



NOTICE OF DECISION

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015**

Decision :	GRANTED subject to condition(s)
Application no:	23/02268/F
Type of application:	Full Planning
Site address:	2 Merton Road, Bristol, BS7 8TL.
Description of development:	Conversion of Class E(a) ancillary warehouse to 6no. Class C3 dwellings.
Applicant:	A E Horder (Contracting) Limited
Agent:	Knight Frank
Committee/delegation date:	05.09.24
Date of Notice:	05.09.24

Important: Compliance with conditions

- Please read the conditions and understand their requirements and restrictions
- Some conditions may relate to a specific element of work, and require details to be submitted and approved before any work on that element commences.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.

DECISION: GRANTED subject to condition(s)

Condition(s)

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.

Pre commencement condition(s)

2. Noise Sensitive Premises Assessment

No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and approved in writing by the Council.

The report shall include a scheme of noise insulation measures for all residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from existing licensed and commercial premises in the area.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Recommendation:

The recommended design criteria for dwellings are as follows:

Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.

Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & L_{Amax} less than 45 dB in bedrooms.

Where residential properties are likely to be affected by amplified music from neighbouring pubs or clubs, the recommended design criteria is as follows:

Noise Rating Curve NR20 at all times in any habitable rooms.

Reason: To protect the amenity of future occupiers.

3. Intrusive site investigation

A site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of any site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken

by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the reports submitted with the original application. The written report of the findings shall be submitted to an approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This must be conducted in accordance with the Environment Agency's 'Land Contamination: risk management' and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. Submission of Remediation Scheme

No development shall take place (except demolition) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Implementation of Approved Remediation Scheme

In the event that contamination is found, no occupation of the development shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Unexploded Ordnance

Prior to commencement of development a detailed unexploded ordnance survey shall be carried out at the site to establish whether there is any unexploded ordnance, the details of which shall include any necessary mitigation measures and shall be submitted to the local planning authority for approval. The development shall be undertaken in full accordance with any approved mitigation measures.

Reason: To ensure that development can take place without unacceptable risk to workers and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of evacuation/s associated with the mitigation of UXO

6. Renewable energy (Air Soucre Heat Pump) - further detail is required

Prior to commencement, details of the renewable energy technology (including the exact location, dimensions, design/ technical specification) should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to occupation of the development, and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions and to ensure noise pollution would not give rise to unacceptable conditions of living for occupiers and neighbouring occupiers.

7. Details of Photovoltaics (PV)

1) Prior to commencement, details of the proposed PV system including location, dimensions, design/ technical specification together with calculation of annual energy generation (kWh/annum) and associated reduction in residual CO2 emissions shall be provided.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

8. Electric Vehicle Charging Points

No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

9. External Illumination/Lighting details

No occupation is hereby permitted until full details of the proposed external lighting plan have been submitted for written approval by the planning authority. Once approved the lighting shall be installed in accordance with plans and remain in place for perpetuity.

Reason: To reduce crime and fear of crime.

Pre occupation condition(s)

10. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

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), except on the day of collection.

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.

11. Reporting of Unexpected Contamination

In the event that contamination is found at any time that had not previously been identified when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's 'Land Contamination: risk management' guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Completion and Maintenance of Cycle Provision - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been 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.

13. 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.

14. Energy and Sustainability in accordance

The development hereby approved shall not be occupied until the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures contained in the Energy Statement and Sustainability

Statement (Fenton Energy Ltd, February 2024) have been implemented in full. The measures shall be retained as such thereafter unless agreed in writing by the Local Planning Authority.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate

15. Bird and Bat Boxes

Prior to occupation of the development details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority providing the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities integrated within buildings and shown on a site plan with compass directions marked on it. This shall include three built-in bird and two built-in bat boxes or bricks.

Bird boxes shall be installed to face between north and east to avoid direct sunlight and heavy rain.

Bird boxes shall be erected out of the reach of predators and at least 3.5 metres high on publicly accessible sites. For small hole-nesting species bird boxes shall be erected between two and four metres high.

House sparrow nesting boxes shall be grouped together and located at least 1.5 metres apart. House sparrow nesting boxes shall be positioned high up under the eaves where present.

Bat boxes shall face south, between south-east and south-west.

Bat boxes shall be erected at a height of at least four metres, close to hedges, shrubs or tree-lines and avoid well-lit locations. Bat boxes which are being placed on buildings shall be placed as close to the eaves (if present) as possible.

Development shall be undertaken in accordance with the approved details.

Reason: To help conserve legally protected bats and birds which include priority species.

Post occupation management

16. Non opening and obscured glazed window

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 proposed EAST ELEVATION window shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non opening and obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

List of approved plans

17. 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.

19.166.SK33 Proposed block plan, received 3 July 2023
18.143.SK44 Proposed Plans and Elevations, received 2 September 2024
Energy statement, received 20 August 2024
Location plan, received 3 July 2023
18.143.Sk40 Existing plans and elevation, received 21 February 2024
Preliminary risk assessment, received 3 July 2023

Reason: For the avoidance of doubt.

Advice(s)

1. Sound insulation/acoustic reports

The recommended design criteria for dwellings are as follows:

- * Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.
- * Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & LMax less than 45 dB in bedrooms.

Where residential properties are likely to be affected by amplified music from neighbouring pubs or clubs, the recommended design criteria is as follows:

- * Noise Rating Curve NR20 at all times in any habitable rooms.

2. Noise - plant & equipment

Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

3. Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations Act. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).

4. Restriction of Parking Permits - Future Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority that on the creation of any Controlled Parking Zone/Residents Parking Scheme area which includes the development, that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

5. Street Name and Numbering

You are advised that to ensure that all new properties and streets are registered with

the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19). Please see www.bristol.gov.uk/registeraddress

Article 35 Statement

In dealing with the application we have worked with the applicant in a positive and pro-active manner and have implemented the requirement in the National Planning Policy Framework (2019) paragraph 38.

It is important that you read the following “Additional information”

Additional information for application no 23/02268/F

Planning permission – important provisos

1. If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts or Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note.
2. It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over land, or to access land that is not within your control or ownership.

Compliance with the approved plans and conditions

3. The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or a part of the development is started. These will appear in the 'Pre Commencement Conditions' section of the Notice.
4. If work on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Register a new address

5. Bristol City Council is responsible for all property numbering and street naming in Bristol. You will need to apply for a property number and address if your planning permission involves the creation of a new dwelling or flat. Find more information on how to [register for a new address or make an amendment to an address](#)

Amendments

6. Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Conditions compliance

7. Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.
8. A fee is payable for each request. A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

DETAILS OF DECISION ON AN APPLICATION (PART 2)

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9. The web page www.bristol.gov.uk/planning-and-building-regulations/planning-conditions provides further guidance on this process.

Right of Appeal

10. Applicants have a right of appeal against the requirements of any conditions attached to this approval. Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by inquiry then you must notify us (development.management@bristol.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

You are allowed six months from the date of this notice of decision in which to lodge an appeal.

Complaints

11. Only planning matters can be considered at an Appeal. If you think that the Council did not properly consider your application, you can make a complaint under the council's complaints procedures, details can be found on the website www.bristol.gov.uk/complaints-and-feedback or by calling 0117 9223000.