

**WARD:** Bishopston & Ashley Down  
**CONTACT OFFICER:** Tessa Connolly

**SITE ADDRESS:** 18C Merton Road Bristol BS7 8TL

**APPLICATION NO:** 18/04795/F Full Planning

**DETERMINATION DEADLINE:** 22 November 2018

**Construction of 1no. store and 2no. single storey B1/B8 business units.**

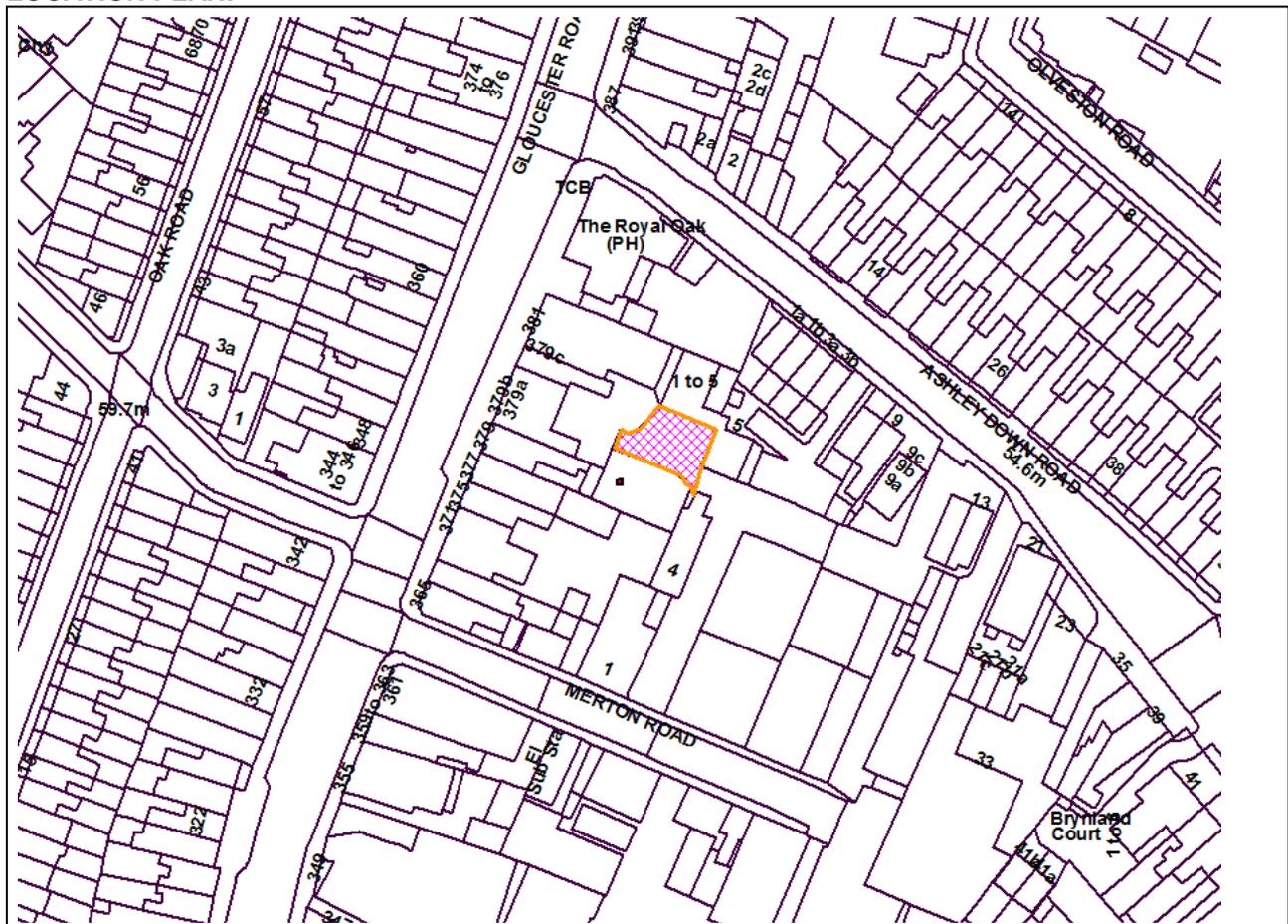
**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Alexander & Thomas Architects  
 8 Willway Street  
 Bristol  
 BS3 4BG

