



Appeal Decision

Site visit made on 28 January 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2025

Appeal Ref: APP/Z0116/W/24/3354888

35 Park Hill, Shirehampton, Bristol BS11 0UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gabriela Roberts against the decision of Bristol City Council.
 - The application Ref is 22/04953/F.
 - The development proposed is described as “change of use from light industrial to residential (C3). Demolition of existing single storey building and erection of double storey 3 bedrooms dwelling house with parking for two cars.”
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Decision

1. The appeal is allowed and planning permission is granted for change of use from light industrial to residential (C3). Demolition of existing single storey building and erection of double storey 3 bedrooms dwelling house with parking for two cars at 35 Park Hill, Shirehampton, Bristol BS11 0UH in accordance with the terms of the application, Ref 22/04953/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are; whether the proposed development preserves or enhances the character or appearance of the Shirehampton Conservation Area (CA); the effect of the proposed development on bats; and carbon emissions.

Reasons

Character and Appearance

3. The site falls entirely within the Shirehampton CA. Insofar as it is relevant to this appeal, the significance of the CA is derived from the collection and layout of historic buildings and spaces that it contains. Within this context the site lies close to the junction of Park Hill, Park Road, Station Road and Penpole Place. There is a variety of design of buildings, with differences in historic character, and a mix of materials.
4. The appeal site is located behind frontage buildings on Park Hill. Whilst the existing building is not visible from Park Hill, it is visible from Park Road in the gaps between buildings. Whilst the building is larger than nearby outbuildings, its single storey nature combined with its located to the rear of frontage buildings, is characteristic of outbuildings in the wider area.
5. The proposed development would introduce a one and a half storey dwelling, in the back land area between the terrace on Park Hill and the side and rear of dwellings on Park Road. Whilst dwellings fronting on to Park Hill have a traditional design the proposed dwelling would be viewed in connection with the dwellings

along Park Road, which have a more contemporary design. It would also have similar features, such as roof design, materials and fenestration to No's 37 and 38 Park Road. The use of render also complements the traditional dwellings nearby.

6. The proposed dwelling would be one and a half storeys in height. Whilst this would be taller than the existing building, it would remain subservient to the surrounding buildings. The existing shared drive arrangement would largely remain unaltered, and the proposed dwelling would move built form away from the boundary of the site and provide a courtyard area.
7. As a result of the above factors, the proposed dwelling would not be visually intrusive or appear cramped in relation to the surrounding built development and CA. There would be no adverse effect on the architectural quality of the CA or its significance. It is concluded that the character and appearance of the Conservation Area would be preserved.
8. The proposed development would comply with Policies BCS21 and BCS22 of the Bristol Core Strategy (BCS) and Policies DM26, DM30 and DM31 of the Bristol Local Plan – Site Allocations and Development Management Policies (SADMP) and the National Planning Policy Framework. These policies together seek a high-quality urban design, which contributes positively to the area's character, and to safeguard or enhance heritage assets and the character and setting of locally listed buildings and conservation areas and responding appropriately to historic assets.

Bats

9. Paragraph 187 of the Framework refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 193 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
10. The Planning Practice Guidance states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate
11. The appeal site lies within 1km of the Horseshoe Bend Site of Special Scientific Interest (SSSI) and the Lamplighters Marsh Local Nature Reserve (LNR). A number of Sites of Nature Conservation Interest (SNCI) are also located within 1km.
12. An up-to-date survey has a Preliminary Root Assessment was submitted with the application and a further Bat Emergence Survey Report supports the appeal. Together these surveys identified that the building to be demolished as part of the appeal proposal has a low suitability to support roosting bats. The emergence survey recorded two bats during the duration of the survey and concluded that this represented a low level of activity. The emergence survey concluded that subject to a lighting strategy along with enhancements, including the provision of a bat box, there would be no harm to bats.
13. The surveys carried out provide the necessary certainty that the proposed development would provide adequate mitigation. Accordingly, the presence of bars

has been demonstrated and it has been detailed that they would be adequately protected.

14. The proposed development would therefore comply with SADMP Policy DM19 which seeks, amongst other things, to ensure that development provide on-site mitigation and enhances the site's nature conservation. The proposal would also conflict with paragraphs 187 and 193 the Framework that seeks to protect and enhance sites of biodiversity value.

Carbon Emissions

15. Policy BCS14 of the CS requires that developments include measures to reduce carbon dioxide emission from energy use in accordance with an energy hierarchy. Additionally, developments are expected to reduce carbon dioxide emissions from residual energy use in the building by at least 20%.
16. The proposed development would provide solar panels and an air source heat pump. Calculations have been submitted which details a carbon dioxide emission rate 30.1% lower than the notional building.
17. The proposed development would make adequate provision to reduce carbon dioxide emissions from energy use. Accordingly, I find no conflict with CS Policy BCS14 which seeks, amongst other things, to ensure that developments include measures to reduce carbon dioxide emissions.

Other Matters

18. Concerns have been raised by nearby residents in relation to privacy, overshadowing, and highway safety. The proposed development would have a 25-metre separation distance from nearby dwellings and much of the views from habitable windows would be screened by intervening built form. This, combined with the separation distances maintained, would ensure there would be no harmful impact to the privacy of nearby residents.
19. The access is existing and currently provides access to the appeal building along with the garages and rear gardens of dwellings fronting Park Hill. The access track is straight with good visibility, therefore any vehicles entering the access would be able to see if any cars would be travelling along the access. Further, the access has good visibility along Park Hill, which is a straight sloped road. Parking would be provided for the proposed development within the site and access to the remaining garages and gardens would be retained.

Conditions

20. Conditions relating to the time limit for commencement and approved plans are necessary in order to provide certainty. Conditions regarding the provision of refuse storage, cycle provision and requiring development be completed in accordance with the energy strategy are necessary in order to ensure alternative methods of transport are provided and that the energy measures and refuse storage are provided.
21. I have not included the Council's requested condition regarding additional bat surveys as this work has been submitted. I will however include a condition requiring the mitigation, lighting and provision of bat box, in order to safeguard bats.

22. The appellant has disputed the need for conditions relating to contaminated land. However, the existing use of the site is as light industrial and there are limited details of the historic use of the site. As the site will be used for residential and an area of open space provided, I consider that these conditions are necessary to ensure that the site is free from contamination and, if any contamination is found, it is appropriately remediated.
23. I have amended the wording of some conditions to ensure compliance with the PPG.

Conclusion

24. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 21B Site Location Plan & Proposed Block Plan, 22B Proposed Ground Floor Plan, 23B Proposed First Floor Plan, 20 Existing Elevations & Site Plan, 24B Proposed Elevations.
- 3) No development shall take place until an investigation and risk assessment, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - a. a survey of the extent, scale and nature of contamination;
 - b. an assessment of the potential risks to:
 - i. human health,
 - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - iii. adjoining land,
 - iv. groundwaters and surface waters,
 - v. ecological systems,
 - vi. archaeological sites and ancient monuments;
 - c. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 4) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing of the Local Planning Authority.

- 5) In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
- 6) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and,
 - c. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 7) Prior to the installation of external lighting, full details including height, design, location, intensity and shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
- 8) No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans 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 that forms part of the application site. 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.

- 9) No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

- 10) The development hereby approved shall be carried out in full accordance with the Sustainability and Energy Strategy report and maintained as such in perpetuity.
- 11) No building or use hereby permitted shall be occupied or the use commenced until a bat box has installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.