



## **Bristol City Council – LPA S62A Statement Note**

*115 Hampton Road, Bristol, BS6 6JG*

LPA application reference: 25/15450/PINS

Applicant: Mr G Seddon

### **1. Introduction**

This statement of case relates to a full planning application (LPA reference: 24/02509/PINS) made under Section 62A of the Town and Country Planning Act 1990 for the change of use - Conversion of part of existing domestic garage (use class c3) to maintenance office base (use class E(G)), including retention of existing-cycle store and associated external alterations.. The LPA considers that the application does not overcome multiple reasons for refusal pertained as part of the pre application submitted (LPA reference: 25/12819/PREAPP) and would therefore recommend refusal on the following grounds:

1. The proposed development would fail to provide a sufficient threshold space for pedestrians between the proposed access door and the carriageway to provide safe and useable access and egress to the site without coming into conflict with road users on the carriageway. Due to the lack of footway provision there is a safety risk of vehicular-pedestrian conflict given the nature of the highway, and drivers will not be expecting pedestrians to emerge directly onto the carriageway. The proposed entrance is not considered to be safe and accessible, and it is contrary to policies BCS10 of the Bristol Development Framework Core Strategy, DM23 and DM28 of the Site Allocations and Development Management Policies and Chapter 9 of the NPPF (paragraphs 115).
2. The proposed development would have a harmful impact on neighbouring amenity due to the loss of amenity space caused by the proposed change of use from garage to office, and would also potentially lead to a strain on parking availability on nearby streets. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011), and Policy DM30 of the Site Allocations and Development Management Policies (2014), as well as the requirements of the NPPF.
3. The proposed location of the office would not be suitable in principle. The proposed use of the office would not provide for the needs of the general community and there are 2 other designated centres within 200m of the site that would provide a more suitable location for the office. The proposal therefore fails to meet the objectives of Policy BCS7 of the Bristol Development Framework Core Strategy (2011) and DM7 of the Site Allocations and Development Management Framework (2014).

The appellant has provided a statement of case to which the LPA would take the opportunity to provide some rebuttal to, as outlined below.

## **2. Main Planning Considerations**

### **Principle of Development**

#### **A) PRINCIPLE OF DEVELOPMENT**

Policy BCS7 of the Bristol Development Framework Core Strategy states Town, District and Local Centres will also be focuses for the development of smaller scale office developments providing local office floorspace provision.

Policy DM7 of the Site Allocations and Development Management Policies states that out of centre development of main town centre uses will only be acceptable where:

- i. No centre or edge of centre sites are available and the proposal would be in a location readily accessible on foot, by cycle and by public transport, or
- ii. The proposal is of a small scale and aimed at providing for local needs.
- iii. In assessing the availability of centre and edge of centre sites, alternative formats for the proposed uses should be considered It also states that the provision of small-scale developments outside centres will be supported where they provide for local needs.

It is stated in the Design and Access Statement provided by the applicant that the proposed office building will be used by Penlane Ltd, a property management company which owns/lets a number of residential properties throughout Clifton and Redland, employing a small maintenance team. The proposed office will be used as a convenient office/maintenance base from which to undertake administration, store tools and serve as a welfare facility. The site of the existing garage is located approximately 200m from the Whiteladies Road Centre and 100m from the Chandos Road Centre as designated by BCS7 of the Bristol Development Framework Core Strategy and DM7 and DM9 of the Site Allocations and Development Management Policies. The development would be approximately 20sqm, which is considered to be of small scale. While the building is small scale, the building itself is not designed to be used for business purposes and the type of building and location is unsuitable. A business of this type is far more suited to a location within a centre such as Whiteladies Road or Chandos Road, where there are many units that are more suited to the style of business.

Although it is stated in policy DM7 that small scale developments will be considered outside of centres where they provide for the needs of a local community, it is considered that the business in this instance does not provide for the needs of a community, for example, as a post office would, but rather itself and specific individuals in the area. As stated in policy BCS7, it should be prioritised that small scale offices be situated within centres. There has been no evidence to suggest that there are no suitable sites available for the proposal within either the Whiteladies Road or Chandos Road centres, and therefore the proposed location outside of these centres cannot be supported. Based on the proposed location outside of a designated centre and no evidence suggesting there are no suitable sites within these centres, it cannot be determined that the proposal would not hinder their vitality, viability or diversity. Overall, the

proposed use of an office in the given location is considered unacceptable in principle based upon its location, unsuitable use and its undeterminable impact upon the nearby designated centres.

## B) DESIGN AND THE WHITELADIES ROAD CONSERVATION AREA

The site is located within the Whiteladies Road Conservation Area. A key objective of the Whiteladies Road Conservation Area Enhancement Statement is to reduce the loss of residential use to offices.

Policy BCS21 of the Bristol Development Framework Core Strategy states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

Policy DM26 of the Site Allocations and Development Management Policies states that the design of development proposals will be expected to contribute towards local character and distinctiveness by responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes.