**APPLICANT:** Mr R Blessitt  
 Pool House  
 Dryers Lane  
 Iron Acton  
 BS37 9XU

*The following plan is for illustrative purposes only, and cannot be guaranteed to be up to date.*

**LOCATION PLAN:**



**Development Control Committee A – 27 February 2019**  
**Application No. 18/04795/F : 18C Merton Road Bristol BS7 8TL**

## BACKGROUND

This application is being brought to committee following the referral from Councillor Eleanor Combley. The application was submitted following a planning enforcement investigation and after assessment as explained below the officer recommendation is that conditional retrospective planning permission is granted

## SITE DESCRIPTION

This site is within the Merton Road industrial estate in Horfield. This is a long established area of small business units which are of varying size and appearance situated on land behind Gloucester Road, Ashley Down Road and Brynland Avenue.

## RELEVANT HISTORY

18/30213/EXT - A planning enforcement complaint was received in June 2018 concerning a store room which was built. As the building was within 5 metres of the boundary with residential properties, the owner was advised that planning permission was required.

## APPLICATION

This is a part retrospective application to retain the small single store room which was constructed in June 2018 and also includes proposal to erect of two single storey units to form one building for B1 or B8 use. The total floor area is 86.8 square metres.

## RESPONSE TO PUBLICITY AND CONSULTATION

10 objections have been received:

- No demonstration of how proposals seek to mitigate against the impact of noise, vibrations, smell, fumes, dust or smoke
- No storage of waste proposed
- No reduction in CO2 emission proposed
- No sustainability measures proposed
- Loss of light to hall windows of adjoining flats
- Fire and rescue service unable to access as private driveway and no turning

## OTHER COMMENTS

Bishopston Society - We object to this application on the basis that it is too close to residential property and will impact on residential amenity, especially extreme loss of natural daylight to flats on the ground and first floor of 5 Ashley Down Road. The proposed industrial business units are only 35 cm from the rear wall and windows of the flats. We are also concerned about the potential noise and pollution from the business units and the impact on emergency escape and access for ongoing building maintenance.

This objection follows our earlier objection to the storage facility built alongside without planning permission or building regulation approval. We strongly recommend refusal.

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### Pollution Control

A minimum amount of information has been submitted with the application as to the use of these premises the application form and design and access statement state that they are business and industrial units respectively. No hours of opening have been given for the premises either and therefore I can only conclude that the buildings could potentially be used for a multitude of different uses at any time of the day or night. Whilst a number commercial uses could be carried out at the premises without causing harm to nearby residents there is considerable for any uses involving the use of machinery, ventilation or refrigeration equipment and deliveries or collections at unsociable times to cause disturbance to local residents.

Without further information as to the uses of the premises, I would have to object to this application. I would however recommend planning conditions if the planning committee is minded to grant the application to include sound insulation, details of extraction/ventilation, noise from plant and equipment rating level, refuse and recycling collection, deliveries, hours of operation.

### RELEVANT POLICIES

National Planning Policy Framework – July 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

### KEY ISSUES

#### IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?

The application site is within the Merton Road industrial estate and is therefore acceptable in principle. The proposal is for B1/B8 industrial use and the uses which fall within this business use should be able to operate within a residential area. The industrial estate has been in lawful use for many years and operates without any planning conditions by virtue of the length of time it has been operational. In the case of this application given the objections from residents, the owner is prepared to accept planning conditions to control matters such as hours of operation.

#### WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE RESIDENTIAL AMENITY OF THE AREA?

The proposed business units are proposed very close to the boundary with newly erected flats at 5 Ashley Down Road. The two storey block of flats was granted planning permission in 2015 and the footprint is right on the boundary with the industrial estate. There are two windows on the rear elevation of the flats which is right on the boundary to the site. They serve the hallway of each of the ground and first floor flats. These windows are fitted with obscure glass and are fixed shut. As these are not principal windows and do not serve habitable rooms they cannot be protected from other development proposals. There are no planning policies which prevent buildings being constructed close to or on a property boundary. The Party Wall Act 1996 deals with this issue of building on or close to property boundaries and notices should be served on the adjoining owners however this is outside the remit of planning.

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Following consultation with Pollution Control concern was raised over the lack of information as to the intended occupiers. However in planning terms, as long as the proposed occupiers operate a business which falls under the B1 or B8 Use Class then no further consent is required. The applicant is willing to accept planning conditions to control matters such as sound insulation, details of extraction/ventilation, noise from plant and equipment rating level, refuse and recycling collection, deliveries, hours of operation.

**WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

The industrial estate is characterised by a warren of narrow access routes so it is considered that there will be a negligible change to the movements of vehicles through the site. There is no parking provision for the units. As this is a long established situation it is considered that emergency access to this part of the site is unchanged.

**ARE THERE ANY SUSTAINABILITY CLIMATE CHANGE MEASURES PROPOSED?**

In the submitted sustainability statement, the agent states that the buildings are classified as non-exempt buildings with low energy demand. The basic industrial accommodation will have no fixed heating/cooling proposed and as there will be very low energy use. The energy efficiencies can be saved on lighting.

Policy BCS13 of the Core Strategy states that sustainability statements should be "proportionate to the scale of development proposed". The statement therefore complies with policy.

**CONCLUSION**

The application is recommended for approval subject to the proposed planning conditions.

**COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will this development be required to pay? Nil

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

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.

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**Pre occupation condition(s)**

2. Sound Insulation

No Further development shall take place until a scheme of noise insulation measures for the proposed building has been submitted to and approved in writing by the Council.

The scheme of noise insulation measures shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 2014 " Guidance on sound insulation and noise reduction for buildings" and should show that noise from any plant or equipment installed at the premises or activities carried out within the premises will not be disturbing to neighbouring residents.

Reason: In the interests of amenity

3. Details of Plant and Equipment

No plant or equipment shall be installed until details including method of construction, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

Reason: In the interests of amenity

**Post occupation management**

4. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 18.00 Monday to Friday only.

Reason: In the interests of amenity

5. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 18.00 Monday to Friday only

Reason: In the interests of amenity

6. Hours of operation

The units hereby approved shall on be used between 08.00 to 18.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of amenity

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**List of approved plans**

7. 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.

639-10 Location Plan, received 27 September 2018  
639-11 Site Plan, received 27 September 2018  
639-12 Plans and elevations, received 27 September 2018  
639-13 Units 18E and 18F, received 27 September 2018

