”.. The LPA is therefore satisfied in this instance that there will be no reduction in the provision or quality of such uses within the locality, and appropriate replacement community facilities will be provided in a suitable alternative location. Notwithstanding this there are also other early years education (and nursery provision) available generally in the local area, which include Clifton Tots (Richmond Hill and St Paul’s Road); Christ Church Clifton Pre School; Daisy Chain Nursery, Clifton Park; Clifton College, Mama Bears, Whiteladies Road; Bristol University Day Nursery and Clifton High School.

Ultimately, the Montessori provision was relocated approximately 1km away to Hotwells Primary School under the management of the former site’s staff, following the retirement of the owner (principal) in summer 2024. As a result, the specific form of early years education

previously offered has not been lost, but rather relocated, and continues to serve the same community.

Following the above, it is considered that the loss of the existing community use is acceptable in this instance as the existing nursery were relocated and the service for those that want it is still available at the Hotwells Children's House, thus satisfying criterion iv of Policy DM5. The application is subsequently considered acceptable on this basis.

(B) MIXED AND BALANCED COMMUNITY ISSUE

The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate.

However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (average of 1,500 residents).

The application site is located within the Gordon Road LSOA within the Clifton Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2021 Census data. The Clifton Ward has a proportion of flats to houses at 75.4% flats and 24.6% houses.

Overall, the above census data would lead to the conclusion that in this instance, there is an imbalance between flats and houses within the LSOA and that there is a need for houses and family sized units rather than smaller flats in the area. The creation of the new two bedroom flat would subsequently not address the imbalance, however the development in this instance relates to an existing nursery (Use Class E(f)) and will subsequently not result in the loss of an existing family sized unit in the local area. It is further recognised that there is a need for further housing in general across the city. The application is subsequently considered acceptable on balance in this instance with regards to mix and balance.

(C) DOES THE PROPOSAL PROVIDE A SATISFACTORY LEVEL OF RESIDENTIAL ACCOMMODATION?

The adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

The proposal will convert the existing ground floor into a two bedroom flat which will include bedrooms of the following sizes:

Bedroom 1 - 21.05sqm

Bedroom 2 - 14.97sqm

In accordance with Core Strategy Policy BCS18, the required minimum gross internal floor area for a 2 bedroom, 4 bed space residential unit is 70 square metres. The proposed flat would have an internal floorspace of approximately 84.5 square metres.

It would therefore appear that the new accommodation would meet the minimum standards and consequently the application will provide sufficient space to meet everyday activities and to enable an adaptable and flexible environment and the application is considered acceptable on these grounds.

The flat will also be dual aspect offering sufficient outlook and natural ventilation for future occupants.

(D) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE RESIDENTIAL AMENITY OF NEIGHBOURING RESIDENTIAL PROPERTIES?

The proposed change of use is not considered to result in any unacceptable impact on the residential amenity of neighbouring properties. Given that the physical layout of the building remains unchanged. As such, the proposal is not anticipated to materially affect the living conditions of nearby occupiers.

(E) WOULD THE PROPOSAL BE ACCEPTABLE IN DESIGN TERMS AND WOULD IT PRESERVE THE FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE GRADE II LISTED BUILDING AND WOULD IT PRESERVE OF THIS PART OF THE CLIFTON AT HOTWELLS CONSERVATION AREA?

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2024 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 214 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 215 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Para 216 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In addition, Bristol Core Strategy (Adopted 2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets in the city. Policy BCS21 also requires new development in Bristol to deliver high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 more specifically states that the design of development proposals should contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines, skylines and roofscapes. Policy DM27 further expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. Policy DM30 further states that any extensions and alterations to existing buildings should respect the siting, scale, form, proportions, materials and overall design and character of the host building and broader street scene.

The application property is Grade II listed and located in the Clifton and Hotwells Conservation Area.

Following consultation, the Council's Conservation Officer confirmed that no Listed building application has been made to address any alterations back from educational use to residential. The proposed application however on returning the property back to residential use is unlikely to pose any heritage impact in its own right. Whilst there is no harm posed to the Listed building or character of the Conservation Area through the change of use, the applicant should be advised that any works impacting on internal fixtures, fittings, and fabric should be accompanied by Listed building consent or, depending on their scale, a Listed building Certificate of Lawfulness.

