

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

Our ref: PR002449

Date: 30 October 2025

Sent via email only

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Dear Leanne,

Town and Country Planning Act 1990

Full planning application for 9 no. self-contained flats in upper floors of building. Retention of commercial uses at ground floor level.

286-292 Wells Road, Bristol BS4 2PU

Response to Inspector's interim comments

On behalf of our clients Empyrean Properties Limited, we write in response to the Inspector's interim comments.

Bristol City Council objections

Living conditions of future occupiers

The Council has referenced DM29 in its suggested reason for refusal. As this relates to new buildings, it is not relevant to the current proposal, which should instead be assessed under DM30. DM30 is less prescriptive, it does not, for example, explicitly require development to achieve appropriate levels of privacy, outlook and daylight, though BCS21, which requires development to create a high-quality environment for future occupiers, still applies, reflecting the more pragmatic approach that needs to be taken with adapting existing development (as opposed to blank slate new buildings) particularly where it accords with Chapter 11 the NPPF, and makes efficient use of land.

Concerns have been raised about the size of the units (in particular, the number of 1 bed, 1 person units), that flats 1 and 7 and single-aspect, and that flats 2, 6 and 8 would suffer from overheating.

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I attach a revised ground floor plan (drawing no. 2119-CMS-XX-XX-DR-A-PL20 rev P7), which seeks to address the concerns raised. It is proposed to reconfigure Flats 1 and 2, so that Flat 1 becomes a 2 bed, 3 person flat (2b3p), and Flat 2 a 1b1p flat. This would make flat 1 dual-aspect, with the kitchen/diner looking out on to Greenmore Road.

With regards to space standards and BCS18, the Council has stated that, *"While very basic everyday activities could be accommodated within the proposed 6no. units, such a small space would not be flexible or adaptable. The units are restricted to occupancy by only one person to meet the space standards, so would not allow an occupant to respond to future circumstances, such as living with a partner, child or carer."*

In response, all six 1b1p flats meet or exceed NDSS, with reasonable layout, functional shaped rooms and good sources of natural light. All of the bedrooms could accommodate a cot, or bunk beds (given the ceiling heights), and as such, they are flexible and adaptable spaces, in the context of them being one-bed flats. Furthermore, §2 of the NDSS clarifies that, *"The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use."* Given this, there would be no restriction on occupancy, contrary to the Council's assertion.

Whilst scope for adaption is desirable and supported in local policy, it would be unreasonable to require this in all residential development, particularly in small scale development which could add to the range of accommodation available in the area; indeed, the Council acknowledges that *"larger sized dwellings dominate this part of Bristol"*. Moreover, the scheme, as a whole, would provide a mix of units, including ground floor dwellings that could be adapted for individuals that have restricted mobility.

Notwithstanding that DM29 relates to new buildings, it states that dwellings should be dual-aspect *"where possible."* The prior approval included 4 single-aspect flats. The current proposal reduces this to two (flats 2 and 7), which is both an improvement, and indicates compliance with DM29, as the current proposal therefore clearly includes dual-aspect flats where possible.

The final strand of the objection relates to flats 2, 6 and 8 being single aspect and south-facing, which may result in significant solar gains. For clarity, the windows are southeast, not south-facing. This objection fails to take into account the fenestration, the prior approval (where flats, 3, 4 and 6 are single aspect and southeast-facing), and the surrounding area. Furthermore, flat 6 is dual-aspect, not

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single, and flat 8 is dual-aspect (with east and west-facing windows). It is assumed the Council meant to object to flat 9, which is triple-aspect.

Whilst a flat with only south-facing, floor-to-ceiling glazing has the potential for overheating, in this instance, the solid-to-void ratios for the southeast-facing windows is relatively low, but the window openings are large enough to allow for ventilation. Flat 2 (the only single-aspect flat on this side of the building) is on the ground floor, and so would be shielded from solar gain by the building opposite, whilst the mature street trees on the junction of Greenmore Road with Wells Road (due south of the flats) would provide further shading, as the aerial images below demonstrates. As such, the proposal would provide suitable living conditions for future occupants.



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Access

The Council has objected on the basis that the red line does not include the alleyway between the site and 1 Greenmore Road, and therefore it cannot be guaranteed that the cycle store can be accessed in perpetuity.

