

WARD: Clifton Down

SITE ADDRESS: The Old Shoe Factory Cobble Lane Bristol BS8 2AQ

APPLICATION NO: 20/01491/F Full Planning

DETERMINATION DEADLINE: 3 June 2020

Conversion of commercial building into single dwelling house, with upper floor extension.

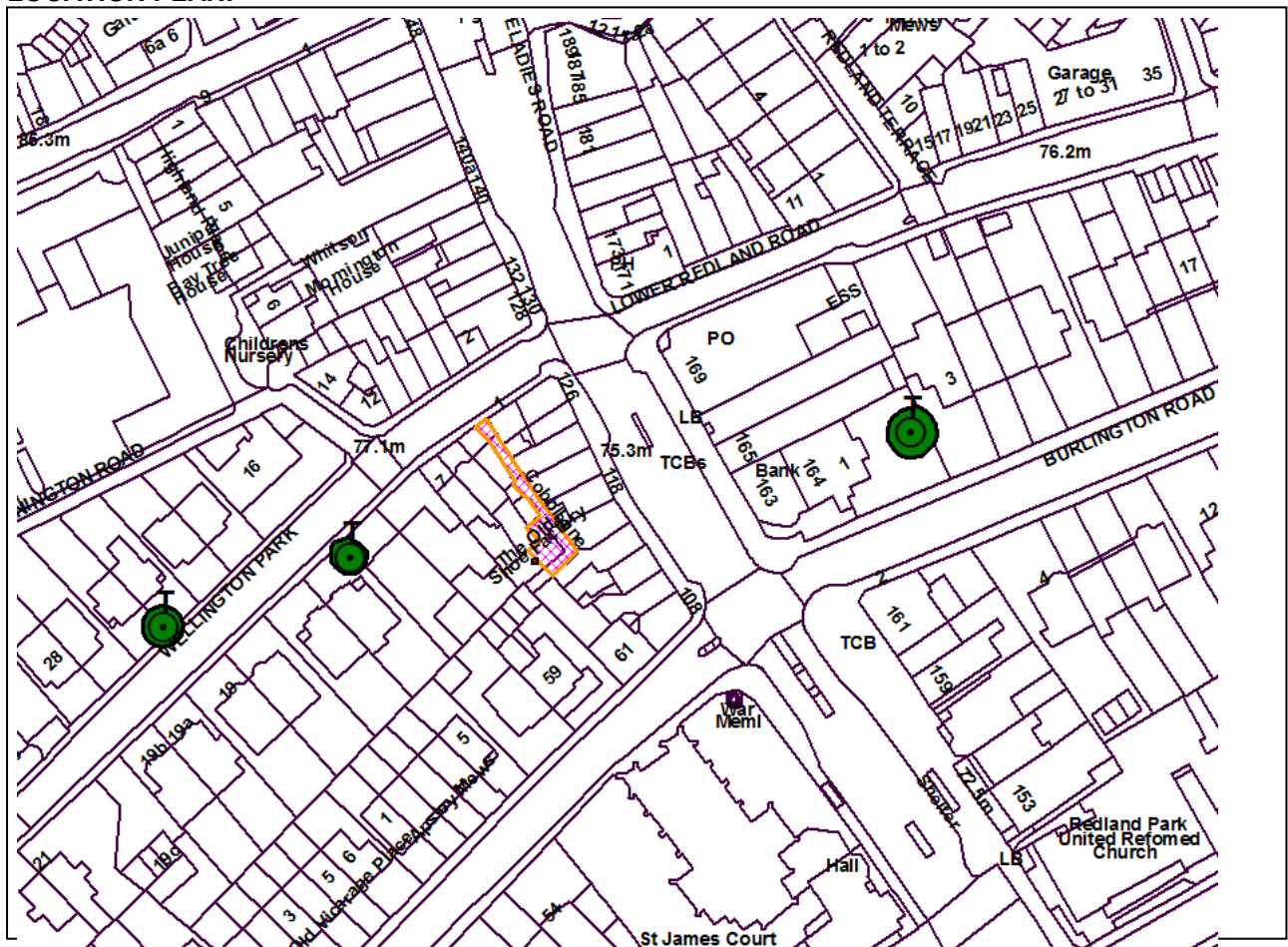
RECOMMENDATION: Refuse

AGENT: Quentin Alder Architects  
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6 Church Road  
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Bristol BS9 1JU

