

'Hold Date'	
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Bristol City Council

Development Management

Delegated Report and Decision

Application No: 24/04839/COU **Registered:** 5 December 2024

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

Case Officer: Finlay Bradford **Expiry Date:** 30 January 2025

Site Address:

286 - 292 Wells Road
Knowle
Bristol
BS4 2PU

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 - Proposed change of use from a bank and ancillary office space (Use Class E(c(i))) to 9no. self-contained flats (Use Class C3), including refuse, recycling and cycle storage at ground floor level.

Ward: Knowle

Consultation Expiry Dates:

Advert and/or Site Notice: 8 Jan 2025

Neighbour:

SITE

This application relates to the former Nat West Bank, sited at 286-292 Wells Road, and is located within the boundary of the Knowle Ward. The site is a corner plot between Wells Road and Greenmore Road consists of a building between two to three storeys, with a small area of outdoor space currently used as waste storage and parking.

Conservation Area: No.
TPO (On site/proximity): No.
Listed Building (On site/proximity): No.

Other designations: Article 4 South (Restrict C3 to C4)
Secondary Shopping Frontage SRF0126
Centres CEN0036

RELEVANT SITE HISTORY

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61/03266/U_U

Alterations to shop premises to form Bank.

Date Closed 5 October 1961

GRANTED

63/00920/P_U

Form vehicular access to classified road and use of forecourt as customers car park.

Date Closed 7 June 1963

REFUSED

66/01606/P_U

Change of use of ground floor of existing butcher's shop to bank premises.

Date Closed 1 June 1966

GRANTED

70/01561/U_U

Extend bank premises.

Date Closed 25 June 1970

GRANTED

72/02853/P_U

Use of residential flat as bank offices.

Date Closed 30 August 1972

GRANTED

Planning Enforcement

05/30262/COU

Investigation into alleged planning control breach: change of use of upper floor of bank to dwelling units.

Date Closed 2005

CLOSED - NO ACTION TAKEN

APPLICATION

This application seeks prior approval under Schedule 2, Part 3, Class MA of the General Permitted Development Order (2015): -

"Development consisting of a 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."

Change of use from Class E (Bank) to 9 Class C3 (Dwellinghouse) units.

Refer to application for details.

RESPONSE TO PUBLICITY AND CONSULTATION

This application was publicised under the requirements of Section 15 (Publicity for applications for planning permission) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

At least 1x site notice was displayed with the opportunity for public representation by 08.01.2025.

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21 representations were made. Concerns that do not constitute material planning considerations or issues relating to the procedural methods in this instance have been omitted from the forthcoming comment summarisation: -

- o Impact to designated town centre.
- o Loss of retail unit.
- o Additional parking pressures.
- o Inadequate waste and cycle storage.
- o Loss of facilities and amenities for community.
- o Internal layouts.
- o Amenity of future occupiers (light).

Case Officer Response: Class MA of the General Permitted Development Order (2015) sets out the full scope of assessment for the Local Planning Authority to assess applications under its provision. Concerns relating directly to the provisions of Class MA shall be discussed in the forthcoming assessment.

- o Plans encroach and access is afforded onto land not owned by the applicant.

Case Officer Response: Any forthcoming application does not prejudice any ownership right. This is a civil issue and should be dealt with accordingly.

RELEVANT POLICIES

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 GPDO') 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.

The above is subject to the following exclusions; development under Class MA is not permitted:

(a). MA.1(1)(a) omitted (05.03.2024)

(b)unless the use of the building fell within one or more of the classes specified in sub-paragraph (2)

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for a continuous period of at least 2 years prior to the date of the application for prior approval;

RESPONSE: The site has been most recently in established lawful use as a Bank (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 therefore satisfied that the building has been in use Class E for over two years continuously.

(c). MA.1(1)(c) omitted (05.03.2024)

(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 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;

The Transport Development Management team raised no substantive concerns relation to access and

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highway safety.

It is noted that the cycle provision would not meet the standards as set out within Appendix 2 of the Site Allocations and Development Management Policies Plan (2014) by way of the omission of 1 space and the access door to the cycle store being less than 1.2m. However, officers determine that the impacts arising from such issues would not proportionately result in adverse conditions of transport impacts and access in this instance.

The development would incorporate acceptable levels of waste and recycling storage for residents meaning that the development would not likely give rise to unacceptable conditions of highway safety by way of waste containers being left on the adopted highway.

The site is located within a sustainable area in terms of its transport connection (including bus and cycle network provision) and is not likely to give rise to levels of vehicular ownership that would detrimentally impact conditions of highway safety.

The development provides an acceptable quantum of parking spaces that are of the correct dimension.

(b)contamination risks in relation to the building;

Response: The Public Protection (Contaminated Land) Department was consulted on this scheme and raised no objection to the scheme, subject to conditions. A condition will be placed on any forthcoming permission that will require the reporting of any unexpected contamination to the local planning authority.

(c)flooding risks in relation to the building;

Response: The application site is not located within a designated flood zone and is therefore considered to be acceptable in terms of its relation to flood risk.

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

RESPONSE: The site is not located within the proximity of commercial premises that are considered to give rise to detrimental conditions of noise arising from operations.

(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 not located within a Conservation Area, not applicable.

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

RESPONSE: All habitable rooms would have a satisfactory level of 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;

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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.

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 development complies with the above criterion and is acceptable.

CONCLUSION

The development does not constitute 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. Full Planning Permission

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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 occupation condition(s)

2. Land affected by contamination - Reporting of Unexpected Contamination

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 in which is to be submitted to and be approved in writing by 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.

Reason: To ensure safety.

List of approved plans

3. List of approved plans and drawings

The development shall be carried out in accordance with the plans and details as listed below, unless the Local Planning Authority and the developer agree otherwise in writing.

Location plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL01 Existing ground floor plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL02 Existing first floor plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL03 Existing second floor plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL04 Existing elevation, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL05 Existing elevation, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL06 Existing elevation, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL10 Proposed ground floor plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL11 Proposed first floor plan, received 5 December 2024

2119-CMS-XX-XX-DR-A-PL12 Proposed second floor plan, received 5 December 2024

Waste management plan, received 5 December 2024

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Advices

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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