Policy DM31 of the Site Allocations and Development Management Policies states must demonstrate how the local character of an area will be respected.

The proposed design features minimal change to the outlook of the existing garage building. The proposed changes that are to be made include replacing the current garage door with a timber door, rendering the current walls, removing the existing flush door and replacing with a new double door providing access to the proposed cycle storage and installing two rooflights. An urban design officer was consulted on the proposal. The comments received were generally in support of the design, and the applicant has responded to the comments made in the pre application response by proposing a timber door as opposed to a wicket door, keeping it more in line with the existing building and surrounding conservation area. It was also noted that the rendering of the walls would be supported providing the colour used is in keeping with the surrounding area and existing dwelling. It is considered that the proposed changes in design to the existing garage would bring about improvements that would improve the outlook of the dwelling and enhance the surrounding conservation area. The proposal would be acceptable on grounds of design and considered in line with policies BCS21 and DM26 and DM31.

## C) TRANSPORT AND HIGHWAYS

### **Pre-application comments**

TDM have previously provided pre-application comments. TDM advised the applicant that it would not support the pre-application for the following reasons:

- The lack of footway provision at the site access would have a detrimental impact on highway safety. This would increase the risk of conflict between pedestrians and vehicles and would limit the usability of the access.
- The proposal would therefore fail to achieve safe and suitable access to the site all users and would therefore be contrary to the NPPF para. 115 and Local Plan policies BCS10 and DM23.

## Policy Context

- NPPF paragraph 115 requires development to ensure safe and suitable access to the site can be achieved for all users; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles
- Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- Local Plan Policy DM23 requires safe and adequate access for all sections of the community within the development and onto the highway network including designs which secure low vehicle speeds and for appropriate transport improvements to overcome unsatisfactory transport conditions created or exacerbated by the development.
- Local Plan policy DM28 requires development to enable easy, inclusive access into and through the public realm and to buildings that provides adequately for the mobility needs of all users having regard to age, gender and disability; and sensitively integrate and prioritise appropriate levels of movement infrastructure for different modes, including provision for convenient pedestrian and cycle movement

## Local Conditions

Auburn Road is an unclassified adopted highway subject to a 20mph speed limit. National Cycle Route 4 and the Downs Way strategic cycle route run along Hampton Road connecting Westbury-On-Trym, Henbury and North Bristol with the city centre.

Auburn Road is open to two ways of traffic. Due to marked car parking bays on both sides of the road this narrows the street to one lane of traffic in places, meaning vehicles need to pull in allow for vehicles travelling in the opposite direction to pass. There is a grade separated footway on the western side of Auburn Road but no footway provision on the eastern side. There are several secondary rear accesses and vehicle accesses along the eastern side of the Auburn Road, which function as auxiliary accesses to the buildings fronting onto Hampton Road.

Auburn Road lies within the Cotham North residents' parking scheme. There are dedicated on-street parking bays located on both sides of the road, though none are immediately adjacent to the site. There is an approximately 20m long double yellow road marking located at the front of the site, this would restrict vehicles parking and waiting along the frontage of the site.

The nearest bus stop is located at a walking distance of less than 500 meters. Apsley Road hosts the bus services Y6 South Glos Lynx, 1, 77, 2a *citylines*, 4 *citylines* and 3 *citylines* that connect to the City Centre, Temple Meads, Bristol Parkway, Cribbs Causeway and Clifton & Horfield.

## Access

The primary pedestrian access is from Auburn Road and is located on the edge of the carriageway without grade separation. The access door is set back from the carriageway providing an approximately 0.7m deep area of threshold space between the access door and

the carriageway. TDM is concerned that there is not sufficient threshold space for pedestrians between the proposed access door and the carriageway to provide safe and useable access and egress to the site without coming into conflict with road users on the carriageway.

Additionally, due to the lack of a grade separated footway along the eastern side of Auburn Road, road users would be less likely to expect pedestrians to emerge from here onto the carriageway. The eastern side of Auburn Street currently provides secondary rear accesses to the buildings fronting onto Hampton Road as well as vehicular accesses for private drives. The development proposal would depart from the existing precedent of Auburn Road as this would create a new primary pedestrian access from the eastern side of the street. Whilst the applicant has stated that pedestrians already travel along the eastern side of Auburn Road, it is considered that the development proposal would generate a greater number of trips than the existing auxiliary accesses and would therefore increase the number of pedestrian movements on the carriageway.

The direct primary access onto the carriageway without sufficient threshold space would not be conducive of easy and safe access, and would compromise the safe operation of the highway, contrary to Local Plan policies BCS10, DM23 and DM28. In terms of inclusive access, in accordance with Inclusive Mobility (2021) guidance, a wheelchair user would require a minimum of 1.2m of threshold space in order to access and egress the site safely without overhanging the carriageway. The development proposal would therefore fail to provide sufficient inclusive access to those with mobility impairments and would therefore be contrary to policies DM23 and DM28.