APPLICANT: Mr Bennett  
C/o Agent

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

LOCATION PLAN:



**Development Control Committee B – 19 August 2020****Application No. 20/01491/F : The Old Shoe Factory Cobblers Lane Bristol BS8 2AQ****SUMMARY**

This application for planning permission, ref: 20/01491/F is for the conversion of the Old Shoe Factory, a part single storey part two storey building on Cobblers Lane from office (B1a) use to residential (C3) use. The change of use would be accompanied by extensions to the first floor level of the building. The application has been referred to the Development Control Committee for decision by Councillor Denyer for consideration of issues including amenity and outlook.

This application represents the second resubmission of the current design approach, the previous two schemes having been refused, and these were preceded by the refusal and withdrawal of two similar schemes in 2015.

The host building is considered by officers to be principally unsuited to conversion for residential use as a result of the densely developed and poor quality backland setting of the site, as well as an overall poor quality of outlook which exacerbates a cramped and oppressive living environment for future occupiers, and a detrimental impact on the outlook to No. 118 Whiteladies Road.

It is not considered by officers that a satisfactory outcome for residential conversion can be reached on this site owing largely to the backland context and grain of existing development, however the applicant refutes these conclusions and has responded by submitting additional supporting documentation over the course of successive applications; notably an Impact Study and BRE Daylight Assessment.

Refusal reasons have evolved over the successive assessments of the previous applications for a similar form of development to that now proposed, with reasons being introduced or slightly altered in terms of amenity impact to surrounding residents as a result of a site visit, as well as review of the submitted Impact Study. Concerns on the grounds of lack of light were removed, following review of the submitted daylight study. Nevertheless, it has always been and continues to be upheld that marginal space standards combined with an overall poor quality of outlook in this physically constrained setting would cumulatively fail to deliver a high quality living environment for future occupiers. It is also maintained following assessment of the current application, that the first floor extension would have a detrimental impact on outlook from the first floor flat to No. 118 Whiteladies Road.

Overall and on this basis the scheme is brought to committee with a recommendation for refusal.

**SITE DESCRIPTION AND APPLICATION**

The application relates to a small brick unit found at the end of Cobblers Lane, a small service lane that runs from Wellington Park and has traditionally served the rear of commercial properties fronting Whiteladies Road. The unit appears to be in B1 use, but has been vacant for a substantial amount of time. The site also sits within the Whiteladies Road Conservation Area.

Consent is sought for the change of use from B1 office use to C3 residential (1 bedroom, 2 bed space) including a first floor extension. The application is considered to be essentially a resubmission of previously refused scheme 19/04989/F with no material changes to the proposals.

**RELEVANT HISTORY**

- 10/05075/F Application to retain the use as two units, one as ancillary garden room/office to 7 Wellington Park and one unit for office use (Use Class B1). 26 January 2011 PERMISSION GRANTED

**Development Control Committee B – 19 August 2020**

**Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ**

- 13/04112/COU Application to notify a proposed change of use from office use (Use Class B1) to residential accommodation (Use Class C3). 29 October 2013 PRIOR APPROVAL REFUSED
- 14/06270/F Change of use from Use Class B1 (Office) to Use Class C3 residential) 1-bed flat, with a first floor extension and associated external alterations. 16 March 2015 WITHDRAWN
- 15/01561/F Change of use from Use Class B1 (Office) to Use Class C3 residential) 1-bed flat, with a first floor extension and associated external alterations. 2 June 2015 REFUSED
- 18/03935/F Application for change of use from office use (Use Class B1) to residential accommodation (Use Class C3). 14 August 2018 WITHDRAWN
- 19/02194/F Conversion and extension of commercial building (Use Class B1 office) into a 1 bed single dwelling house. 2 August 2019 REFUSED
- 19/04989/F Conversion of commercial building into a dwelling with upper floor extension. 7 January 2020 REFUSED
- 20/01083/H Upper floor extension to existing dwelling. 6 April 2020 CANCELLED

**EQUALITIES ASSESSMENT**

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

**STATEMENT OF COMMUNITY INVOLVEMENT**

The proposed development is classed as 'minor' development; therefore there is no requirement for the applicant to demonstrate community engagement prior to submitting the application.

