Development Control Committee B – 5 April 2023

WARD: Filwood

SITE ADDRESS: 10 Melvin Square And 1 Illminster Avenue Bristol BS4 1LZ

APPLICATION NO: 22/02320/F Full Planning

DETERMINATION 21 April 2023

DEADLINE:

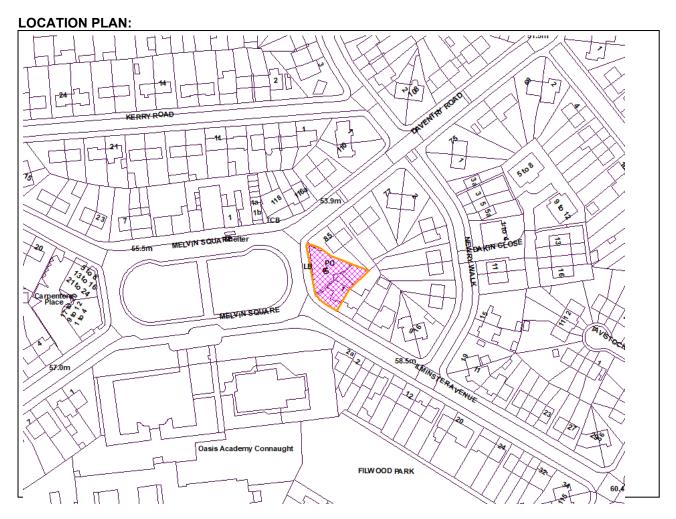
Ground, first and second floor extensions to 10 Melvin Square to create 6no. self-contained flats, and first floor side extension to 1 Ilminster Avenue, to create flat at first floor level, with cycle storage and retail storage at ground floor level.

APPLICANT:

RECOMMENDATION: Refuse

AGENT: Mr John Rooney c/o 10 Melvin Square Bristol BS4 1LZ Mr Kevin Patel 10 Melvin Square Bristol BS4 1LZ

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



SUMMARY

The application site concerns the properties to 10 Melvin Square and neighbouring 1 Ilminster Avenue Filwood, which comprises of a convenience store, with some storage to the rear and residential accommodation to the first floor. The existing property has been previously extended as such that the ground floor of the property goes up to the boundaries of the site and covers the total site area. The property is located to the eastern side of Melvin Square, with the surrounding area characterised by residential development.

The proposal would see the part demolition of the existing property to facilitate the erection of seven self-contained flats, resulting in a re-configured ground floor shop, along with refuse and cycle storage for the proposed upper floor flats. This application follows on from a previous application for the part demolition of the property and erection of the six self-contained apartments along with associated refuse and cycle storage that was refused and dismissed at a subsequent appeal (20/01745/F).

Officers remain of the view that the latest proposal which effectively creates a three-storey building, does not reflect anything else in the immediate vicinity of the site, which is characterised by two storey, semi-detached pairs and terraces with associated open green spaces. The existing property whilst slightly different in its design still draws from this overall character in terms of scale, design, and setting. As such officers remain concerned that the combination of the bulk and projection of the development would be out of character with the surrounding form of development.

With regard to amenity, whilst the latest proposal has sought to reduce the scale and alter the layout of the upper floor flats to bring the building away from the adjoining properties compared to the previous scheme, the development would have an overbearing impact to the rear of 85 Daventry Road. Furthermore, it has not been fully demonstrated that the level of overshadowing would not be to the detriment of 85 Daventry Road.

It is acknowledged that the latest application has generated a lot of public interest including a petition in support of the proposals, contrary to officers' concerns. Therefore, the planning application is being reported to committee. Whilst it is acknowledged that the proposed development would bring benefits, these have to be balanced against the harmful impacts of the resulting design on the area and amenity on neighbouring properties. It is for these reasons that officers recommend the planning application for refusal.

SITE DESCRIPTION

The application property comprises of a retail unit on the ground floor and non-self-contained residential accommodation comprising of three bedrooms above. The property frontage comprises of small forecourt with bollards delineating the boundary to the adjacent to the public highway. The site has been altered over the years, most notably the ground floor has been extended to the northern and southern boundaries of the site such that it covers the total site area apart from a small rear yard (2.4m2) which does not have any direct access to it. The ground floor extensions are rendered with flat roofs.

The existing extensions are approximately 3.0m in height on the southern side of the site, and 3.8m in height on the northern side. There is an extension at the rear of the site which projects from the rear wall at first floor level and roof level. The extension has a flat roof which is higher than the existing roof ridge. The first floor of the property is clad in red bricks and the roof level extension is rendered. The main roof of the property is hipped and clad in red roman concrete tiles. Windows are framed in white uPVC.

According to the plans, neighbouring 1 Ilminster Avenue which is owned by the applicant, is used for storage at ground floor and non-self-contained residential accommodation comprising of three bedrooms above. However according to the property's planning history, there is no evidence to demonstrate the use is lawful. Therefore, the property's established use is as a single dwelling, as described in the applicant's supporting Planning Statement.

RELEVANT PLANNING HISTORY

55/01626/U_U - Erect 2nd storey extension. Granted.

08/01898/F - Double storey front and side extension to shop and living accommodation. Refused for the following reasons:

- The front extension of the building encroaches upon the footway of Melvin Square. The southern corner in particular would restrict the free flow of pedestrian movement by narrowing the width of the footway. As such the proposal is contrary to Policy M1 of the Adopted Bristol Local Plan (December 1997).

- The proposed extension and alterations to the shop and living accommodation would appear overscaled and incongruous within the local area. As a result, they would harm the appearance of the building and the local area. As such the proposal is contrary to Policies B1, B2, B6, B9 and B10 of the Adopted Bristol Local Plan (December 1997).

10/02320/F - Construction of a double storey front and single storey side extension to shop, additional shop unit and living accommodation including 2no. dormers to front elevation. Granted.

13/03926/R - Application for a new planning permission to replace an extant planning permission 10/02320/F, which approved the construction of a double storey front and single storey side extension to the shop, an additional shop unit and living accommodation, including 2no. dormers to front elevation, in order to extend the time limit for its implementation. Granted.

15/00495/F - Proposed single storey left side, right side and rear extensions to enlarge existing shop unit (retaining post office) with new shop signage plus two storey side extension to create additional living accommodation to existing flat. Refused for the following reasons:

- The application proposal by reason of the addition of a three storey, flat roof development, would create development which would be out of context with the character of the existing building and the appearance of the local area. The application proposal is therefore contrary to Core Strategy Policy BCS21, Local Plan Policies DM26, DM29, DM30 and SPD2 - A Guide for Designing House Alterations and Extensions.

- The application proposal by reason of the failure to provide suitable cycle and car parking facilities would create a development which would fail to provide suitable transport provisions, causing harm to the residential amenity of the local area and future occupants. The application proposal is therefore contrary to Local Plan Policies DM23 and DM30.

15/02617/F: Single storey extensions to enlarge existing shop unit (retaining post office) and one storey extension over, including rooms within new roof to create additional living accommodation to the existing flat. Granted.

It should be noted that the applications for the extension of the shop unit which were approved (10/02320/F, 13/03926/R and 15/02617/F) included rear first and second floor extensions to the host property. However, the permissions were only partially implemented with the ground floor extensions built out, and the upper floor extensions to the rear not.

20/01745/F - Part demolition of existing building and erection of 6no. apartments (use class C3) with secure cycle parking and refuse/recycling store. refused for the following reasons:

- The proposed first and second storey extensions are found to be of excessive form, scale and massing relative to the local context which is defined by prevailing two storey scale. In this regard, the proposed extensions would fail to present an appropriate response to patterns of scale which define local appearance and character. Furthermore, the proposed form of the extensions would fail to integrate comfortably with the scale and proportions of the existing building and as a result the local area. The proposed extensions would be built out to the northern, southern and western boundaries of the site, resulting in an overdevelopment of the site area. These factors result in a form of development which would be harmful to local appearance, character and distinctiveness. This is contrary to Section 12 of the National Planning Policy Framework, Policy BCS21 of the Bristol Core Strategy as well as Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan.

- The application has failed to demonstrate that the proposed extensions would safeguard an acceptable living environment for all adjacent sites. Specifically, this is by way of creation of an overbearing sense of enclosure, loss of light as well as loss of privacy via overlooking of private outdoor amenity areas. Harm to amenity would relate to adjacent properties nos. 83- 85 Daventry Road and nos. 1-3 Ilminster Avenue. Development which fails to safeguard acceptable living conditions and amenity at adjacent properties is contrary to Section 12 of the National Planning Policy Framework, Policy BCS21 of the Bristol Core Strategy as well as Policies DM27 and DM30 of the Site Allocations and Development Management Policies Local Plan.

- The proposed facilities for cycle parking and bin storage would not meet local requirements with regard to quantum and siting. Convenient and easily accessible cycle parking has not been provided. This would at minimum cause users difficulty accessing cycle parking facilities, discouraging cycle use, and at maximum exclude this as a viable transport option for occupants. Resultantly, the development would fail to offer future occupants a full range of sustainable transport options and genuine choice about how they travel. In the case of bin storage, the proposed residential refuse storage would not be accessible due to the narrow width of access. The lack of provision of a suitable refuse store for commercial bin storage will potentially result in waste and recycling receptacles being stored on the public highway, which would hinder the safe and free flow of the highway, also to the detriment of the appearance and character of the area. The aforementioned factors are contrary to Section 9 of the National Planning Policy Framework, Policy BCS10, of the Bristol Core Strategy and Policy DM23 of the Site Allocations and Development Management Policies Local Plan.

- The proposal fails to meet the standards required for parallel parking spaces (end to end parking) as outlined in Appendix 2 of the Site Allocations and Development Management Local Plan Policies (adopted July 2014) and therefore will not provide useable parking provision. Vehicles would be located on a junction with limited visibility and safe manoeuvrability. Therefore, the proposal has failed to demonstrate that the proposed works would not impact highway safety with regard to other road users. The development is therefore contrary to Policy BCS10 (Transport and Access Improvements) of the Bristol Core Strategy and Policy DM23 (Transport Development Management) of the Site Allocations and Development Management Local Plan.

