



Appeal Decisions

Site visit made on 14 December 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2022

Appeal A Ref: APP/Z0116/W/21/3276744

Bridge and Land to the North of South Liberty Lane, Ashton Vale, Bristol BS3 2TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr K and A Berkely against the decision of Bristol City Council.
 - The application Ref 20/02172/COND, dated 18 May 2020, sought approval of details pursuant to condition No 16 of a planning permission Ref 15/06617/F granted on 6 June 2019.
 - The application was refused by notice dated 14 December 2020.
 - The development proposed is demolition of existing bridge and construction of residential housing and flats (Use Class C3) with associated new access road, car parking, landscaping and ground works.
 - The details for which approval is sought is: street lighting
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Appeal B Ref: APP/Z0116/W/21/3276747

Bridge and Land to the North of South Liberty Lane, Ashton Vale, Bristol BS3 2TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr K and A Berkely against the decision of Bristol City Council.
 - The application Ref 20/05522/COND, dated 18 November 2020, sought approval of details pursuant to condition No 3 of a planning permission Ref 15/06617/F granted on 6 June 2019.
 - The application was refused by notice dated 28 April 2021.
 - The development proposed is demolition of existing bridge and construction of residential housing and flats (Use Class C3) with associated new access road, car parking, landscaping and ground works.
 - The details for which approval is sought is: site access.
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Appeal C Ref: APP/Z0116/W/21/3276749

Bridge and Land to the North of South Liberty Lane, Ashton Vale, Bristol, BS3 2TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr K and A Berkely against the decision of Bristol City Council.
 - The application Ref 20/01493/COND, dated 2 April 2020, sought approval of details pursuant to conditions Nos 3, 4, 5, 6, 7, 8, 13, 14, 16 and 17 of a planning permission Ref 15/06617/F granted on 6 June 2019.
 - The development proposed is demolition of existing bridge and construction of residential housing and flats (Use Class C3) with associated new access road, car parking, landscaping and ground works.
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- The details for which approval is sought are: site access, removal of bridge, construction management plan/method statement, internal access road, site investigations, surface water drainage, landscaping scheme, street lighting, Japanese knotweed and landscape and nature conservation management plan.
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Decisions

1. Appeals A, B and C are allowed and the details required by condition are approved, namely those for street lighting, site access, removal of bridge, construction management plan/method statement, internal access road, site investigations, surface water drainage, landscaping scheme, and the landscape and nature conservation management plan submitted in pursuance of conditions Nos 3, 4, 5, 6, 7, 8, 13, 16 and 17 attached to planning permission 15/06617/F granted on 6 June 2019.

Preliminary Matters

2. I have taken the appellant names from the appeal form as none was given on the application form.
3. Appeal C originally sought to discharge conditions 3 and 16. However, subsequently the details subject to Appeal A and Appeal B were submitted to discharge these conditions. The appellant has indicated that they seek to pursue Appeal A (condition 16) and Appeal B (condition 3) for these matters, and I have considered the appeal on that basis. Condition 14 was discharged and therefore does not form part of my assessment of Appeal C.
4. As part of their appeal submissions, the appellant submitted amended plans relating to condition 13 (Appeal C)¹. Although not before the Council at the time of them making their decision, the changes are minor and reflect the different access arrangements provided in Appeal B.
5. The Council comment that since the original submission of the discharge details that the Highway Authority had not received any of the additional information requested. The appellant indicates that a revised construction management plan was submitted prior to the Council issuing their decision to address concerns that had been raised over satisfying condition 5. In addition, this was provided as part of the appellant's appeal submission.
6. Consequently, the Council have had opportunity to comment on this and the amended plans. On this basis, they would not be prejudice by my taking them into account in my reasoning.
7. Following the refusal of the applications the new National Planning Policy Framework (Framework) has been published. Where they have been received, I have taken into account comments from the main parties on this.
8. The Council refused the appeal submissions prior to the Deemed Discharge Notices for conditions 5, 6, 13, 16 and 17 coming into force.

Application for costs

9. An application for costs was made by Mr K and A Berkely against Bristol City Council. This application is the subject of a separate Decision.

¹ 890 Plant Schedule; 890 001A Landscape Plan; and 890 004A Planting Plan.

Main Issue

10. The main issue of the appeals is whether the submitted details satisfy the requirements of the relevant conditions.

Reasons

Appeal A

11. During the course of the appeal, the Council confirmed that they do not dispute the case put forward by the appellants. Having considered the evidence before me and in the absence of any compelling case to the contrary, I find the submission would satisfy the requirement for details to be submitted and agreed for condition 16.

Appeal B

12. The general arrangement of the site access and traffic calming measures were considered as part of the original appeal at the site that this condition relates to. The Council no longer dispute the information submitted in order to discharge Condition 3. On the basis of the evidence before me I see no reason to reach a different finding.
13. Therefore, the information would satisfy the requirement for details to be submitted and agreed for condition 3.

Appeal C

14. The Council considered it premature to discharge the conditions subject to Appeal C until an appropriate site access and bridge removal could be found. As they have now confirmed that the submitted details for these are appropriate, they accept that there is sufficient detail contained in the original submissions and therefore there are no matters of dispute between the parties in respect of the conditions. The revised construction management plan and amended landscape details provide additional information and align the scheme with the site access arrangement in Appeal B.
15. Consequently, from the evidence before me, the submitted details satisfy the requirements for details to be submitted and agreed for conditions 4, 5, 6, 7, 8, 13 and 17.

Conclusion

16. For the reasons given above, I conclude that the appeals should be allowed.

Stuart Willis

INSPECTOR