



Appeal Decision

Site visit made on 8 October 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/Z0116/W/24/3345989

112-114 Grosvenor Road, St Pauls, Bristol BS2 8YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part E, Class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Arfan Ali against the decision of Bristol City Council.
 - The application Ref is 24/01236/COU.
 - The development proposed is change of use of first floor to 2no. self-contained flats.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the change of use of first floor to 2no. self-contained flats, at 112-114 Grosvenor Road, St Pauls, Bristol BS2 8YA, in accordance with the application Ref 24/01236/COU and the details submitted with it, including the plans Ref Site Location Z-813-D009, Block Plan Z-813-D010, Proposed Elevations Z-813-D007, Proposed First Floor Plan Z-813-D006 and Proposed Ground Floor Plan Z-813-D005, and subject, in addition to the standard conditions set out in the Order, to the following condition:
 - 1) Prior to the first occupation of the development hereby permitted, the cycle store and refuse store shall be constructed in accordance with the approved plan Ref Proposed Ground Floor Plan Z-813-D005 and these stores will be retained for their intended uses and kept free of obstructions thereafter.

All refuse and recyclable materials associated with the development shall be stored within the refuse store, as shown on the approved plan. 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.

Background and Main Issue

2. Article 3(1) and Schedule 2, Part 3, Class MA, of the Order provides for a permitted development right for the change of use of a building falling within use class E (Commercial, Business and Service) to class C3 (dwellinghouses). This is subject to limitations and conditions, as set out in subsequent paragraphs of Class MA.
3. The Council's reasons for refusing prior approval in this case relates to suitable cycle parking and waste storage. The Order sets out that development under Class MA is permitted subject to an application to the local planning authority for a determination as to whether prior approval is required in relation to the matters set out in paragraphs MA.2(2).

4. These prior approval matters include transport impacts of the development, particularly to ensure safe site access. The only reference to waste in the remaining prior approval matters is '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.' As such, I have considered waste storage only insofar as this is relevant to the matter of transport impacts and access.
5. Attention is drawn to development plan policies. The principle of development is established by the Order and provisions of Schedule 2, Part 3, Class MA of the Order do not require regard be had to the development plan. Therefore, I have had regard to the policies of the development plan only in so far as they are a material consideration relevant to the prior approval matter at issue in this case.
6. In light of the above, the main issue is whether the proposal would be acceptable, having regard to transport impacts and safe site access.

Reasons

7. The appeal property is a mid-terrace, two-storey building, with retail units at the street level. It is located in a mixed residential and commercial area on a secondary street off the busy B4051, at the edge of the City Centre.
8. The proposal would change the first floor of the property to create two flats. These separate dwellings would be accessed by a main entrance directly onto Grosvenor Road. Nos 112-114 has storage space on the ground floor that fills much of the rear of this property, and this limits pedestrian access at the rear. As such, the entrance from Grosvenor Road would be the principal access for future occupants of the proposed dwellings.
9. The submitted plans show an internal area, at ground floor level, where future occupants could store cycles. This area would be accessed by the hallway leading to the main entrance. The Council is concerned about the width of this hallway as well as the steps at the entrance.
10. While this would require cycles to pass through a corridor, the hallway is short. Moreover, I saw that there is sufficient width in this part of the property, such that future occupants, with their cycles, could pass through the main door and hallway with relative ease. There are steps at the main entrance. However, these are relatively low rise, and appear a similar height to a pavement kerb. As such, it seems to me that individuals capable of cycling, would not find it a significant challenge to lift their cycles over this relatively low height.
11. Also, the main door opens into the property, and this would allow future occupants to access and exit the property safely without coming into conflict with pedestrians or road users on Grosvenor Road. Furthermore, the cycle store would make provision for the secure parking of two cycles for each of the residential units and this would encourage future occupants to make sustainable transport choices.
12. A storage area for refuse and recycling is also shown on the submitted plans. Adjacent to the cycle store, again this would be accessed via the hallway. However, as already outlined the hallway is reasonably wide and short such that future occupants could move the waste bins to the kerbside with reasonable ease. Moreover, with only two small steps at the main entrance, future occupants would have little difficulty transporting waste bins to the kerbside on collection day, even if the bins are full.

13. The Council is concerned about bin spillages and asserts that there is insufficient details about waste management arrangements. However, the submitted plan indicates that there would be room to store refuse and recycling bins, with some space remaining in this area. The refuse store would also be enclosed by a door such that waste could be stored without impeding the main access.
14. Also, the refuse store would be capable of accommodating a number of bins, such that there would be sufficient storage capacity for the small residential units proposed in this case. With these features, and insofar as this issue is relevant to this prior approval matter, the proposal would make adequate provision for waste management to ensure safe access in and around the appeal property.
15. The Council is also concerned about the refuse and cycle storage arrangements for the commercial units on the ground floor. However, the development subject to this appeal, would use a relatively small internal space at the ground floor. Even when this space is excluded from the existing commercial use, considerable space would still remain such that the existing arrangement for waste and cycle provision for the commercial use would not be harmfully impacted by this proposal. My findings are not altered by this matter accordingly.
16. I therefore find, the proposal would be acceptable, having regard to transport impacts and safe site access. Although not determinative in this case, the proposal would accord with Policy BCS10 of the Bristol Development Framework Core Strategy and Policies DM23 and DM32 of the Bristol Local Plan Site Allocations Management Policies. These Policies collectively seek, amongst other matters, safe and adequate access.

Conditions

17. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class MA of the Order is subject to the standard conditions set out in paragraph MA.2. and this includes a time limit for the development.
18. Paragraph W of the Order also allows decision makers to “grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval”. It is necessary to ensure that the refuse and cycle storage is installed in the interest of safe access and to prevent bins being left on the public highway for long periods.

Conclusion

19. For the reasons above, I conclude that the appeal should be allowed, and prior approval is deemed to be granted.

A J Sutton

INSPECTOR