Following the above, the application is considered acceptable on design and heritage grounds, subject to conditions.

(F) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES

Section 9 of the NPPF (2024) states that transport issues should be considered from the earliest stages of development proposals. This should involve identifying and pursuing opportunities to promote walking, cycling and public transport use are identified and pursued, and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects. This policy further states that development proposals should ensure that net environmental gains, and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of

transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Policy BCS10 in the Bristol Core Strategy (2011) states that developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM23 in the Site Allocations and Development Management Policies (2014) in addition states that development should not give rise to unacceptable traffic conditions. Examples of unacceptable traffic conditions referred to in the policy include the introduction of traffic of excessive volume, size or weight on to unsuitable highways/or in to residential or other environmentally sensitive areas. This could result in high levels of transport noise and disturbance, a decrease in air quality and unsafe conditions both on the highway and for pedestrians. This policy further states that development proposals will be expected to provide an appropriate level of safe, secure, accessible and usable parking provision (including cycle parking) and that proposals for parking should make effective and efficient use of land and be integral to the design of the development. 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.

Policy BCS15 in the Bristol Core Strategy states that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Policy DM32 in the Site Allocations and Development Management Policies states all new developments will be expected to provide recycling facilities and refuse bins of sufficient capacity to serve the proposed development. This policy further states that the location and design of recycling and refuse provision should be integral to the design of the proposed development. In assessing recycling and refuse provision, having regard to the above requirements and relevant space standards; and the location of the provision, having regard to the need to provide and maintain safe and convenient access for occupants, while also providing satisfactory access for collection vehicles and operatives. Policy DM23 also states that the provision in new development of safe, secure, well-located cycle parking can be very important in encouraging people to cycle regularly. It is important that development proposals incorporate these facilities and parking at the outset of the design process. Applicants should refer to the council's 'Guide to Cycle Parking Provision' for guidance on this matter.

The application has been considered by the Council's Transport Development Management Team (TDM), and no objections were raised. However, further information would be required in relation to the proposed cycle and waste stores, which should be of a standard to accommodate storage for 2 bicycles and waste receptacles. This should be secured via condition.

(G) WOULD THE PROPOSED DEVELOPMENT RAISE ANY ARBORICULTURE ISSUES?

The TPO tree on the southeastern boundary is unaffected by the proposal. The application is therefore considered acceptable on these grounds.

(H) SUSTAINABILITY AND CLIMATE CHANGE

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

Policy BCS14 states that new development will be expected to demonstrate that the heating and cooling systems have been selected according to the following heat hierarchy:

1. Connection to existing CHP/CCHP distribution networks
2. Site-wide renewable CHP/CCHP
3. Site-wide gas-fired CHP/CCHP
4. Site-wide renewable community heating/cooling
5. Site-wide gas-fired community heating/cooling
6. Individual building renewable heating

No strategy has been submitted with the application however, in this instance; the change of use does not result in an increase in floor space or subdivision of units and so is exempt from these energy demands.

(I) NATURE CONSERVATION AND BIODIVERSITY NET GAIN

Paragraph 187 of the NPPF (2024) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Para 192 further states that to protect and enhance biodiversity and geodiversity, plans should...identify and pursue opportunities for securing measurable net gains for biodiversity.

Core Strategy Policy BCS9 states that the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken. Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened Policy DM19 in the Site Allocations and Development Management Policies (2014) further states that

development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

The applicant has provided a Biodiversity Net Gain Exemption Statement. Based on the information available, the application would appear to impact less than 25 sq.m of onsite habitat and is therefore except from BNG requirements.

(J) COMMUNITY INFRASTRUCTURE LEVY

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

(K) CONCLUSION

The LPA raise no objections to the application and would recommend the application for approval, subject to the conditions listed below.

LIST OF CONDITIONS

Time Limit for Commencement of Development

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Further details of Cycle Storage

No building or use hereby permitted shall be occupied or the use commenced until further details of secure and covered cycle store shall be submitted to, approved in writing by the Local Planning Authority and completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

3. Further Details of Refuse and Recycling Storage

No building or use hereby permitted shall be occupied or the use commenced until further details of refuse storage facilities shall be submitted to, approved in writing by the Local Planning Authority and installed. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway).

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials

4. Completion of Pedestrians/Cyclists Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

5. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

List as appropriate.

Reason: For the avoidance of doubt.