**RESPONSE TO CONSULTATION**

14 neighbouring properties were consulted, along with the display of a press and site notice, which elicited 3 letters of support for the scheme.

**OTHER COMMENTS**

A Pollution Control Officer was consulted and did not object to the scheme subject to safeguarding conditions.

**KEYS ISSUES**

(A) IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE AT THIS SITE?

Loss of Employment Floorspace

Policy BCS8 of the Core Strategy (2011) and policy DM12 of Site Allocations and Development Management Policies (2014) state that employment floorspace/sites shall be retained where they

**Development Control Committee B – 19 August 2020**

**Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ**

make a valuable contribution to the economy and employment opportunities.

The loss of the office floorspace was deemed to be acceptable under previously refused application 15/01561/F and subsequent applications have upheld this conclusion. No supporting information has been submitted with the application that evidences marketing or sale of the unit as office space, however, it is clear that the unit has stood empty for a significant amount of time and, given its location, orientation, layout and age, the floor space to be lost cannot be considered as commercially valuable given the supply of more modern office accommodation available in the city centre.

In conclusion it is maintained that the loss of B1 floorspace is therefore acceptable in this instance.

- Proposed residential use

No objection is raised against residential use of the unit, given the diverse mix of uses found in the area.

- Mixed and balanced communities

Section 6 of the NPPF reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities" and notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. Core Strategy policy BCS5 aims to deliver new homes within the built up area to contribute towards accommodating a growing number of people and households in the city, while Policy BCS20 encourages the efficient use of land, subject to high equality well designed environments.

The site is located in the Clifton East Ward, where the 2011 census information indicates that the vast majority of housing accommodation comprises flatted accommodation, forming 81% of the housing stock in the area. The site also falls within the Whatley Road Lower Super Output Area (LSOA) 81% flats.

There is clearly a dominance of smaller flatted accommodation in the area and benefit should be given to development attempting to redress this imbalance, as per policy BCS18. However, even though the proposals do not provide a family sized unit, it does not propose the loss of a larger household and so there is not a risk of diminishing the amount of family sized accommodation in the area, only an increase in the amount of smaller units. Furthermore it is considered that this town centre location in close proximity to Whiteladies Road could support higher densities of development subject to favourable assessment against all other relevant policy considerations.

Given this consideration, although the introduction of a self-contained flat will add to the already high concentration of flats in the area, this is not to the detriment of other housing types and will contribute to the housing demands of the area.

The application is therefore acceptable on these grounds and the principle is acceptable, subject to further detailed assessment below.

**Development Control Committee B – 19 August 2020****Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ****(B) IS THE RESIDENTIAL AMENITY OF FUTURE AND NEIGHBOURING OCCUPIERS PROTECTED?**

- Section 17 of the NPPF outlines 12 'core planning principles' which should underpin both plan-making and decision-taking. One of these principles is that decision making should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Policy BCS21 (Quality Urban Design) states that development in Bristol will be expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers.
- Policy DM27 (Layout and Form) states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to enable active frontages to the public realm and natural surveillance over all publicly accessible spaces; and enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight.
- Policy DM30 (Alterations to Existing Buildings) of the Site Allocations and Development Management Policies (2014) states that Extensions and alterations to existing buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers.