- The sustainability statement as submitted is unclear and fails to demonstrate that the proposed development would meet the required 20% reduction in residual carbon emissions via on site renewable energy generation as it has incorrectly been prepared using Part L1B of the Building Regulations. The renewable energy equipment shown on the plans as submitted has been discounted as being unviable in the submitted sustainability statement and the proposed air source heat pump has not been shown on the plans. It is therefore unclear whether any of the options for renewable heating systems are viable onsite and the assessment is considered to be incomplete. Consequently, it cannot be concluded that the proposed development would take account of the

impact of climate change or take all available steps to minimise carbon dioxide emissions, thus minimising the environmental impact of the development and prejudicing sustainable development. In this regard, the proposed development fails to accord with the Section 14 of the National Planning Policy Framework, Policies BCS13, BCS14 and BCS15 of the Bristol Core Strategy as well as guidance found within the Bristol Climate Change and Sustainability Practice Note (2012).

This above planning decision was then subject of a planning appeal (APP/Z0116/W/20/3272674). The Inspector decided that:

- The proposed three storey building of the retail store with two floors of flats above would appear very prominent in the street scene. The scale, siting and overall bulk of the building would appear well above and beyond the scale and proportions of the adjoining two storey buildings. There would also be a significant projection out into the established building lines along both the Daventry Road and Ilminster Avenue frontages. This building bulk and projection would visually dominate the public realm of the square and would not result in a scale of redevelopment that would integrate well with its surroundings.

- The height and projection of the building in the appeal scheme would be a prominent and visually dominant structure on this corner site. It would be of a scale which would be out of proportion with its setting with neighbouring development, notwithstanding the benefit of the demolition of the existing rear box extension. The building would not integrate well with its surroundings but would be visually harmful to the townscape of the square.

- The three-storey building on the other side of Melvin Square to Carpenter's Place has less of an impact than the appeal proposal because there are bigger gaps between the building and the neighbouring two storey dwellings. On this basis, it was considered that the three-storey building at Carpenter's Place did not set a precedent in favour of the appeal proposal.

- In policy terms, the proposed building would not meet the requirements of Policy BCS21 as it would not contribute positively to the character of the area and reinforce local distinctiveness. It would also not meet the requirements of SADM Policies 26 and 27 for similar reasons. The harmful visual impact that would result means that the proposal would be at odds with the emphasis placed on achieving well designed places as set out in section 12 of the National Planning Policy Framework (NPPF).

- With regard to the effect on living conditions, juxtaposition of the sites is unusual in that the appeal site tapers to a point at the rear as does the rear garden of No.85. The rear facing windows in No.85 are already affected by this building bulk and the existing box extension and the proposed three storey extension will not extend rearwards much more that the existing structures. While the Daylight and Sunlight Report (DSR) provided concludes that the windows to rear facing habitable rooms in that property will not materially lose daylight, the scale of the new three storey building and its proximity to the boundary would overshadow the garden/amenity space of that property.

- The photographs in the DSR show the position of the rear facing windows and the plans show the extent of 'garden' for No.1. The proposed three storey building would be sited back from the rear wall alignment of 1 Ilminster Avenue and the single storey rear building would not be dissimilar to the present (apparently lawful) structures on the appeal site itself. Overall, the Inspector was satisfied that the proposed building would not have a materially greater impact by causing a loss of aspect or overshadowing of the house and garden, compared to the lawful present structures, and therefore would not harm the living conditions of the occupiers when in residential use.

- In summary on this issue the proposal would harm the living conditions of the occupiers of neighbouring properties but only in terms of the dominating effect on the rear garden of No. 85 Daventry Road, contrary to the same policies on layout and design as mentioned.

- The Council sets out an objection to the form of parking spaces shown on the submitted plan, but these are on the highway and exist apparently for the benefit of the public/shoppers. The Inspector considered the proposed scheme as 'car free' which is appropriate given the location of the site on a local centre in a developed area.

- The proposed cycle storage area will not result in a visually attractive and useable space that is safe and will function well over time. This part of the proposal is at odds with the emphasis placed on achieving good design in the NPPF and in particular the factors that indicate high quality development are not met by the proposal.

- The appellant has now provided a Sustainability Statement and Energy Strategy (SSES) which advocates mainly an air source heat pump sited on the flat roof of the building as an appropriate means of achieving the standard. The Inspector was satisfied that all other aspects in regard to sustain ability were satisfied, and that this issue could be addressed by a planning condition.

The Inspector concluded that the proposal would make more efficient use of land already developed and in a local centre and add 6 flats to the provision of new housing which has been shown to be under-delivered in Bristol recently. The Inspector had also taken account of the letters of support for the proposal including for the new residential units; the improved retail facilities and the financial investment in the area. Nevertheless, the dominant visual impact of the proposal and the failure to create a well-designed layout would significantly outweigh the benefits and that the scheme conflicts with the Framework when this is read as a whole. The other considerations that arise do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Therefore, the appeal was dismissed.

APPLICATION

Planning permission is sought to extend the ground, first and second floor of the property to 10 Melvin Square. This would increase the overall floospace of the existing retail unit from 147sqm to 234sqm, create 6 self-contained flats at first and second floor, a first floor side extension to 1 Ilminster Avenue, to create a further flat at first floor level, with cycle and retail storage at ground floor level. The existing front extension would be extended upwards by two storeys with a new projecting double-width, central three-storey bay erected. The first and second floors would be stepped in at the corners to create balcony areas at first floor level, with Juliet balconies at first and second floor level to the central bay, and Juliet balconies to the sides and rear.

There would be a metal-clad floating side extension at first floor oversailing the existing garage to 1 Ilminster Avenue, thereby connecting the two buildings and providing access to a first floor flat within the existing dwelling. The existing front extension and canopy would be demolished and replaced with an entrance canopy. The ground floor of 1 Ilminster Avenue would be repurposed as a cycle store for the development and as a staff room and storage for the retail unit, with a new entrance door created for the bike store adjacent to the original front door. The existing outbuilding to the rear garden of 1 Ilminster Avenue would also be used as storage.

The proposed flats would be accessed via a new entrance to the side of the retail unit from Ilminster Avenue. Ramped access would also be provided utilising the existing driveway to 1 Ilminster Avenue. A secondary door, to comply with Building Regulations, would be inserted into the existing roller shutter door to the garage, which would continue to provide access for deliveries into the retail unit. Refuse storage would be located within the front garden of 1 Ilminster Avenue. There would be no parking as a car-free development is proposed.

The proposed development would comprise of a palette of brick to the central bay, with white render to the side elevations and to the remainder of the front elevation. The extension to Ilminster

Avenue would be clad in zinc. Brick soldier courses, feature heads and window heads are proposed, with recessed brickwork vertically between windows, which would be aluminium-framed. The existing shopfront would be updated as part of the redevelopment.

Since the application was submitted, the applicant has revised parts of the proposed development to address objections from Highway Officers, and Officer objections to the design and scale of the development. This includes the following:

The infill section between the existing kitchen and bedroom has been removed from the scheme.
The party wall would be reduced from 10 metres to 3.7 metres, and all towards the front of the site

in an attempt to reduce overbearing impact.

- Fenestration to northeast elevation reduced with one sole window to the front of the building angled, and roof height reduced.

- Swept Path Analysis to the loading bay for a large transit added
- Acknowledgement that the post box and lamp post will need to be relocated
- Visitor cycle parking added
- Commercial waste arrangements clarified

The alterations would also change the layout of the flats resulting in 2×2 -bed flats and 4×1 -bed flats along with a 1-bed flat to the first floor of Ilminster Avenue. This is a reduction from the previous mix comprising of 4×2 -bedroom flats and 3×1 -bed flats.

(Please refer to plans and supporting documents for details)

RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties were notified about individual letter and 29 letters in support of the proposals were received. One letter of objection was received on the following grounds:

- Loss of privacy to 85 Daventry Road
- Concerns about increased disturbance to the detriment of neighbours
- Previous works has led to damage to the neighbouring gardens

Following revisions to the application, neighbours were re-consulted by individual letter. There was a petition received signed by 200 people in support of the proposals. One letter of objection was received, however this was not from the previous objector. The objections raised were on the following grounds.

- Alleged that the applicant has repeatedly breached previous planning rules with unauthorised additions to the property.

[It should be noted as discussed earlier under the planning history, that whilst it is the case that the previous consents have not been fully implemented, there has not been any Enforcement involvement on the site to date. Whether or not Enforcement action has been taken on this site is not a material planning consideration, and the application has to be determined on its merits]

- That the boundary has been moved encroaching onto neighbouring land [private legal matter]

OTHER COMMENTS

Contaminated Land Environmental Protection has commented as follows:-

The proposed development is sensitive to contamination but is situated on land not thought to have been subject to a potentially contaminating land use. In light of this and the nature of the development, a condition for the reporting of any unreported contamination is recommended in the event of granting planning consent.

Pollution Control has commented as follows:-

No objection to this application but do have some concerns with regards to noise and disturbance from construction works at the development and the potential for noise from plant on the roof. I would therefore ask for conditions for a Construction Management Plan and for restrictions on noise from plant if the application is approved.

Transport Development Management has commented as follows:-

Following considerations of the revised plans, there is no objection on highway grounds.

RELEVANT POLICIES

National Planning Policy Framework – July 2021 Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation 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 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

(A) IS THE PRINCIPLE OF DVELOPMENT ACCEPTABLE IN THIS LOCATION?

The site has no designation under the Provisions of the Site Allocations and Development Management Policies. However, the area is residential in character, with the property providing a local shopping provision to this part of Filwood.

According to the plans, the proposed development would result in a re-configured and larger retail floorspace to the existing convenience shop. This would be facilitated through the removal of the storage within the 10 Melvin Square curtilage and the relocation of the office, together with the incorporation of the garage adjacent, into the existing retail store. The retail floorspace would increase from 147sqm to 234 sqm, an increase of 87 sqm.

