

'Hold Date'	
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Bristol City Council Development Management

Delegated Report and Decision

Application No: 25/10493/COU **Registered:** 3 February 2025

Type of Application: Prior Notification - Change of use (C3)

Case Officer: [REDACTED] **Expiry Date:** 31 March 2025

Site Address:

11 - 13 Whiteladies
Road
Bristol
BS8 1PB

Description of Development:

Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA - 17 dwellings.

Ward: Central

Consultation Expiry Dates:

Advert 12 Mar 2025
and/or Site 12 Mar 2025
Notice:

Neighbour:

SITE DESCRIPTION

The application site is located on Whiteladies Road within the defined City Centre Area of Bristol. The site comprises a 3-storey building, as well as a basement and annexe to the rear, which at the time of submission is solely in office use (Use Class E). The site is located within the Whiteladies Road Conservation Area.

RELEVANT HISTORY

66/03830/P_U - Change use of property edged and hatched orange on Plan to drawing office - Permission Granted

85/01224/F - For change of use of part of ground floor for use as exhibition space for works of art and architecture - Withdrawn

89/01364/L - Demolition of workshop at rear addition of 4 no. windows to existing building & erection of three storey office - Permission Granted

89/01378/F - Erection of three storey office building with associated car parking - Refused

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90/02139/F - Refurbishment of existing annexe (to 11-13 Whiteladies Road) to provide office accommodation - Permission Granted

94/01342/A - Non-illuminated company sign and car park sign - Permission Granted

02/02297/F - Erection of first floor extension to single storey building at rear, to provide additional office accommodation (Use class B1) - Permission Granted

02/01802/F - Continuation of use of two rooms located on the first floor as an Appointment Only Manicure Studio (Class D1) - Permission Granted

02/00459/F - Erection of first floor extension to single storey building at rear, to provide additional office accommodation - Refused

25/10495/F - Installation of bin and bike storage, enlargement of roof lights and light wells and other works - Pending Consideration

APPLICATION

The application seeks confirmation on whether or not prior approval of the Local Planning Authority is required to change the use of the building from office (Use Class E) to residential (Use Class 3) on all parts of the basement, ground, first and second floors of the building, as well as the rear annexe, in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

RESPONSE TO PUBLICITY AND CONSULTATION

Application advertised in via site notice and publication, with an expiry date 12.03.2025.

No comments or objections were received.

OTHER COMMENTS

The Council's Pollution Control Team have commented as follows: -

'I have looked at this application and the noise assessment submitted with it and would comment as follows:

The noise assessment identifies noise from an air source heat pump at the rear of the premises as a noise source that could potentially affect the first floor of the property. The noise from the heat pump is calculated as being 40 dBA at the facade of the application property. Whilst the noise assessment gives a lower night time value I feel that the heat pump will operate at 40 dBA both day and night. At 40 dBA the pump will be at or below recommended night time levels at the application property. It should also be noted that the heat pumo would be unlikely to operate throughout the night.

I therefore have no objection to this application but would as that the following advice be added to any approval.

Advice Note:

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1. Nuisance complaints

The application has been assessed taking into account existing noise sources in the area including a neighbouring air source heat pump.

Future owners/occupants of the site are advised that given the matters above and that neighbouring uses have been in operation for some time prior to the development the subject of this application; that it may not be possible to uphold any noise complaints received from future residents of the site regarding noise impacts from existing neighbouring uses.'

The Council's Public Protection Team (Land Contamination) have commented as follows: -

'The planning application has been reviewed in relation to land contamination.

The applicants are referred to the following:

Bristol Core Strategy - BCS23 Pollution

Local Plan DM34 Contaminated Land

National Planning Policy Framework (2024) Paragraphs 125 (c), 187 (e & f) , 196 & 197 Applicants are reminded of paragraph 197 of the NPPF: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Land Contamination Risk Management: Land contamination risk management (LCRM) - GOV.UK (www.gov.uk)

Planning Practice Guidance Note <https://www.gov.uk/guidance/land-affected-by-contamination>

Planning Portal Guidance <https://www.planningportal.co.uk/permission/commercial>

[developments/land-contamination/why-do-you-need-to-know-about-land-contamination](https://www.planningportal.co.uk/permission/commercial/developments/land-contamination/why-do-you-need-to-know-about-land-contamination)

<https://www.bristol.gov.uk/planning-and-building-regulations-for-business/land-contamination-for-developers>

The proposed scheme of works is on and adjacent to land not thought to have been subject to contaminating land uses in the past. No private gardens are proposed.

Therefore no conditions are required but please consider adding the following advisory to any grant of permission.

Radon Advice: The site falls within a radon referral area, the applicant is advised to undertake a radon risk assessment to establish if radon protection measures are required as part of the development. An initial risk assessment can be undertaken by visiting <http://www.ukradon.org/> or contacting UK Radon on 01235 822622'

The Council's Flood Risk Team have commented as follows: -

'We have no comment on this application with respect to drainage as the development proposes no change to the impermeable area and therefore no change to the existing drainage arrangement.'

The Council's Transport Development Management (TDM) Team have commented as follows: -

TDM were consulted and no comment was received.

RELEVANT POLICIES

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PAN 2 Conservation Area Enhancement Statements (November 1993)

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – December 2024

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) DOES THE DEVELOPMENT QUALIFY AS PERMITTED DEVELOPMENT UNDER THE TERMS OF CLASS MA, PART 3, SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 AS AMENDED?

Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (herein 'the GDPO') permits change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(a).