#### **Car Parking and Cycle Parking**

As mentioned, the site lies within the Cotham North residents' parking scheme, therefore on-street parking is restricted. No off-street parking provision is proposed. The conversion of the garage would result in the loss of an existing off-street parking space; however, this would have a negligible impact on the existing on-street parking capacity.

No long stay on-street parking would be available for staff or visitors of the site, with parking restricted to permit holders only between 9am – 5pm Monday to Friday. There are paid parking options on Hampton Road for a maximum of 3 hours.

No cycle parking spaces have been proposed. The proposed office does not meet the threshold to provide cycle parking (1 space per 100sqm gross floor area) and is therefore acceptable. The proposal includes the provision of secure cycle parking for 115 Hampton Road, which was previously located within the garage itself in accordance with the approved 02/00798/F application. This is considered to be acceptable.

For the reasons above, TDM would support a recommendation of refusal for this application. The development proposal is considered contrary to NPPF paragraph 115 and Bristol Local Plan policies BCS10, DM23 and DM28.

#### **D) AMENITY**

Policy BCS21 of the Bristol Development Framework Core Strategy states that new development will be expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers.

Policy DM30 of the Site Allocations and Development Management states that alterations to existing buildings should safeguard the amenity of the host premises and neighbouring occupiers. The proposal features minimal changes to the existing structure. Given the shape of the building would stay the same as it currently is, the potential impact on the amenity of neighbouring dwellings would be insignificant. There are two proposed rooflights that could provide some potential for overlooking to the immediate neighbouring dwellings on either side of the dwelling, however, the proposed office use mitigates this. However, there are concerns regarding levels of noise and disturbance that are associated with commercial premises given the close proximity to the surrounding dwellings.

Policy BCS23 of the Bristol Development Framework Core Strategy states that when locating and designing development, account should also be taken of the impact of new development on the viability of existing uses by reason of its sensitivity to noise or other pollution. The location associated with the proposal is in very close proximity to the dwellings on Hampton Road and Auburn Road, and any perceived benefits of the scheme do not outweigh the harm on nearby occupiers that may arise as a result of this development.

As well as this, the conversion of the garage to office use would result in the loss of a vehicle parking space within an area where on street parking is already stretched. There are double yellow lines directly outside the existing garage, meaning any vehicle user at the property would need to park elsewhere and potentially cause additional strain on parking on nearby streets. The conversion of the garage to an office would also result in the loss of a significant level of storage space for the dwelling. The proposed cycle storage would be similar to the cycle storage that was approved as part of the previously approved application 02/00798/F, and is therefore considered acceptable in the proposed location. However, the proposal would still result in the loss of key amenity spaces in the form of a vehicle parking and storage related to the dwelling, and the nature of the proposal would give rise to unsuitable levels of noise and disturbance in a residential area. The proposal is therefore not considered acceptable in terms of amenity of future occupiers, going against the objectives of and in line with policies BCS21 and DM30.

#### E) CONCLUSION

Overall, based on the level of detail provided, it is the view of the Local Planning Authority that the proposed development would not have a harmful impact upon the character of the area and the conservation area. However, it is not considered to be a suitable location for the proposed use in principle and there are concerns regarding levels of noise and disturbance that may arise from a commercial use in a residential area. There are several issues regarding transport and highways that still have not been addressed since the pre application stage. The proposal would also result in a significant loss of amenity space for the host dwelling. Given the existing nature of the site, it is likely that the safety issue regarding vehicle/pedestrian conflict as mentioned in the transport section, as well as the impact on the amenity of future occupiers.

On this basis, the LPA respectfully requests that the application is considered for dismissal.

#### **4. Suggested Conditions List**

Without prejudice to the case set out within this Statement Case, the LPA would recommend consideration of the following conditions should the Inspector reach a different conclusion with regards to the merits of the case.

#### 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. 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/area and where necessary, dropped kerb(s) to facilitate the manoeuvring of four wheeled bins onto the carriageway 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 for the lifetime of the development.*

*The refuse store/area is not to be used for any other purpose other than the storage of refuse and recyclable materials. 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.*

#### 3. 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 for the lifetime of the development.*

*Reason: In the interests of highway safety.*

#### 4. Completion and Maintenance of Cycle Provision – Shown on Approved Plans

*No building or use hereby permitted shall be occupied or the use commenced until secure cycle parking and where shown, for commercial developments shower/changing facilities and lockers for cyclists to store cycling equipment, as shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only for the lifetime of the development.*

*Reason: To ensure the provision and availability of adequate and accessible cycle parking and associated showering/changing/storage facilities for commercial uses.*

## 5. Materials

Development shall be carried out in accordance with the materials specified on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory.

## 6. 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.