Policy BCS7 of the Bristol Development Framework Core Strategy, states that retail shop uses will predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres. Local shopping and service provision in smaller frontages or single shops away from the identified centres should be retained where it remains viable and provides an important service to the local community. The provision of new small scale retail facilities will be encouraged where they would provide for local needs and would not be harmful to the viability and diversity of any nearby centres.

Policy DM7 of the Site Allocations and Development Management Policies states that uses including retail development outside of centres will not be permitted if It would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or It would impact on existing, committed and planned investment.

The proposed alterations and extensions to the property would create a retail unit in excess of 200sqm which is categorised as "larger scale retail development" in the Local Plan, and which therefore could be harmful to the retail functions of designated centres in conflict with the above policies. However, consideration is also given to the following factors. The applicant states that the

retail unit including a Post Office, has been serving the areas continuously since 1979 providing 24 access to the local community. The applicant argues that the store has strong footfall and can become overcrowded at times due to limited floorspace and the resulting narrow aisles. It is likely that, with the opening of the new secondary school on Daventry Road, footfall will become greater, further increasing the need for more retail floorspace.

The nearest designated local centre is at Filwood Broadway, the edge of which is approximately 1600 metres from the application site. This is in excess of the reasonable distance that people are expected to travel in terms of accessibility to daily/regular local amenities. Furthermore, the applicant states that Filwood Broadway currently lacks a supermarket, with the current store smaller than the existing convenience store to the applicant site. The lack of local retail facilities and the distance from Filwood Broad is reflective of the high footfall and use of the existing retail unit at 10 Melvin Square. Given the above it is concluded that the proposed development in respect of the retail extension would not impact vitality and viability of the nearest established local centre.

Whilst only limited weight can be given to the Emerging Local Plan policies, it is noted that Melvin Square including the application site, is identified as becoming a new local centre under the provisions the Draft Policies and Development Allocations in the Bristol Local Plan Review. The need for this review appears reflective of the aforementioned issues above.

Given the above considerations which include the fact that the proposed alterations amount to a relatively small extension to the retail unit to a convenience store clearly aimed directly to local residents, a refusal of the application on this basis could not be justified.

With regard to the proposed residential units to the site, this is assessed as follows.

Section 5 of the National Planning Policy Framework (NPPF) outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. The Local Planning Authority (LPA) should deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.

Policy BCS5 (Housing Provision) of the Bristol Development Framework Core Strategy outlines that delivery of housing to meet the Council's housing targets will primarily be focused on previously developed sites however some open space will be utilised for housing development. The strategy by which the Council will allow development of open space is set out within the Site Allocations & Development Management Policies (SADMP) Local Plan.

Policy BCS18 (Housing Type) of the Core Strategy 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.

Policy DM1 (Presumption in Favour of Sustainable Development) of the SADMP outlines that the city's approach to development proposals will be positive and reflective of the presumption in favour of sustainable development as referenced throughout the NPPF.

The results of the government's Housing Delivery Test of 2020 confirmed that Bristol is unable to demonstrate a five-year housing land supply. In view of this, the presumption in favour of development in the NPPF will apply, paragraph 11(d) of the NPPF is engaged, and the tilted balance applies.

There are two aspects to understanding whether planning permission as prescribed by Paragraph 11(d) should be granted and whether policies which are most important to determining the application are out of date:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [6]; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case it is considered that the principle of further residential development would be acceptable in this location, providing needed residential accommodation in Bristol in accordance with BCS5 of the Core Strategy, and Section 5 of the NPPF. The re-configuration and extension of the retail unit would be to the benefit of local shopping provision in the area in accordance with Policy BCS7 of the Core Strategy. However, notwithstanding the above, the adverse impacts arising from the incongruous and harmful development would significantly and demonstrably outweigh the wider benefits of the scheme, which officers consider to be sufficient to justify the refusal of permission, even when the tilted balance is applied. The rationale for this will be set out in more detail in the following key issues below.

(B) IS THE MIX OF HOUSING ACCEPTABLE?

The National Planning Policy Framework (2021) 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 BCS18 of the Bristol Development Framework Core Strategy requires 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. Policy directs decision-makers and developers alike to the existing housing profile of the area to define the composition of housing sizes and types expected of a development.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character, and quality. Housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower-Level Super Output Area (average of 1,500 residents). The application site falls within the Wedmore Vale Lower Super Output Area (LSOA) of the Filwood ward. As of 2022 using the most recent census data, houses account for 91.2% of the overall housing stock compared to 8.8% for flats and maisonettes. With regard to bedroom numbers, 3-bed properties account for 72.6% of units within the LSOA, with 1 and 2 bed units comprising of 3.2% and 11.3% of the overall housing stock respectfully. Therefore, it can subsequently be concluded that the area around the application site is dominated by family sized housing, whilst there is an under-prevalence of flats at both lower super output area and ward level, and of both one and two-bedroom units.

The proposal for 2×2 -bedroom flats and 5×1 -bedroom flats would add to the mix of housing in the area and therefore contribute to the provision of a better mix and balance of the housing stock and help address the imbalance of smaller dwellings locally.

(C) IS THE PROPSOED DESIGN AND LAYOUT ACCEPTABLE?

Requiring good design is at the heart of National and Bristol planning policy. Section 12 of the National Planning Policy Framework (2021) outlines that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Section 12 of the NPPF also states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

Policy BCS21 of the Core Strategy expects a high-quality design in all developments, which contributes positively to an area's character and identity, creating or reinforcing local distinctiveness.

Specifically in relation to infill development, Policy DM26 of the Site Allocations and Development Management Policies, requires development to respond appropriately and respond to local patterns of development. It also expects development to respond appropriately to the height, scale, massing, shape, form, and proportion of existing buildings, building lines and setbacks from the street, skylines and roofscapes. Development is expected to reflect locally characteristic architectural styles, rhythms, patterns, features, and themes taking account of their scale and proportion. It says development will not be permitted if it would be harmful to the local character or where it fails to take opportunities to improve it.

Policy DM27 (Layout and Form) requires the height, scale, and massing of development to be appropriate to the immediate context, site constraints, character of adjoining streets and spaces, the setting, public function and/or importance of the proposed development and the location within the townscape.

Policy DM30 requires alterations to existing buildings to respect the overall design and character of the host building, its curtilage and the broader streetscene. As such the extensions should be physically and visually subservient to the host building, including its roof form, and not to dominate it by virtue of its scale. It also requires sufficient external private space to be left for the occupiers of the building.

The application site forms part of the planned estate of Knowle, which was built during the interwar period. As such, Melvin Square, and the surrounding roads form part of the planned street layout. Individually, the built fabric is unremarkable, but the uniformity of design is a defining characteristic of the area. The design principles of the estate include: the planned layout and interrelationship between buildings and spaces; the low-density urban grain; the relationship to local topography; the planned, public green spaces and the extent of other green spaces, including residential gardens. The open, low-density character of the area is derived from the uniformity, or the rhythm and balance compared with planned gaps. When viewed collectively, the homes in the estate retain the clearly defined and consistent pattern of urban grain which was associated with the original estate design.

With regard to the immediate context, the site is adjoined by predominantly two storey, semidetached or terraced dwellings which are faced in brick or render and have hipped roofs, clad in red roman concrete tiles. According to the applicant's supporting information, number 10 Melvin Square was originally built as a detached property forming a post office to the ground floor and residential over. The curtilage of the property was believed to be T-shaped withing a triangular plot to the junction of Daventry Road, Melvin Square, and Ilminster Avenue. 10 Melvin Square has subsequently been altered and extended over time, including the front and side extensions to the retail unit.

It is noted that the application property is not particularly notable or high quality with regard to criteria for infill development outlined in DM26. The original detached form of the property was a departure from the predominately semi-detached housing that surrounded it. Whilst the number of extensions and alterations have diluted the original design of the property. Nonetheless, the townscape remains particularly unified, which produces a need to reproduce the existing pattern, form, and design of existing development. On considering the effect on the character an appearance, the Inspector concluded that "despite the scale of the flat roof retail store the original semi-detached buildings [Number 10 was built as a detached property including a ground floor post office according to the applicant's statement] are clearly discernible in the centre of the site and this maintains the visual relationship with the neighbouring semi-detached properties, notwithstanding

the presence of the existing rendered box extension to the rear".

The applicant argues that the flanks have been dropped, whilst sloping roofs to the side extensions provide a step down to the two-storey dwellings on Daventry Road and Ilminster Avenue compared to the previously refused scheme. The corners of the building have been set back in an attempt to minimise the building's mass when viewed from Melvin Square. The building would incorporate 1 Ilminster Avenue which the applicant states would provide a transition from the contemporary to the traditional through the creation of a zinc-clad first floor extension above the existing garage, set back from the front elevation and overhanging the loading bay to the retail unit. The design includes detailed articulation between the re-designed retail unit and the upper floors above. The rationale behind the design detail and appearance is understood and not objectionable when considered in isolation.

However, the proposed development comprising of three storeys building of the retail store with two floors of flats above would appear very prominent in the street scene. The scale, siting and overall bulk of the building would appear well above and beyond the scale and proportions of the adjoining two storey buildings that surround it. Features such as the projection out into the established building lines along both the Daventry Road and Ilminster Avenue frontages are considered to go against the established urban grain, whilst the combination of the roof design and other building elements would not respect the setting of the original host building. Furthermore, the incorporation of 1 Ilminster Avenue into the extensions would further exacerbate the bulk and scale of the development, whilst unbalancing the pair of semis that at 1 and 3 Ilminster Avenue, detracting from its original character.

The proposed changes to the ground floor of 1 Ilminster Avenue from the established residential use to commercial, would be out of keeping the residential character and layout of the area. This includes the proposed refuse storage areas to the frontage of 1 Ilminster Avenue. Although, this area would be partly enclosed by the existing hedge according to the plans, there is no guarantee that the hedge will be retained. In the event it is not, then the frontage of number 1 would be fully exposed with the unsightly stores to the detriment of visual amenity. Furthermore, the combination of the proposed extensions and alterations would constitute the overdevelopment of the site. In the wider context it is considered that the overall bulk of the building would dominate the public realm of Melvin Square, integrating poorly with its surroundings.

