



Appeal Decision

Site visit made on 5 July 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/Z0116/W/23/3315291

1B Woodbine Road, Easton, Bristol City, Bristol BS5 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Jordan Green of Team Green Developments Ltd against Bristol City Council.
 - The application Ref 22/05558/F, is dated 18 November 2022.
 - The development proposed is change of use from 2no. dwelling houses (C3a) to 2no. small houses in multiple occupation for up to 6 people (C4).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from 2no. dwelling houses (C3a) to 2no. small houses in multiple occupation for up to 6 people (C4) at 1B Woodbine Road, Easton, Bristol City, Bristol BS5 9AJ in accordance with the terms of the application, Ref 22/05558/F, dated 18 November 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3949.PL.01 (Site Location Plan), 3949.PL.02 (Existing and Proposed Block Plan), 3949.C.21 Rev B (Proposed Site Plan) and 3949.PL.04 (Floor Plans and Elevations).
 - 3) The development shall not be occupied until space has been laid out within the site in accordance with drawing no.3949.C.21 Rev B for 10 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
 - 4) Notwithstanding condition 2 the development shall not be occupied until details of the waste and recycling store have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the development is occupied.

Background and Main Issue

2. Since the appeal has been made, the Council has provided a reason for which they would have refused planning permission, had they retained jurisdiction to do so. The appellant has had the opportunity to respond to this and therefore, they would not be prejudiced by my taking this into account.

3. The main issue is whether the development would provide adequate cycle, refuse and recycling storage with particular regard to highway safety and the need to encourage sustainable modes of transport.

Reasons

4. The appeal site comprises two semi-detached houses which were granted planning permission in October 2020 (ref: 20/02216/F) and are nearing completion on site. It is proposed to use each of these as a house in multiple occupation (HMO) for up to six people across five bedrooms per property. Externally each HMO would have a rear garden and steps would provide access between them. Storage for six bikes would be located within the rear garden area with storage for a further four bikes, along with shared waste and recycling storage in a gated enclosure to the side of the building, accessed from the pavement adjacent to Woodbine Road.
5. The Council has confirmed that the development would require six cycle parking spaces. Ten spaces are proposed and therefore an adequate level of cycle parking would be provided. The six spaces within the rear garden would require occupants to carry their bikes through the building which the Council contend would be unhygienic and not accessible. However, the front door is only slightly raised above pavement level and the ground floor accommodation would be open plan. As such it would be relatively straightforward to carry a bike through the building and therefore, the spaces at the rear are accessible. This arrangement and other situations which require bikes to be brought into buildings, such as internal cycle parking, are common in an urban environment and I see no reason why this should be unhygienic to a significant degree. The Council also contends that both storage areas could not accommodate the stated number of bikes as there would be insufficient space between the stands. The plans¹ demonstrate how the parking stands would be arranged and given that the proposal would provide in excess of the minimum requirement in any event, I am satisfied that the cycle parking arrangements would be adequate. Therefore, the proposal would support the use of bikes as a sustainable mode of transport for future occupiers.
6. Policy DM32 of the Bristol Local Plan Site Allocations and Development Management Policies (adopted July 2014) (SADMP) requires that sufficient space is provided for the storage of recycling and refuse containers. Further guidance is set out in Waste and Recycling Storage and Collection Facilities: Guidance for Developers of Residential, Commercial and Mixed-use Properties (adopted December 2010 – updated March 2022) (the Waste and Recycling Guidance). This details that HMOs must be supplied with one set of containers for every three bedrooms the building contains. As the facilities would be shared between the two HMOs, in this case the development would contain 10 bedrooms which would equate to three sets of containers.
7. The proposed bin store would be located within a fenced and gated enclosure to the side of the building. It would not be of sufficient size to adequately accommodate the containers required, however the short fall in capacity would be minor and there would be room within the enclosure to provide a larger store whilst not compromising the cycle parking provision. As such were I to allow the appeal this minor shortfall could be addressed by a suitably worded condition requiring further details of the bin store.

¹ Drawing number 3949.C.21 Revision B

8. Subject to the condition outlined above I am satisfied that the proposal would provide adequate refuse and recycling storage facilities. Therefore, there is no reason why the development would result in an overspill of containers onto the pavement and consequently the proposal would not result in an unacceptable increased risk to highway safety.
9. Overall, I conclude that the proposed cycle, refuse and recycling storage are adequate with particular regard to highway safety and the need to encourage sustainable modes of transport. Therefore, the proposal accords with Policies BCS10 and BCS15 of the Bristol Development Framework Core Strategy (June 2011) and Policies DM2, DM23 and DM32 of the SADMP. Together, and amongst other things these seek to ensure that proposals have adequate storage for recycling, refuse and cycles, provide safe and adequate access for all users of the highway and maximise opportunities for cycling.

Other Matters

10. The evidence indicates that car ownership levels are low amongst residents of HMOs and therefore the proposal would not result in a significant increase in on-street parking, or an unacceptable effect on highway safety. The proposal would result in the loss of 2 approved family sized dwellings, however it would not result in an unacceptable imbalance in the community because less than 10% of the total dwelling stock within a 100m radius would be occupied as HMOs. There is no substantive evidence that the proposal would result in a significant effect on local infrastructure, the living conditions of neighbours or that the proposal would result in a significant increase in anti-social behaviour in the area. The layout and room sizes proposed would be adequate, as would bathroom provision and as such the development would provide acceptable living conditions for future occupiers. I have not been provided with full details of previous proposals at the site, or others locally, however I have determined the appeal on its own merits in any event.

Conditions

11. I have undertaken some minor editing of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
12. A condition requiring the provision of bicycle parking is necessary to promote active travel. The submission of details of a refuse and recycling store is necessary to ensure adequate space is provided to achieve good refuse management.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be allowed.

E Pickernell

INSPECTOR