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Response: The building has been in established lawful use as an office (use Class E). There is no evidence that any other use has occupied the site in the last two years. Based on the evidence provided and on the balance of probabilities the LPA is there satisfied that the building has been in use Class E for over two years continuously.

(c).

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

Response: the application building is not covered by or within the curtilage of any of the above

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designations.

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

Response: the site is not within any of the above designations.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Response: the site is not occupied under an agricultural tenancy, and it is now after 1 August 2022, therefore this section is no longer applicable.

(B) ARE THERE ANY HIGHWAYS, CONTAMINATION, FLOOD RISK, NOISE OR AMENITY ISSUES THAT WOULD REQUIRE PRIOR APPROVAL OF THE LOCAL PLANNING AUTHORITY?

In accordance with Section MA.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) transport impacts of the development, particularly to ensure safe site access;

Response: The application site is located within a sustainable location with access to local services and facilities. The access to site is existing and would be considered adequate for the intended change of use.

The proposal shows covered cycle stores and bin stores in the rear garden, and the applicant has confirmed and demonstrated that the facilities have sufficient capacity to accommodate bins and bikes for 17 flats. The site would include 6 car parking spaces, including one accessible space, utilising the existing car parking spaces and access. As stated above, the site is notably in a sustainable location with good accessibility to public transport. The proposal would therefore avoid exacerbating any issues of highway safety and the change of use is acceptable in this regard.

(b) contamination risks in relation to the building;

Response: the application has been considered by the Councils Contaminated Land Officers. The proposed scheme of works is on and adjacent to land not thought to have been subject to contamination land uses in the past. No private gardens are proposed. Therefore, no conditions are required, however the applicant is advised to undertake a radon risk assessment to establish if radon

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protection measures are required as part of the development.

(c) flooding risks in relation to the building;

Response: the site is not located in an area of flood risk and there would be no change to the impermeable area and therefore no change to the existing drainage arrangement. The application is subsequently considered acceptable on this basis.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Response: Following consultation, the Council's Pollution Control Team raised no objections to the application.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Response: the site is located within the Whiteladies Road Conservation Area. The Whiteladies Conservation Area Character Appraisal states that to a considerable extent the character of the conservation area relies on the subtle combination of mainly domestic qualities; solidly built, substantial villas and terraces, with interesting and varied elevational use of classical architectural motifs, and well-constructed boundary walls in local stone. It describes Whiteladies Road as being built to a grand design, ascending between the 'town', represented by the Queens Road area, and the 'country' seen in terms of The Downs. It is generously proportioned but varied in character, with highly ornamented, large-scale, villa-type buildings set back from their boundaries, contrasting with the informal small-town character of the continuous shopping frontages further up the hill.

It is not considered that the proposed change of use from office use to residential would materially detract from the character of this section of Whiteladies Road. The proposal would not result in changes to the external elevations of the building, therefore retaining its original character. Furthermore, Policy BCS2 of Bristol's Core Strategy states that residential development is an important feature of the city centre, helping to bring vitality to the area and support its diversity - as such it is considered that the proposal would be acceptable in this instance.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Response: The proposed floor plans indicate that all habitable rooms within each flat would include a window, providing natural light.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

Response: The proposed development does not introduce a residential use in an area of general or heavy industry, waste management, storage and distribution. Proposal meets criteria.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

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Response: the proposed development does not involve the loss of either a registered nursery or health centre and the building is not 18 metres or more in height; or contains 7 or more storeys, therefore there is no requirement for a Fire Statement to assess the fire safety impacts or consult with the Health and Safety Executive.

(C) SPACE STANDARDS

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse -

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

Response: the proposed property would satisfy size requirements of the nationally described space standards for the proposed 1-bedroom 1-person, 1-bedroom 2-person, 2-bedroom 3-person, 2-bedroom 4-person, and 3-bedroom 6-person flats.

CONCLUSION

The development constitutes Permitted Development in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 as amended. Prior Approval is given in this instance subject to conditions.

EQUALITY ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

RECOMMENDED Prior Approval GIVEN

Time limit for commencement of development

1. The development hereby approved shall be completed within a period of 3 years starting with the date of this decision.

Reason: As required by paragraph MA.2.(5) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016

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Pre occupation condition(s)

2. 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.

3. 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.

4. Completion and Maintenance of Car/Vehicle Parking - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the car/vehicle parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced, (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

List of approved plans

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.

104 P2 , received 28 March 2025
 100 Location plan, received 3 February 2025
 101 Existing site plan, received 3 February 2025
 102 Proposed site plan, received 3 February 2025
 103 Existing floor plans, received 3 February 2025
 104 Proposed floor plans, received 3 February 2025
 Noise impact assessment, received 3 February 2025

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Prior arrivement, received 3 February 2025

Advices

- 1 Restriction of Parking Permits - Existing Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme of which the development forms part 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.
- 2 The application has been assessed taking into account existing noise sources in the area including a neighbouring air source heat pump.

Future owners/occupants of the site are advised that given the matters above and that neighbouring uses have been in operation for some time prior to the development the subject of this application; that it may not be possible to uphold any noise complaints received from future residents of the site regarding noise impacts from existing neighbouring uses.
- 3 The site falls within a radon referral area, the applicant is advised to undertake a radon risk assessment to establish if radon protection measures are required as part of the development. An initial risk assessment can be undertaken by visiting <http://www.ukradon.org/> or contacting UK Radon on 01235 822622.

Case Officer: [REDACTED]

Authorisation: [REDACTED]