It is acknowledged that the host property has been subject to several alterations over time which have been harmful to the overall appearance of the site. However, the proposed development would only serve to exacerbate the existing issues to the detriment of visual amenity.

Reference has been made to flatted block to Carpenters Place as precedent for the proposed development. However, as the Planning Inspector concluded, while the development is three storeys in height, in visual terms it has a less imposing visual impact on the local street scene as there are greater gaps with the neighbouring two storey development along Galway Road and Leinster Avenue. The circumstances of the application site are not the same and it does not set a precedent in favour of the proposed scheme.

Therefore, it is concluded that the proposed design and layout would be unacceptable.

(D) WOULD THE PROPOSALS HARM THE RESIDENTIAL AMENITY OF ADJOINING OCCUPIERS?

Policy BCS21 in the Bristol Core Strategy advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies, states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. This policy, as well as DM27, further states that new buildings will be

expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook, and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels.

The proposed development would include first and second floor extensions to the host property to provide a total of six self-contained flats, along with a self-contained flat to the first floor of 1 Ilminster Avenue. The proposed extensions would be built out to the northern, western, and southern boundaries of the site, with a projected extension to link 1 Ilminster Avenue at first floor level. Development at the east of the site would be stepped. The nearest residential properties to the development would be numbers 83-85 Daventry Road and 3 Ilminster Avenue.

The proposed extensions would increase the overall scale and massing of built form on the site. It is noted as per the Inspector's conclusions that the juxtaposition of the sites is unusual in that the site tapers to a point at the rear as does the rear garden of 85 Daventry Road. There is a high single storey wall/rear extension close to the party boundary. The rear facing windows in number 85 are already affected by this building bulk and the existing box extension, and the proposed three storey extension will not extend rearwards much more that the existing structures.

With regard to the previous scheme, the Inspector concluded that that the windows to rear facing habitable rooms to 85 Daventry Road will not materially lose daylight, however agreed that the scale of the new three storey building and its proximity to the boundary would overshadow the garden/amenity space of that property. Whilst the applicant has amended the current scheme to move some of the first and second floor build away from the boundary of number 85 Daventry Road compared to the previous scheme, the scale and proximity of the building remained as such as it still results in overshadowing to the rear of number 85. The applicant has not provided a shadow study in respect to the current proposals to demonstrate otherwise. Furthermore, the proposed extensions which include a higher ridgeline than the existing property, would result in a larger massing at three storeys compared to the present situation and would therefore have an overbearing impact on the amenity and outlook to the side and rear of 85 Daventry Road. As such it is concluded that the latest scheme does not overcome the previous reasons for refusal and the Inspector's decision in regard to the impact on neighboring 85 Daventry Road.

With regard to 1 Ilminster Avenue the applicant states that this is in commercial use, however for the purposes of this assessment there is no evidence to suggest that this use is lawful. The proposed three storey extensions would be sited back from the rear wall alignment of number 1 and the single storey rear building would not be dissimilar to the present structures on the site itself. As such it is considered that there would not be a materially greater impact on the side and rear of number 1 in regard to loss of aspect or overshadowing of the house and garden, compared to the present structures. Therefore, it would not harm the living conditions of the occupiers of number 1 ilminster Avenue when in residential use.

With regard to issues of inter-visibility, the proposed layout of the flats is such that the windows would mainly face the Melvin Square in regards the front elevation, and the stores of the reconfigured retail unit regarding the rear elevation. There are a number of balconies proposed which would not only increase overlooking, but also have the potential to generate noise and disturbance at elevated levels due to the ability for people to congregate on them. However, all the proposed balconies would be to the frontage of the property overlooking Melvin Square and Ilminster Avenue, as opposed to facing the adjoining properties. There would be a couple of side windows at second floor level, however these would look towards the side and roofs of 85 Daventry and 1 Ilminster Avenue respectfully. As such the neighbouring properties would be no more overlooked than they are at present.

Given the overall mass and scale of the building created by the combination of the proposed extensions this would result in an undue sense of enclosure to the existing neighbouring property to

number 85 Daventry Road, with an overbearing impact. As such it is concluded that the proposed development would harm the residential amenity of the adjoining properties.

(E) WOULD THE PROPOSALS CONSITUTE AN ACCEPTABLE LIVING ENVIRONMENT FOR ITS FUTURE OCCUPIERS?

Good design and protection and enhancement of the environment are critical components of central government guidance, as identified in the NPPF. Paragraph 130 of the NPPF outlines that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users. The NPPF states that policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified. Policy BCS18 (Housing Type) of the Core Strategy outlines that residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

The National Described Space Standards requires that for a two-bedroom, three bedspace dwelling flat, a minimum 61sqm is provided, with 50sqm for a one-bed, two bedspace flat. According to the plans all the 1-bed flats would measure at least 50sqm and the 2-bedroom flats a minimum of 64sqm, therefore adhering to the minimum space standards. Six of the flats would be single aspect, although each room would comprise of at least one window broadly facing west and southwest maximizing daylight/sunlight in respect of the front flats. The two rear first and second floor flats would be east facing which would get less direct sunlight, although these would have secondary windows to their respective living rooms. The proposed flat to 1 llminster Avenue would be dual aspect with both east and west facing windows.

As the proposed first floor flats would be over the re-configured retail unit, there is the potential for disruptive noise transference given the likely activities associated with the shop, and from noise emitting from plat proposed to the roof. The proposals have therefore generated a concern from the Council's Pollution Control Officer given potential noise from plant and during construction. However, these concerns are not considered as such to warrant a reason for refusal, and the Pollution Control Officer is satisfied that a condition for a Construction management Plan, and for noise control levels on any plant or equipment can be applied in the event of an approval. matters regarding noise transference can be covered under Building Regulations to ensure compliance.

The proposed development would not provide any private amenity space, which is considered to be poor. However, there are some opportunities to access public open space within the surrounding area. Overall, it is concluded that the development would offer an adequate standard of accommodation and amenity for future occupiers.

(F) DOES THE PROPOSAL SATISFACTORILY ADRESS TRANSPORT AND MOVEMENT ISSUES?

The NPPF states that developments should ensure that safe and suitable access can be achieved for all users. It also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy BCS10 of the Core Strategy, sets out development proposals should be located where sustainable travel patterns can be achieved and with more intensive, higher density development at accessible centres and along or close to public transport routes. It requires developments to be designed and located to ensure the provision of safe streets. Policy DM23 of the SADMP expects development to provide a safe and adequate access onto the highway network secure, accessible, and usable level of parking provision having a regard to parking standards, as well as secure and well-located cycle parking and facilities for cyclists. The same policy also expects developments to provide appropriate servicing and loading facilities which make effective and efficient use of land

and be integral to the design of the development. Policy DM32 requires residential development to provide sufficient space for the storage of recycling and refuse containers, and for the need for storage to be acceptable in terms of its visual impact.

The application site is found to represent an accessible and sustainable location for residential development. This is based upon proximity to local shops and services as well as public transport accessibility which would mean that future occupiers are not necessarily dependent on private cars. Pedestrian access would be provisioned from Melvin Square. As mentioned, the applicant has stated that this would be a car-free development. Notwithstanding this there is not an on-street parking issue within the vicinity of the site should any of the occupants own a car.

Cycle storage for up to eleven bicycles is proposed within a secure store to the ground floor of 1 Ilminster Avenue which is considered to be acceptable. There would be a further four cycle spaces provided to the front of the retail unit for visitors to the property. There would be internal refuse storage for both the retail unit and residential units located within the ground floor of 1 Ilminster Avenue, accessed from the frontage. The store would accommodate a 1100I, 660I, 360I and 140I bin in accordance with the Council's adopted standards. The separate store for the retail unit, would accommodate a 1100I bin. Whilst such storage for the retail would not be sufficient, the applicant has stated that the collection of the waste from the retail is carried out by a commercial waste management company.

There is a covered loading bay proposed between the main property and 1 Ilminster Avenue for vans to serve the shop. The applicant has added a tracking diagram to demonstrate that a transit vans or panel van servicing the retail unit, can enter and exit the loading bay in a safe manner without conflict with the highway, including the nearby traffic island.

On reviewing the application following the revisions to address previous concerns, the Council's Transport Development Management raised no objection to the proposal, which would be subject to standard conditions including the requirement of a Construction Management Plan (CMP) in the event of any approval.

(G) DOES THE PROPOSALS SATISFIES THE CITY'S POLICY OBJECTIVES WITH REGARD TO SUSTAINABILITY AND CLIMATE CHANGE?

As embedded in the NPPF, sustainability should be integral to all new development. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20% and to follow the heat hierarchy which seeks to ensure that heating and hot water systems are designed and specified in accordance with the heat hierarchy including, where appropriate, connection to a heat network. Policy BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

The application includes an Energy Statement, which set out the proposed sustainability measures that would be applied to the development. This includes Part L compliant construction, taking a fabric-first approach with the re-use of existing onsite materials, and recycled materials. It is proposed that there would be a restriction of portable water storage, and soakaways will be utilised wherever ground conditions allow. With regard to sustainable energy solar PV panels are proposed to the roof, with space heating utilising air source heat pumps (ASHPs). According to the Energy Table the proposed measures would yield up to 39.5% savings in residual energy compliant to the policy objectives.

The sustainability response is considered to be acceptable, although full details of the ASHPs and solar panels would be required by condition to ensure compliance with the Energy Statement in the

event of an approval.

OTHER ISSUES

The proposed development is sensitive to contamination but is situated on land not thought to have been subject to a potentially contaminating land use. On reviewing the application, the Council's Land Contamination Officer raised no concerns. However, they recommended that any planning consent for the development should be subject of a condition for the reporting of any unexpected contamination that may be encountered through the subsequent re-development of the site.