There is a significant amount of recent planning history relating to the site. Concern in relation to the previously refused similar schemes has focussed on the living standards of future occupiers, as well as impact to the amenity of surrounding dwellings, neither of which has been satisfactorily overcome. A brief review of recent decisions in this regard is listed below:

- A full planning application (14/06270/F) seeking consent for conversion from office to residential use was withdrawn in 2015, following officer concern that the space provided would deliver a 'a cramped form of development with limited living environment together with restricted outlook, natural light and amenity space.'
- A full planning application (15/01561/F) seeking consent for conversion from office to residential use was refused in 2015 in which it was noted 'The proximity of the blank elevations with 2m of habitable living space windows, combined with a substandard level of internal floorspace, would result in a poor quality living environment for potential future occupiers by providing undersized rooms that have restricted access to natural light'
- A full planning application (19/02194/F) seeking consent for conversion from office to residential use was refused in 2019 in which it was noted 'the proximity of the blank elevations of the adjacent buildings to within 2 metres of windows to the ground floor habitable living space of the proposed dwelling combines with generally substandard internal floorspace and low ceiling heights to deliver a poorly lit, cramped, oppressive and overall low quality living environment for future occupiers and secondly as a result of the increased height, scale and massing of the proposed extensions, this would also detrimentally impact on the outlook of the first floor flat to No. 118 Whiteladies Road. Owing to the identified impacts to surrounding neighbours and future occupiers the physically constrained site is considered to be fundamentally unsuitable for residential conversion.'
- A full planning application (19/04989/F) seeking consent for conversion from office to residential use was refused in 2019 in which it was noted 'the proximity of the blank elevations of the adjacent buildings to within 2 metres of windows to the ground floor habitable living space of the proposed dwelling combines with awkwardly laid out internal floorspace and low ceiling heights to deliver a cramped, oppressive and overall low quality living environment for future occupiers and secondly as a result of the increased height, scale and massing of the proposed extensions, this would also detrimentally impact on the outlook of the first floor flat to No. 118 Whiteladies Road. Owing to the identified impacts to surrounding neighbours and future occupiers the physically constrained site is

**Development Control Committee B – 19 August 2020****Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ**

considered to be fundamentally unsuitable for residential conversion.'

- A householder application (20/01083/H) was submitted in early 2020 however this was cancelled following officer concern regarding there being no lawful use of the property as a house in the first instance.

There have been no materially significant alterations to either the siting, scale, massing or form of the proposed extension, nor to the proposed layout of building within any of the three most recent applications (including this scheme brought before committee). Instead, the applicant has chosen to challenge the previous reasons for refusal through provision of additional information and rebuttal.

- Living standards of Future occupiers

Minimum nationally described space standards prescribe that a two storey, single bedroom (2 bed-space) dwelling must provide at least 58 square metres of gross internal floor area, with an extra 1.5 square metres of built-in storage.

Upon measuring the plans electronically it is calculated that the ground floor, first floor and mezzanine would equate to 56sqm. Half the area of the cycle and bin store would be 1.2sqm and although fractionally short of the standard it is accepted that 58sqm is correct, however this does not account for the built in storage.

Concern has been raised regarding adequate floor to ceiling heights in previous applications. The standards prescribe in this regard that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage, while any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area.

The mezzanine floor has been counted as part of the gross internal floor area and indeed the submitted section drawings show that the ceiling would be more than 1.5m above the floor level. Nevertheless with a minimum floor to ceiling height of 1.7m and maximum height of 2.3m in the ridge, this windowless space would be cramped.

Space standards prescribe that the minimum floor to ceiling height must be 2.3m for at least 75% of the Gross Internal Area. In the current scheme the floor level in the bedroom has been lowered by approximately 10cm to ensure the floor to ceiling height would be in excess of the 2.3m required.

Most elements of the space provided for permanent living accommodation would be marginal when assessed against nationally described standards, and it is considered that while in isolation each one of these elements may narrowly meet the requirements, it remains the case that the proposed dwelling would deliver a very poor quality of outlook owing to a dependence on high level or obscure glazing in response to its relative backland location and the close proximity of surrounding residential accommodation. While the pollution control officer did not ultimately object to the scheme subject to condition it is still noted that the commercial ground floor uses to units along Whiteladies Road have also resulted in a proliferation of plant equipment in relatively close proximity to the proposed dwelling, and although not included as a point of refusal in itself it is not considered this is ideal for the living conditions of future residents, particularly when considered in conjunction with the above concerns in relation to cramped living space.