As with the Class MA prior approval, it is proposed to access the cycle store via the main entrance on to Wells Road, the only difference being that an external, rather than an internal, cycle store is now proposed. The route through the building is straight, with only two external doors, both the doors and the corridor are wide enough for a cyclist to wheel their bike through with ease, and there are no steps to negotiate.

The door from the courtyard into the alleyway is for fire escape purposes, though it could be used as a secondary access for cyclists (I attach a copy of the Title Deeds confirming right of way). The issue of whether the red edge on the site location plan was addressed in *Wyatt, R. (On the Application of) v Fareham Borough Council* [2021] EWHC 1434 (Admin) (attached). The claimant disputed the Council's vires to approve planning permission, in part due to the failure to include Brook Avenue, a private road between the site and the public highway, within the red edge on the site location plan (ground 6 of the judgement). J Jay held that Brook Avenue (to which the applicant had a right of way over) did not form part of the development which was the subject of the application, as it did not provide new private access, or involve a material in its change of use. Furthermore, as the applicant had an easement granting right of access, this incorporeal hereditament fell outside of the definition of land within article 7(i)(c)(i) of the DMPO.

Notwithstanding the main access through the building, as with the Wyatt case, the current proposal includes a description of the access (a fire escape/secondary access) within this letter, the applicant has an easement over the access, no development or material change of use is involved, and the alleyway would not constitute land in this instance for the purposes of the DMPO. As such, should the Inspector consider the access through the building unsuitable, the alternative access remains available, and the red line (and ownership certificates) have been correctly supplied. In this context, the Council's second reason for objecting cannot be sustained.

Sustainability

The third suggested reason for refusal has been addressed within the residential amenity section above. I also attach a rebuttal from Max Fordham (who prepared the energy and sustainability statement), which outlines how the scheme complies with policies BCS13-15. The Council has failed to take into account DM30, which recognises that the retention and re-use of existing buildings throughout the city can have significant sustainability and regeneration benefits, and that re-using buildings avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings.

When looked at holistically, taking into account the orientation of the building, the surrounding built form, shading from trees, that only one of the flats is truly single-aspect (and this is on the ground floor, and so would benefit the most from the surrounding shading), the energy measures proposed, and the sustainability benefits of re-using an existing building, overall, the proposal would accord with BCS15. Furthermore, many of these issues are more dealt with under Part O of the Building Regulations.

Planning balance

It is noted that the Council has provided no planning balance in its comments.

The Council has had a housing supply shortfall since June 2021, when changes to the standard method published in December 2020 came into force. At the time, its supply was at 3.7 years, and it has not updated its website with a five year housing land supply report since June 2021. It has dropped as low as 2.2 years, and the latest position made available is 4.14 years (BCC Examination note – 5 year housing land supply (prepared in response to Inspectors' document IN9), as part of the current Local Plan examination). Furthermore, its housing delivery test results for the last six years are (in chronological order from 2018 to 2023) are 99%, 87%, 72%, 74%, 88% and 75%.

With §11d of the NPPF thus engaged, the provision of 9no. additional dwellings, would make a more efficient use of the land, and in the context of the Council's current Housing Delivery and Land Supply issues, this should be given significant weight.

The proposal would provide a high standard of accommodation, would improve the housing mix, and would represent a valuable addition to the housing stock in a sustainable location, within easy reach of excellent sustainable transport links. The Clas MA is a strong material

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consideration, and the layout of the current scheme is considered to be an improvement on that scheme, and includes the benefits of the retention of two commercial units within the designated Town Centre.

Conditions

The applicant queries the need for conditions 4 and 5, as the energy measures achieve the required 20% reduction in carbon emissions. Otherwise, there are no objection to the pre-commencement conditions.

The reason given for condition 11 (solar panels) is to ensure the character and appearance of the conservation area is preserved. The site is not in a conservation area, and the solar panels would not be visible in any case. The need for this condition is queried.

The applicant queries the need for condition 17 (artificial lighting) given the location, and the lack of any policy reference.

Condition 21 seeks to remove PD rights for windows. As the flats would have no householder PD rights, and the commercial units would not overlook any neighbours, this condition appears unnecessary.

If there any further information is required in order to clarify the above, please contact us as soon as possible so that we are able to provide this prior to a decision being made.

Yours faithfully,

Stokes Morgan Planning Ltd