The proposed development is located within a surface water drainage discharge zone where the existing discharge rate should be reduced. The proposed development would result in an increase in built development on site, however it would not result in the loss of any areas of green, undeveloped land.

Details of a comprehensive site specific sustainable urban drainage scheme taking account of local conditions would be required prior to commencement in order to provide sufficient mitigation for development. Such details would be sought via condition in the event of permission being granted. Subject to this measure however the development would avoid causing any significant increase in flood risk locally.

CONCLUSION

The proposed design is not considered to be suitable as the proposal would disrupt the uniformity of the rhythm and balance of the existing streetscene through its principle form and design. As a result, the proposal would be highly incongruous in the surrounding streetscene. The overall scale, massing, and proximity to the boundary with neighbouring properties would result in the proposal causing unacceptable impacts to neighbouring amenity with regard to overbearing and overshadowing to the neighbouring properties. It is noted that the proposals would provide the local convenience store with an improved layout and some additional floorspace. The creation of the self-contained flats would provide additional accommodation and add to the mix of available accommodation in the area. However, it is not considered that these benefits outweigh the harm to the character of the surrounding area and the detriment to residential amenity that would result. The application is therefore not acceptable and therefore planning permission is recommended for refusal.

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £40,610.53.

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 this application would not have any significant adverse impact upon different groups or implications for the Equality Act 2010.

RECOMMENDED REFUSE

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

Reason(s)

- 1. The proposed extensions and alterations, by virtue of their excessive form, scale, massing and design relative to the local context, which is defined by prevailing two storey scale, would result in a building that is visually imposing and over dominant on this prominent corner site. It would not integrate well with the adjoining existing developments and would look incongruous in the surrounding streetscene. It would therefore harm the townscape of the square and the character and appearance of the area to the detriment of visual amenity. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2012) as well as Policies DM26, DM27 and DM30 of the Site Allocations and Development Management Policies (2014), along Section 12 of the National Planning Policy Framework (2021).
- 2. The application has failed to demonstrate that the proposed extensions would safeguard an acceptable living environment for all adjacent sites. Specifically, this is by way of creation of an overbearing sense of enclosure, as well as loss of light to adjacent property to number 85 Daventry Road. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2012) as well as Policies DM27 and DM30 of the Site Allocations and Development Management Policies (2014), along with Section 12 of the National Planning Policy Framework (2021).

Advice(s)

1. Refused Applications Deposited Plans/Documents

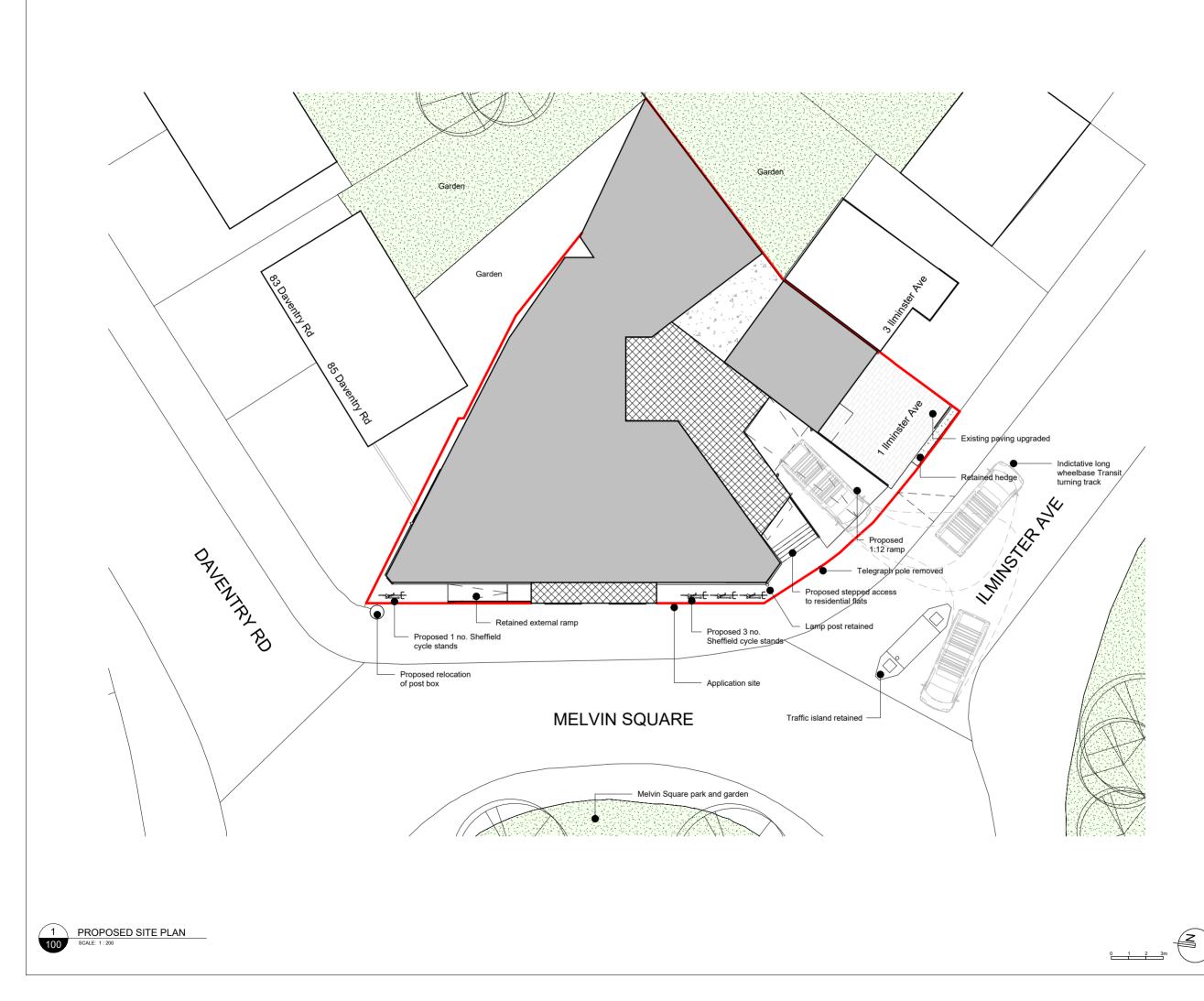
The plans that were formally considered as part of the above application are as follows:-532-PLA-001 Location plan and existing site plan, received 17 May 2022 532-PLA-010 Existing ground floor, received 17 May 2022 532-PLA-011 Existing first floor, received 17 May 2022 532-PLA-012 Existing second floor, received 17 May 2022 532-PLA-013 Existing roof plan, received 17 May 2022 532-PLA-020 Existing Northeast elevation, received 17 May 2022 532-PLA-021 Existing West (Street) elevation, received 17 May 2022 532-PLA-022 Existing Southwest elevation, received 17 May 2022 532-PLA-023 Existing East elevation, received 17 May 2022 532-PLA-030 Existing section AA, received 17 May 2022 532-PLA-040 Existing 3D Front, received 17 May 2022 532-PLA-100 E Proposed site plan, received 14 February 2023 532-PLA-110 D Proposed ground floor, received 13 February 2023 532-PLA-111 D Proposed first floor, received 13 February 2023 532-PLA-112 D Proposed second floor, received 13 February 2023 532-PLA-113 D Proposed roof plan, received 13 February 2023 532-PLA-130 D Proposed Northeast elevations, received 13 February 2023 532-PLA-131 D Proposed West (Street) elevation, received 13 February 2023 532-PLA-132 D Proposed Southwest elevation, received 13 February 2023 532-PLA-133 D Proposed East elevation, received 13 February 2023 532-PLA-140 C Proposed section AA, received 13 February 2023 532-PLA-141 C Proposed section BB, received 13 February 2023 532-PLA-210 D Proposed front 3D, received 13 February 2023 532-PLA-211 D Proposed street level 3D, received 13 February 2023 Energy statement, received 17 May 2022

Supporting Documents

10 Melvin Square and 1 Illminster Avenue

- 1. Existing site location & site plan
- 2. Proposed site plan
- 3. Proposed ground floor plan
- 4. Proposed first floor plan
- 5. Proposed second floor plan
- 6. Proposed roof plan
- 7. Proposed North-East elevation
- 8. Proposed West (street) elevation
- 9. Proposed South-West elevation
- 10. Proposed East elevation
- 11. Proposed street level 3D views





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Confirm all dimensions on site prior to any off site