The applicant has submitted a study to show that the house would receive adequate light when assessed against BRE standards. The report concludes that the bedroom figures are just within minimum standards (by 0.3%) and the living room and kitchen are 2.6% above the minimum standard. This is accepted; however significant parts of the house would still ultimately receive poor levels of light which exacerbates the above concerns which would remain points of objection to the scheme.

**Development Control Committee B – 19 August 2020****Application No. 20/01491/F : The Old Shoe Factory Cobble Lane Bristol BS8 2AQ**

While there have been incremental and modest improvements to the scheme over time, the issue of the backland setting and its impact on the building as existing cannot be overcome and so it has been concluded for the avoidance of any doubt that the site is considered to be 'fundamentally unsuitable for residential conversion'. Following officer assessment of the scheme brought before committee this view is upheld, and the proposal is not supported on this basis.

- Impact to neighbouring occupiers

An officer site visit was conducted prior to determination of refused scheme 19/02194/F, in which the spatial relationship between The Old Shoe Factory and adjacent flats 116 & 118 along Whiteladies Road was considered alongside pre-existing concern based on living standards.

As noted above, the general context is of a densely developed backland situation with substantial existing levels of overlooking and enclosure by surrounding buildings. The rear elevation to the flats along Whiteladies Road (116 and 118) is about 5.5m from the facing elevation of The Old Shoe Factory, and the extension would be about 8m from the rear elevation to No. 3 Wellington Park. The extension would be located to the south-west of rear windows to the aforementioned flats along Whiteladies Road, and due south-east of the rear windows to 3 Wellington Park. Owing to this arrangement and following the site visit it was concluded that in addition to the principle concern regarding living standards for future occupiers, the scheme as a result of its increased height, scale and massing would also detrimentally impact on the outlook of the first floor flat to No. 118 Whiteladies Road. The applicant sought to address this within subsequent application 19/04989/F through provision of a Daylight Aspect Study (also noted as 'Impact Study' under the current application), in which it is demonstrated that a 25 degree line taken from windows within the adjacent terrace would not cross any part of the extension, and also that the high level kitchen window in the extension would not allow views into the windows opposite. While this may be the case, the extension will be sited broadly due south of the subject window, which itself is enclosed to either side by ground floor extensions, and so the additional extension at a first floor level would act to further enclose and thus remove a reasonable quality of outlook from the rear of this flat. Considering the upper floors to surrounding buildings tend to be flats, the further loss of reasonable outlook to any surrounding unit is suggestive of overdevelopment of the site at the expense of the amenities of adjacent residents.

Overall it is concluded that while the additional information provided by the applicant demonstrates that loss of direct sunlight to surrounding residents may not in itself warrant refusal of the scheme, by means of its increased height, scale and massing the proposal would still restrict outlook from the rear window to the first floor flat of adjacent No. 118 Whiteladies road in particular, exacerbating an oppressive living environment for that property. This is contrary to adopted policy and the scheme is not supported on this basis.

The conclusions reached in terms of living standards for future occupiers as well as impact to the amenity of surrounding residents shows that the scheme would be contrary to Policy BSC21 of the Bristol Core Strategy (2009), as well as Policies DM27 and DM30 of the Site Allocations and Development Management Policies (2014), and Section 17 of the NPPF, and refusal is recommended on these grounds.

**(C) ARE THE PROPOSALS DESIGNED SATISFACTORILY AND WILL THE VISUAL AMENITY OF THE WHITELADIES ROAD CONSERVATION AREA BE PROTECTED?**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation

**Development Control Committee B – 19 August 2020****Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ**

Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy BCS21 of the Bristol Core Strategy and policies DM26, DM27, DM28 and DM29 demand high quality design from all development, while BCS22 and DM31 ensure the historic landscape is protected through well designed schemes.