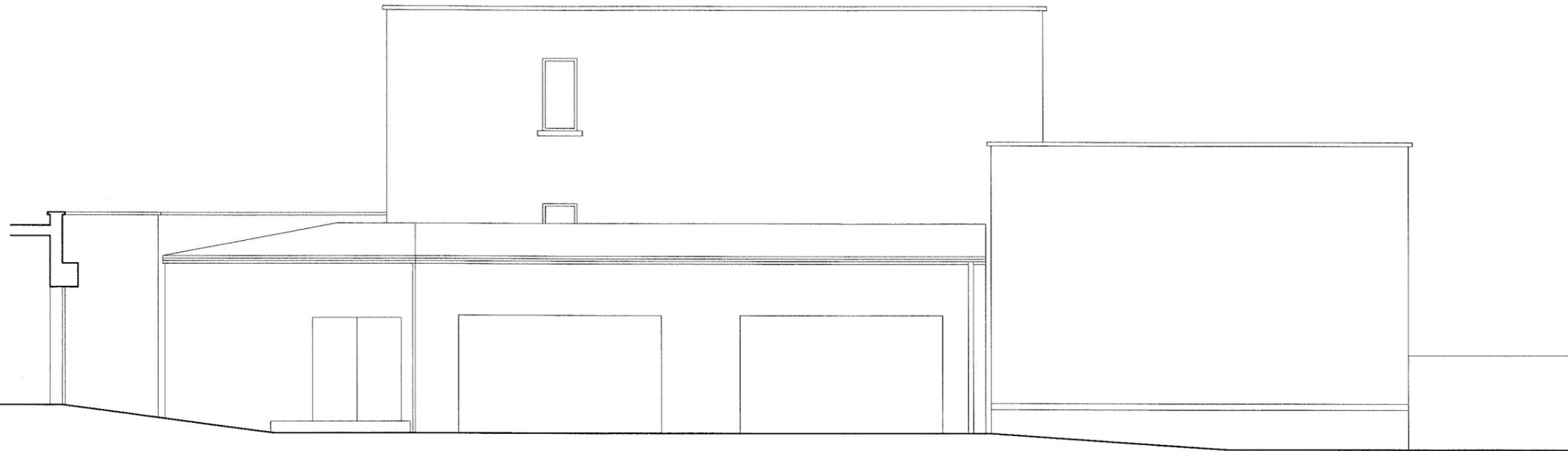
Reason: For the avoidance of doubt.

## **Supporting Documents**

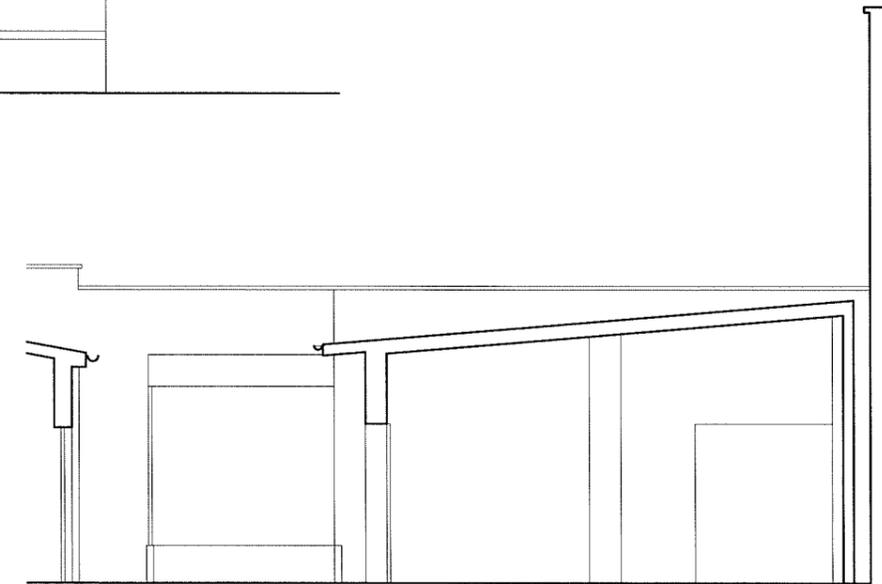
- 4. 18C Merton Road, Bristol, BS7 8TL**
  1. 1899930 - Plan – Units 18E & 18F

AREAS OF UNITS (GROSS INTERNAL)