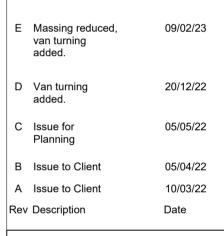
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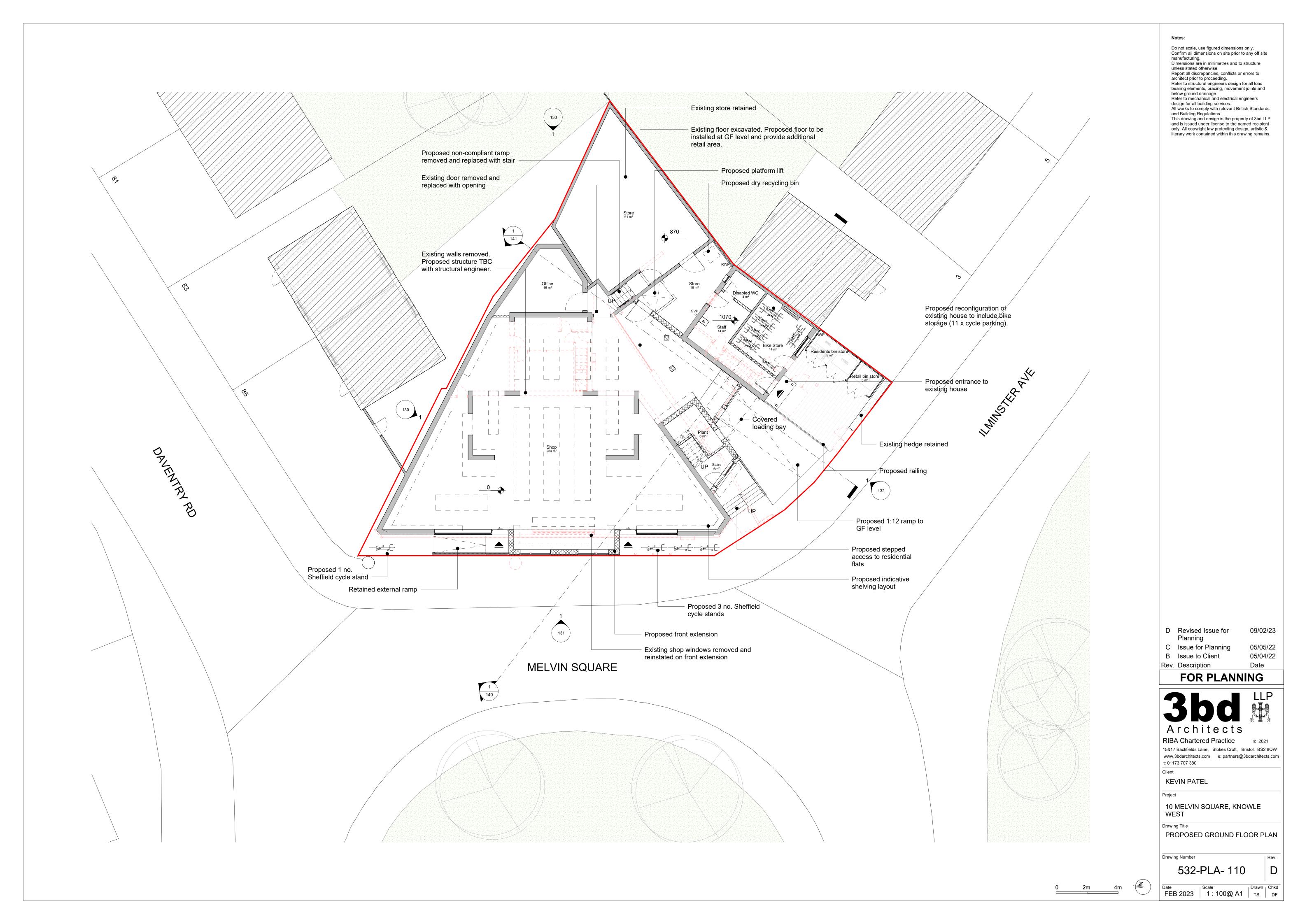
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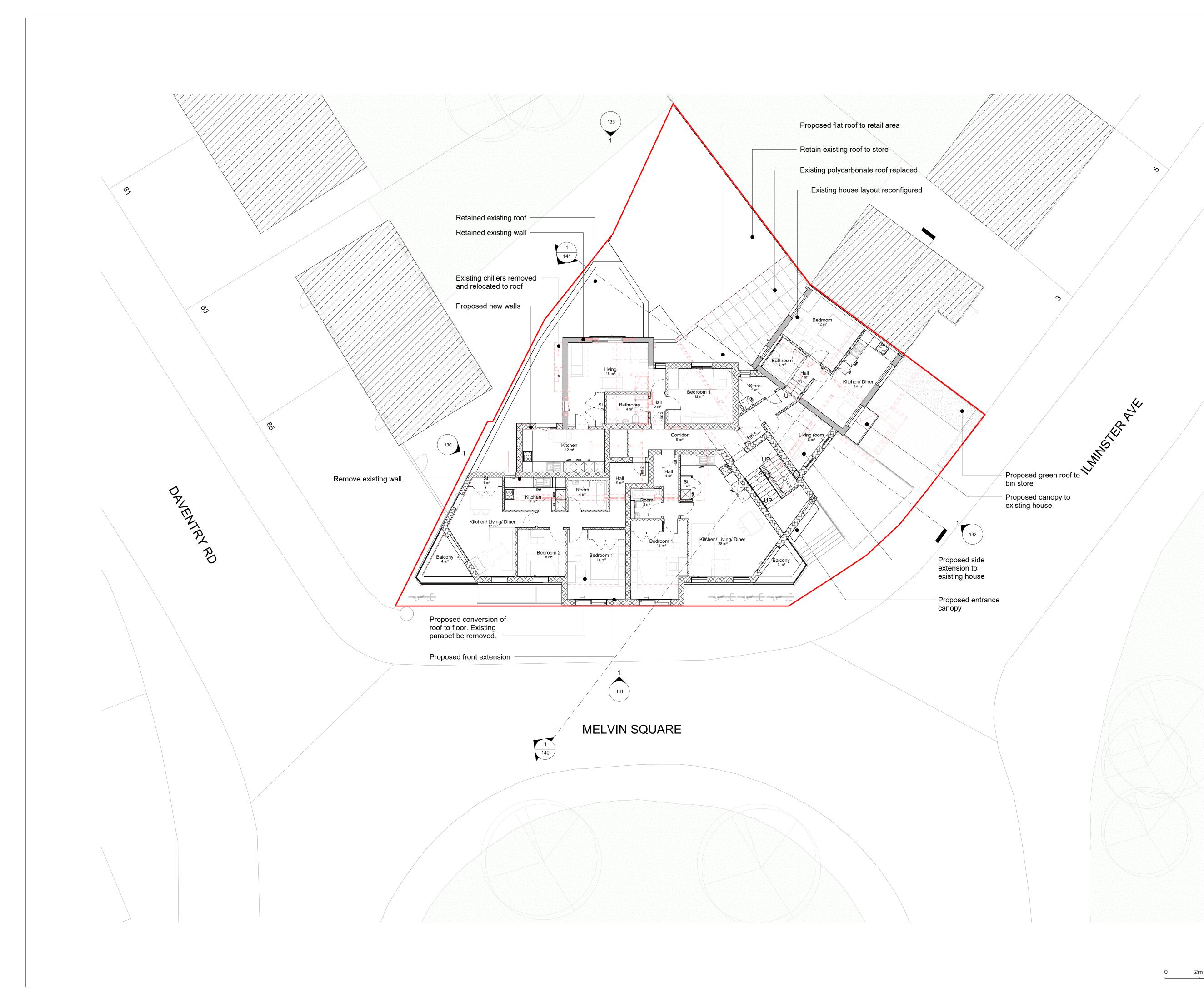
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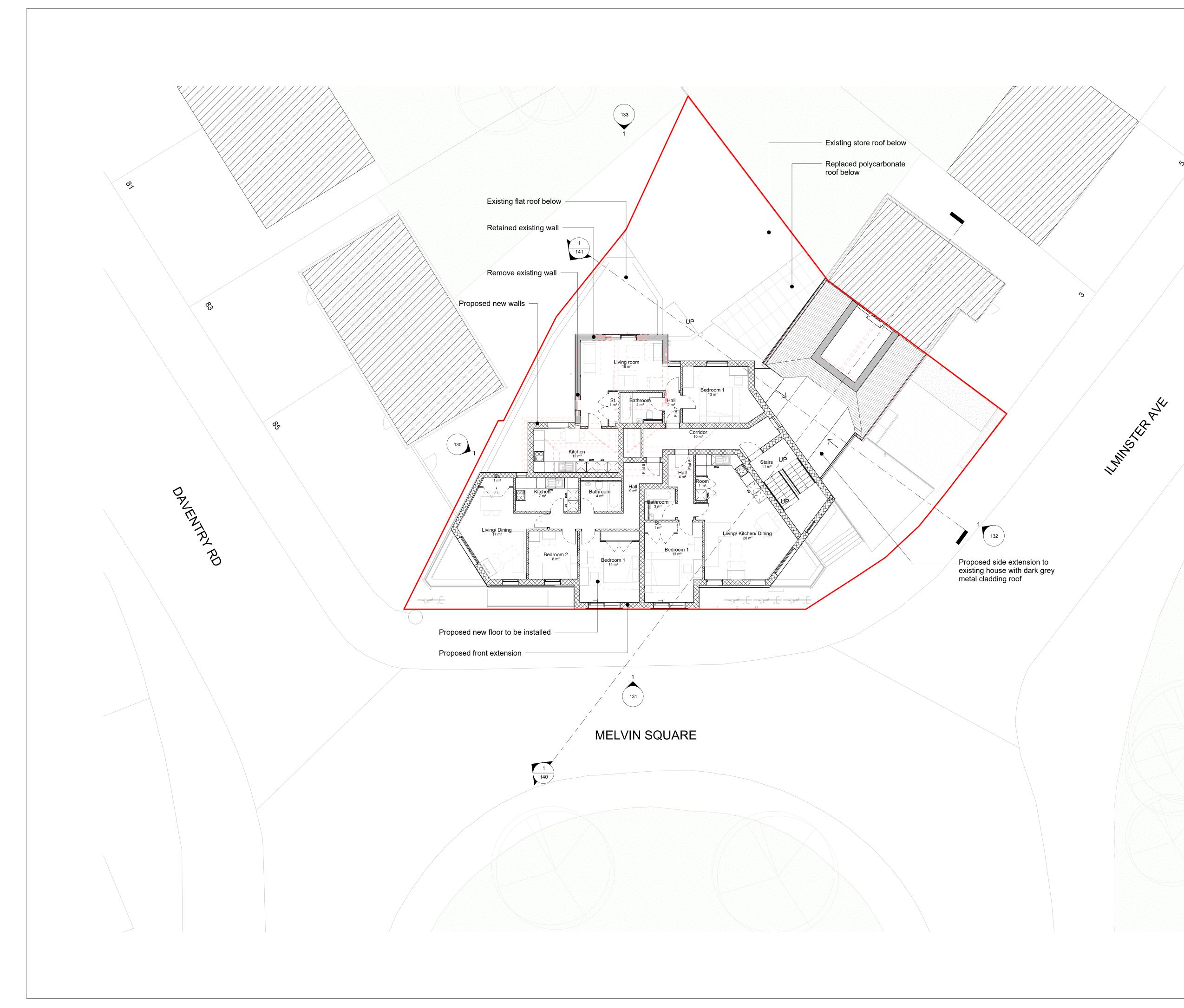
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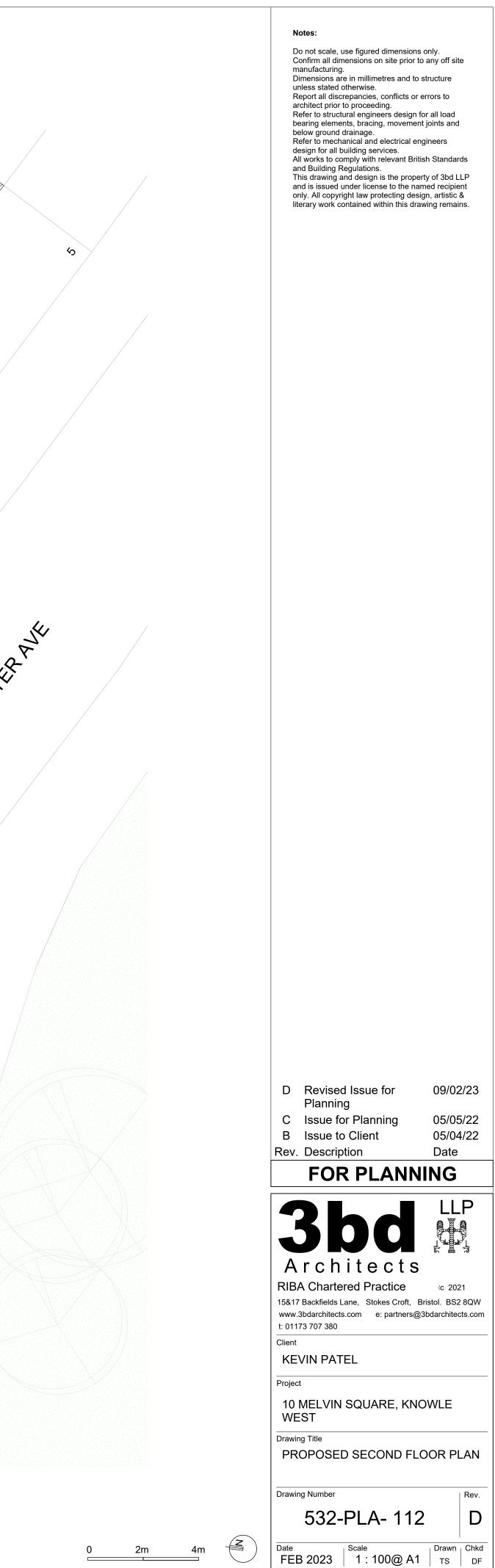