In this case, no objection is raised to the design, scale, form and massing of the proposed building within its setting. The site is largely invisible from the public realm, minimising the visual impact to the conservation area and, the design of the extension broadly reflects the light industrial nature of Cobblers Lane.

**(D) HAVE TRANSPORT AND MOVEMENT ISSUES BEEN ADDRESSED?**

There is no objection to the creation of one flat without car parking in this location, as this is an area where residents can easily live without a car. The local area is subject to a Residents Parking Zone, and this dwelling would not receive a permit should consent be forthcoming.

A bin store has been shown at ground floor level and, while this would be convenient for day to day use it would be hard to take a wheelie bin out for collection. It is noted that there are bins left on the kerb already, although it is not clear whether these belong to a user of the service lane or not. In spite of this the alley is clear and although narrow, it would not be impossible to wheel a bin along it. It is noted that the condition of the alley is much improved and more secure since a previous scheme for a residential unit was considered and refused, and it is not considered the current scheme would warrant refusal on this basis.

Likewise, while access is narrow and not ideal, it is not considered impossible for a person to walk a bike down the access lane. The bin and bike storage would also be clearly separated from one another.

It is still maintained as for the previously refused scheme that the cramped bin and bike storage is indicative of more general concerns over whether the site is appropriate for residential use overall, however it is concluded in this instance that the bin and bike storage would not on its own warrant refusal of the scheme.

**(E) DOES THE SCHEME ACCOUNT FOR CLIMATE CHANGE AND SUSTAINABILITY?**

Policies BCS13-15 has significantly increased the requirements placed upon developers in respect of both the information required to support applications and give clear guidance on sustainability standards to be achieved in any new development, setting a target of a 20% reduction in residual energy emissions.

The scheme includes a sustainability statement and energy strategy stating solar PV panel will be used on the roof to achieve a total of 20% residual energy saving. This is acceptable.

Given the nature of the site and the unsure history, there may also be a risk of contamination at the site, but this can be dealt with through a condition that requires the reporting and remediation of any unexpected site contamination.

**CONCLUSION**

While the principle of the change of use of the building may be acceptable, the unit is not considered to be appropriate for residential use and these conclusions have not changed since refusal of the previous application for a similar form of proposed development.



**Development Control Committee B – 19 August 2020**

**Application No. 20/01491/F : The Old Shoe Factory Cobbler Lane Bristol BS8 2AQ**

The proximity of the blank elevations with 2m of habitable living space windows, combined with marginal adherence to minimum space standards would result in cramped, oppressive and claustrophobic living conditions for potential future occupiers.

Furthermore it is considered that the height, scale and massing of the enlarged building would detrimentally impact on the living conditions of the occupants of the first floor flat to No. 118 Whiteladies Road.

This is contrary to Policy BCS21 of the Bristol Core Strategy (2011); Policy DM27 and DM30 of the Site Allocation and Development Management Local Plan (2014) as well as Section 17 of the NPPF.

For these reasons, refusal is recommended.

**RECOMMENDED    REFUSE**

The following reason(s) for refusal are associated with this decision:

**Reason(s)**

1. As a result of the physically constrained site the development would result in detrimental residential amenity impacts. Firstly, in that the proximity of the blank elevations of the adjacent buildings to within 2 metres of windows to the ground floor habitable living space of the proposed dwelling combines with awkwardly laid out internal floorspace and marginal space standards to deliver a cramped, oppressive and overall low quality living environment for future occupiers and secondly as a result of the increased height, scale and massing of the proposed extensions, this would also detrimentally impact on the outlook of the first floor flat to No. 118 Whiteladies Road. Owing to the identified impacts to surrounding neighbours and future occupiers the physically constrained site is considered to be fundamentally unsuitable for residential conversion. This is contrary to the NPPF, Policy BCS21 of the Bristol Core Strategy (2011) and Policies DM27 and DM30 of the Site Allocation and Development Management Local Plan (2014).