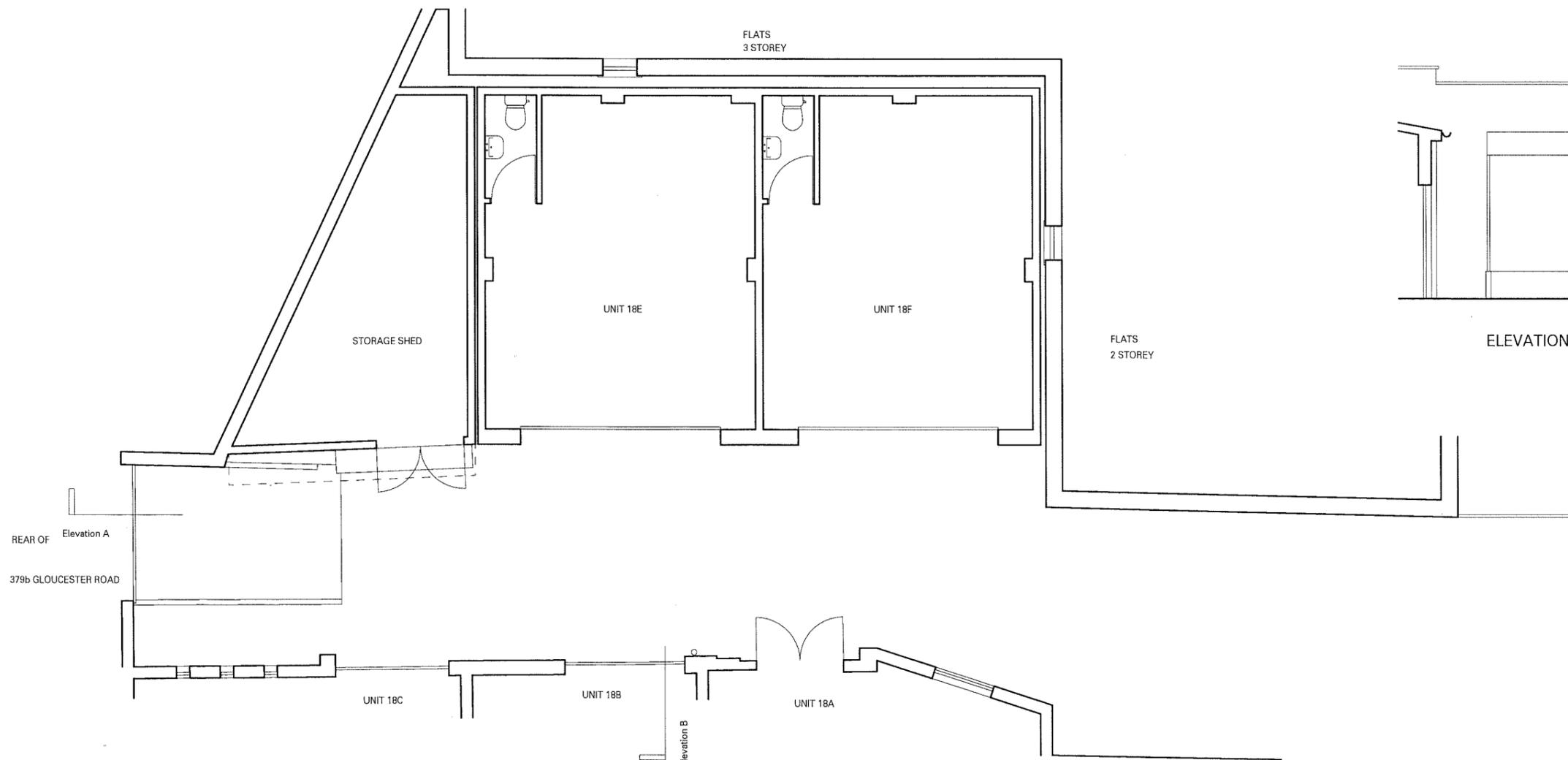
|                       |                     |
|-----------------------|---------------------|
| STORE                 | 19.7 m <sup>2</sup> |
| UNIT 18E              | 33.5m <sup>2</sup>  |
| UNIT 18F              | 33.6m <sup>2</sup>  |
| TOTAL NEW BUILDING    | 86.8 m <sup>2</sup> |
| TOTAL ADDITIONAL AREA | 86.8 m <sup>2</sup> |



ELEVATION A - TO SOUTH



ELEVATION B - TO EAST (Section through proposed building)



SITE PLAN



SCALE AT 1:100 A3 SIZE  
 PRINTING FROM COMPUTER FILES MUST BE AT FULL SIZE (IGNORE MARGINS)  
**DO NOT PRINT TO FIT PAGE**