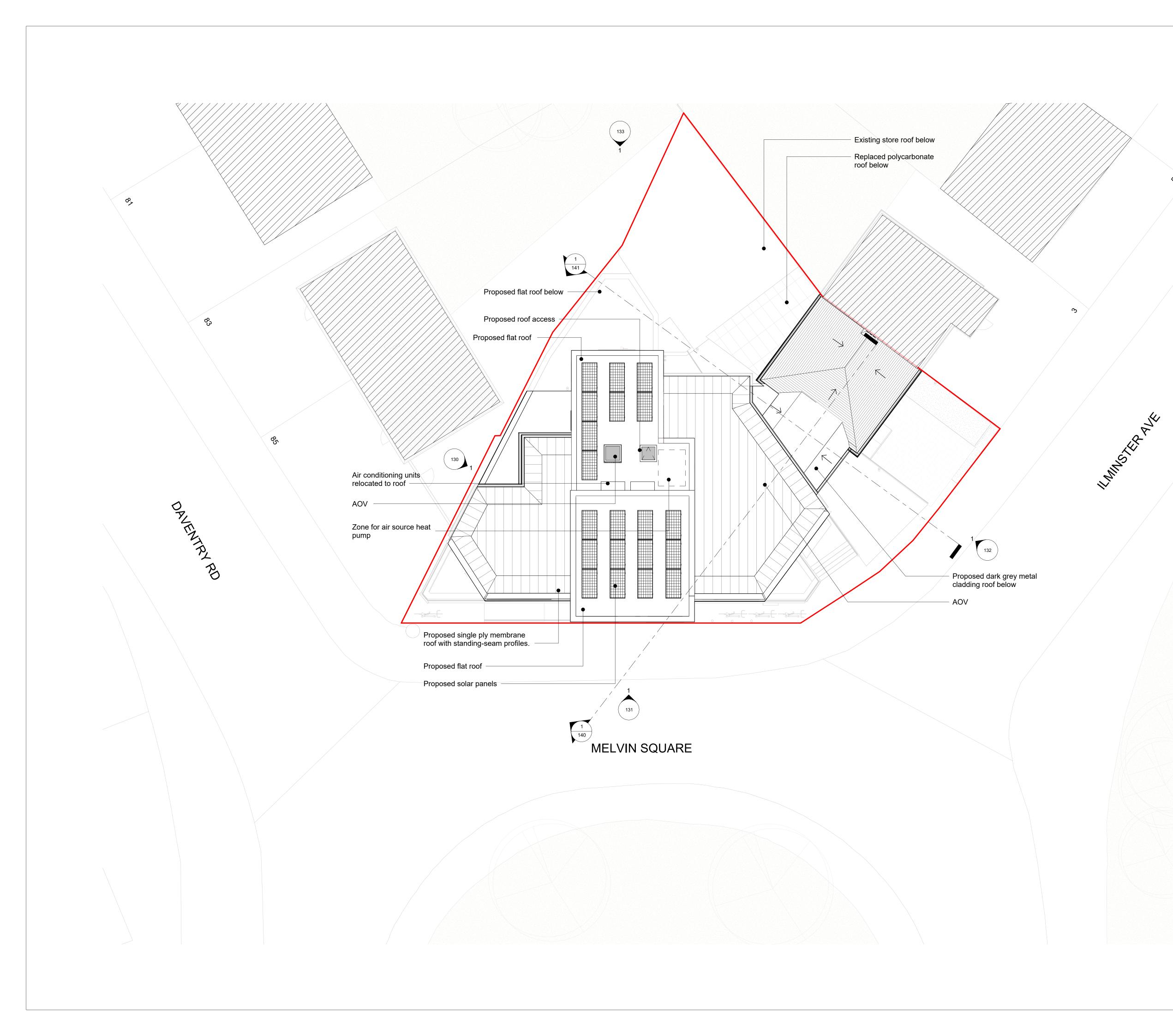








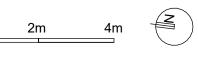


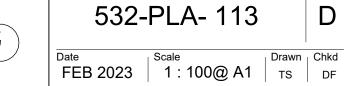


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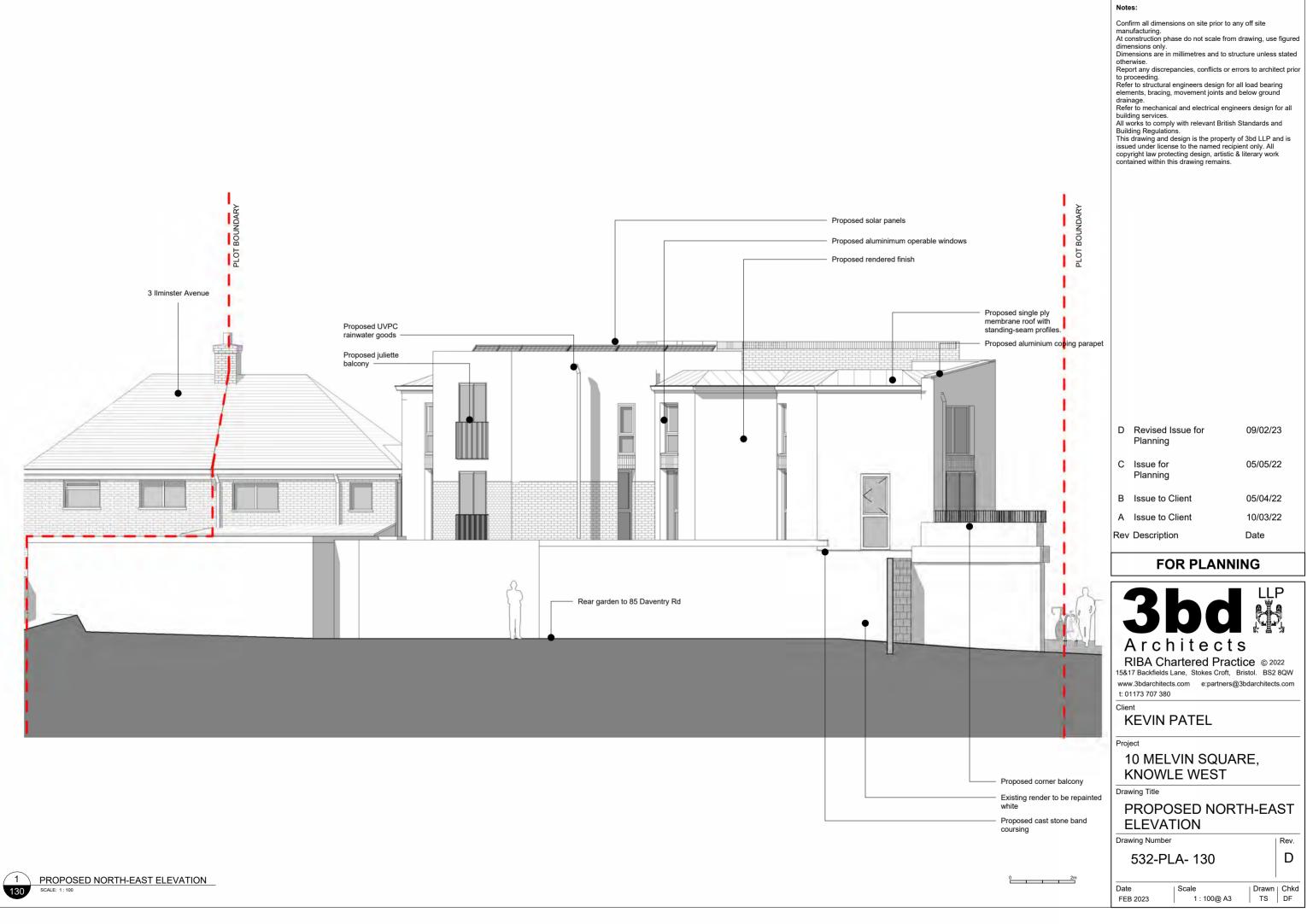


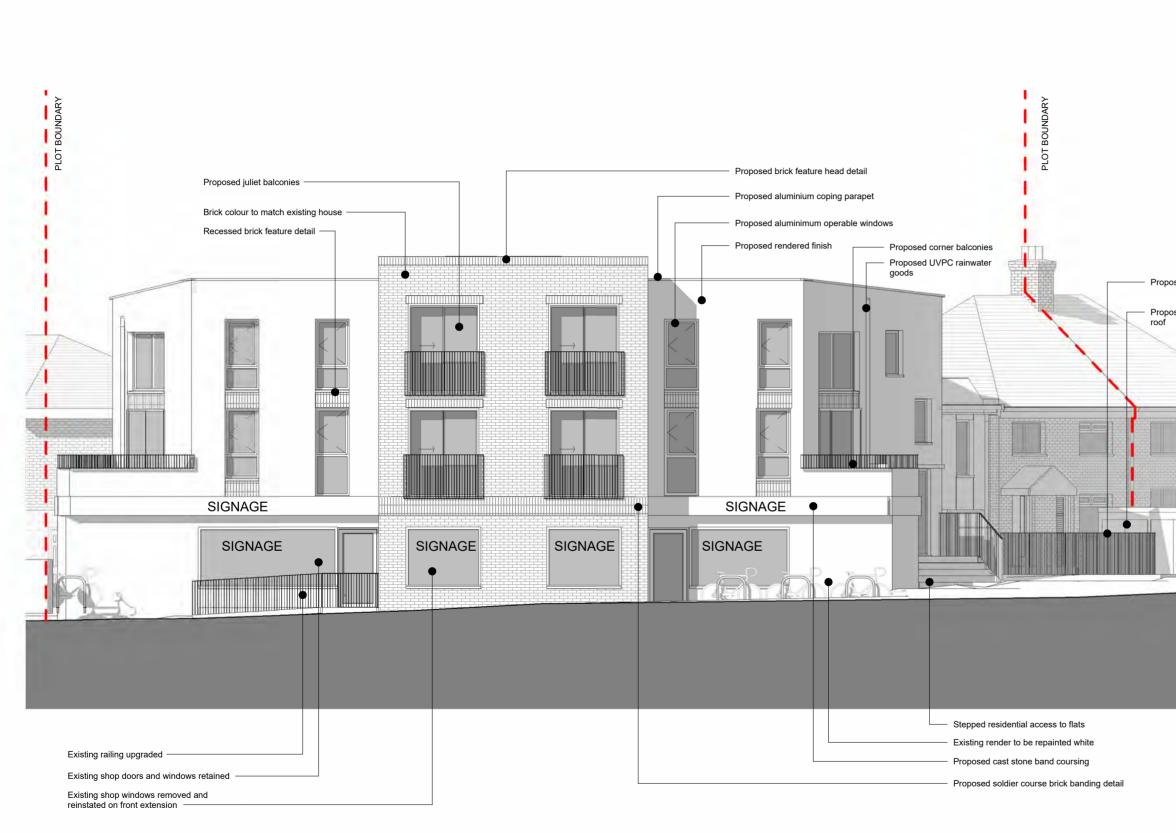


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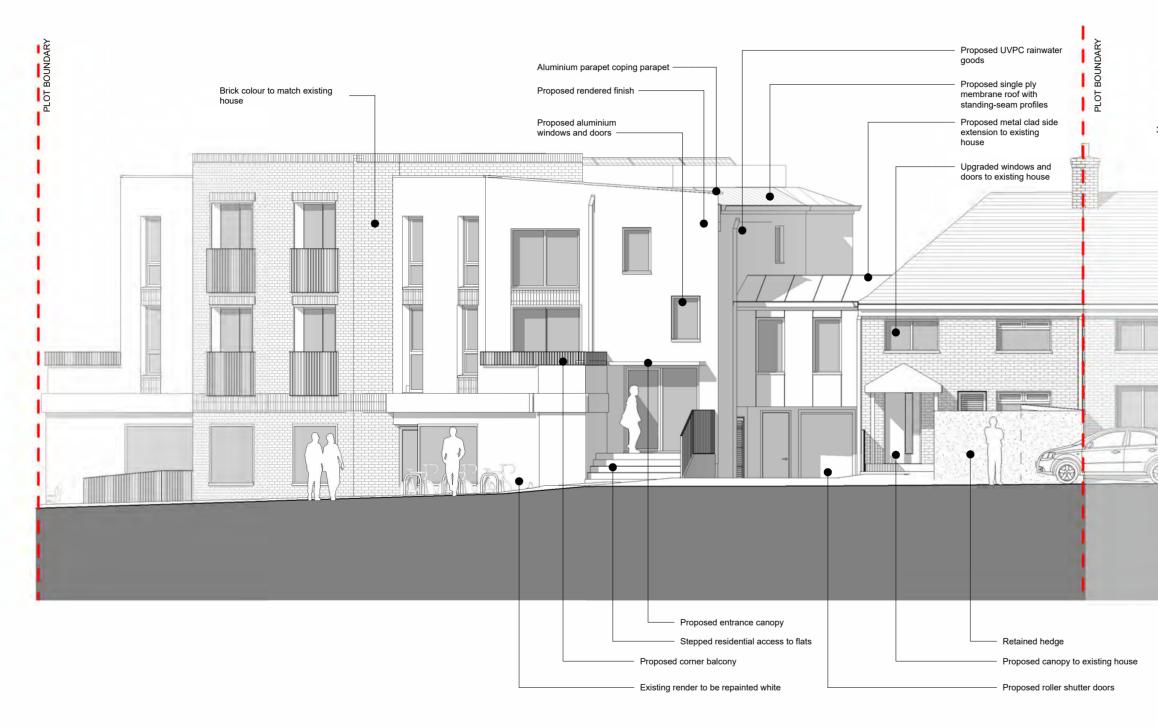




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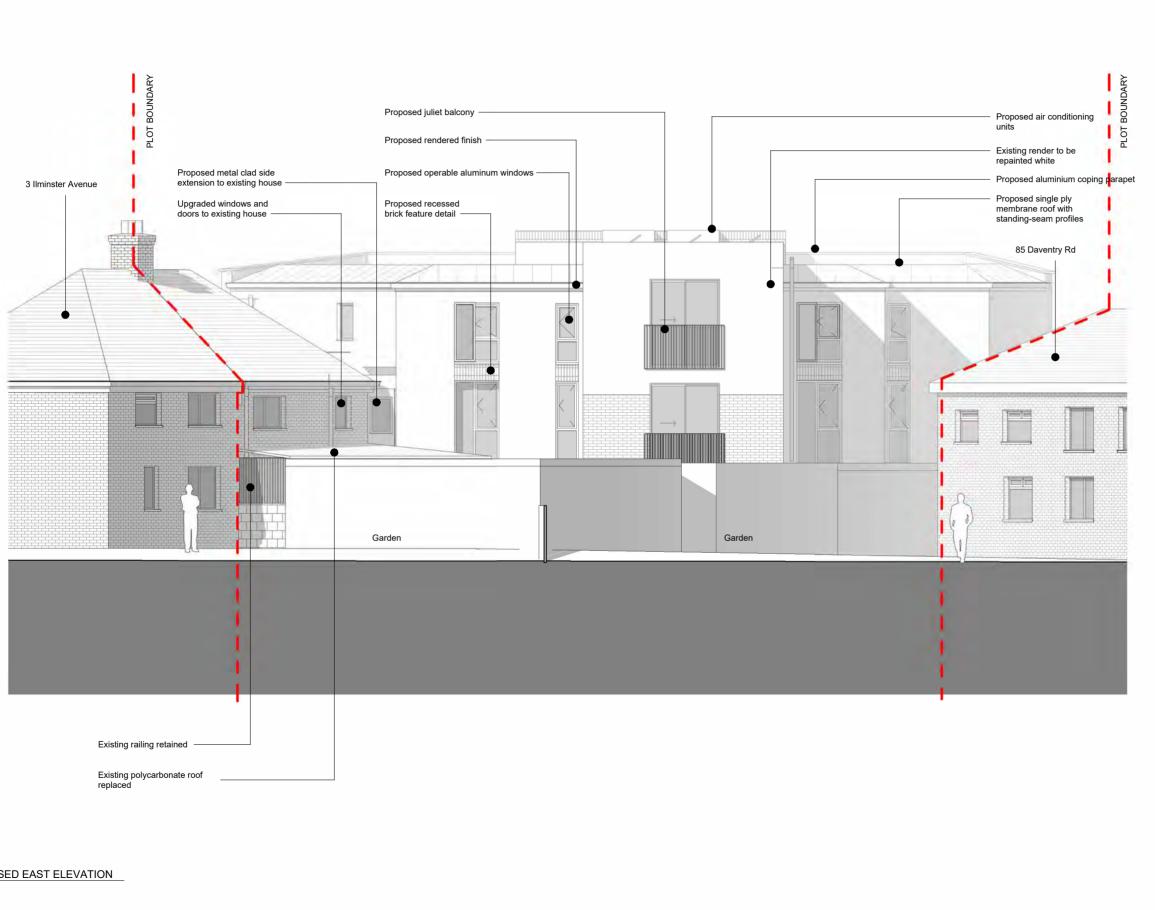
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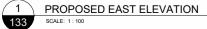


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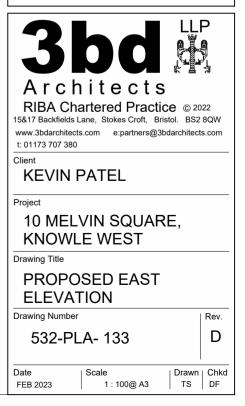
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