

Development Control Committee A – 30 July 2014

Item 1: - 9 Minto Road Bristol BS2 9YB

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1	<p>Relevant History</p> <p>97/00471/F- Change of use from workshop D1(g) use- place of worship to include part time religious instructions. Refused permission by committee on the loss of employment space. 30.07.1997</p> <p>97/01254/F- Change of use from window and kitchen manufacturer to candle workshop. Granted permission subject to conditions 11.08.1997.</p> <p>12/03480/NMA- Non-material amendment of planning permission 11/04444/F. Amendments not agreed 20.09.2012.</p> <p>13/30676/NAP- Current enforcement case linked to this application for unauthorised works.</p>
2	<p>APPLICATION</p> <p>It has come to the attention of the Local Planning Authority that the Land Registry title details have a different owner to the name provided with the application on the certificate of ownership. Therefore the Local Planning Authority is unable to issue a decision on the application as not all parties with an interest in the land have been given notice of the application.</p> <p>The applicant and agent have been advised of this. The merits of the application can still be assessed by the Committee, but we will not be able to issue a decision until the correct names are included on the certificate. Therefore we have changed the recommendation attached to this report for members to give authorisation to officers to resolve this issue before issuing any decision notice.</p>
3	<p>RESPONSE TO CONSULTATION</p> <p>Three additional comments received. Two comments in support, one from a resident of St Werburghs Road and another comment in support from Disabled Children Services (Bristol City Council). A further objection received from resident of St Werburghs Road who has previously commented.</p> <p>The headline points in <b>support</b>:</p> <p>Support the continuation or work.  Industrial unit has been empty and of no use to the community.  Residential use more appropriate compared to an active industrial unit with more windows and overlooking.  Council are causing undue delay and obstruction.</p> <p>The headline points in the letter <b>objecting</b> to the development are:</p> <p>No objection to the principle of the change of use.</p>

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	<p>Change to materials on the elevation harms the contribution that the building has to the neighbouring properties.</p> <p>No information regarding what material is proposed on the east elevation. The unauthorised concrete blockwork has increased the overall height of the existing flank wall.</p> <p>Mansard roof fails to respect scale, proportions and mass of the traditional workshop building and is harmful to the character of the area.</p> <p>Dormers harm the character of the area.</p> <p>Increase in height, bulk and mass seriously worsens impact on neighbouring buildings. A comparison section drawing is required in order to compare existing and proposed development.</p> <p>A summary of the comments from Disabled Child Services:</p> <p>Support the plans to develop.  Applicant's child is unable to use electric wheelchair at current home due to lack of space. Development can provide larger areas of open space that enable wheelchair to freely get around.  The family bought 9 Minto Road with the sole intention of adapting it into a family home which would enable the child to achieve his potential for independence.</p> <p>Copies of all these comments are available if Members wish to see them.</p>
5	<p>Key Issue B: Character of the area.</p> <p>The agent has confirmed that all elevations will be rendered. The use of render on all elevations is not considered inappropriate for the building or the street, as the material is found on other properties in the street.</p>
8	<p>Change to recommendation: Members to give authorisation to officers to Grant permission (with conditions) subject to resolution of certificate of ownership issue.</p>
9	<p>Condition 2: Submissions of samples before specified elements started  Samples of the render (<i>to be used on all elevations of the building</i>), shall be submitted to and be approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved samples before the building is occupied.</p> <p>Reason: In order that the external appearance of the building is satisfactory.</p> <p>Further condition - Climate change and sustainability:</p> <p>Within 3 months the applicants shall submit and have approved in writing by the Local Planning Authority a Sustainability Statement which shall provide detailed information of the measures to be incorporated within the development to minimise its energy requirements through improved energy efficiency of the building. This statement shall include details of a solar array to achieve a 20% saving on residual energy use. The development shall be constructed and completed wholly in accordance with the approved</p>

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	<p>details before occupation of the building.</p> <p>Reason: To ensure that the development includes improved energy efficiency measures and on site renewable technology as required under policy BCS14.</p>

**Item 2: - 33 - 49 Victoria Street Bristol BS1 6AD**

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12	<p>Condition 7 is amended as follows for clarity and following further discussion with the Air Quality Management Team (amendments shown in italics):</p> <p>7. Non-opening and fixed shut windows</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) all windows <i>at ground and first floor levels</i> within the Victoria Street elevation of the building (including the corner bay window feature at the junction of Victoria Street and Long Row) and the West elevation of the development (to Victoria Street) shall be fixed shut and non-opening and shall be permanently maintained thereafter as fixed shut and non-opening at all times thereafter <i>unless otherwise agreed in writing by the Local Planning Authority.</i></p> <p><i>Reason: In order to ensure that relevant air quality standards would be met.</i></p> <p>Two detailed letters from the applicant's agent (Savills) and legal representatives (Bond Dickinson) were received on 29 July 2014 in respect of the legal aspects of the case and the proposed planning conditions and in response to the letter submitted on 14 July 2014 by CSJ Planning (on behalf of Aerofleece Ltd.).</p>

**Item 3: - Paintworks Bristol BS4 3EH**

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6	<p>Recommendation (B) is amended as follows:</p> <p>That the Head of Legal Services be authorised to conclude the variation of the associated S106 Planning Agreement to:</p> <p>(i) Exclude the requirement for a "Meet the Buyer" event.  (ii) Exclude reference to employment monitoring (This will be covered by condition 36 instead)</p>

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	<p>A full list of conditions to be attached to the varied planning permission is as follows:</p> <p>1. Phasing Plan</p> <p>The development hereby permitted shall not be commenced until a phasing plan has been submitted to and agreed in writing by the Local Planning Authority. The phasing plan shall identify and describe the phases of construction of development, including:</p> <ul style="list-style-type: none"> <li>- The phasing of the construction of the car park relative to the proposed buildings.</li> <li>- the relevant public realm/infrastructure elements shown on the approved drawings and a scheme of temporary landscaping / highway works, including details of interim arrangements for vehicular access, parking and servicing, and public pedestrian/cycle access through the site</li> <li>- Alterations to access from Bath Road (as required by the S106)</li> <li>- the delivery of commercial floorspace relative to residential units/floorspace, which unless otherwise agreed in writing by the Local Planning Authority shall be provided (ready for tenant fit-out) on a pro-rata/equivalent basis</li> <li>- the delivery of site-wide affordable housing provision (as required by the S106)</li> <li>- identification of those buildings / uses within that phase that shall either not be occupied, or shall not be more than 50% occupied, until those identified elements have been constructed in accordance with the approved details to the satisfaction of the Local Planning Authority and made available for public use or occupation (where relevant)</li> </ul> <p>The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendments to it that have been agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the orderly and satisfactory development of the site, in the interests of highway safety, and to assist in achieving the planning benefits of the scheme.</p> <p>2. Provision and maintenance of bollards to prevent vehicle access via Edward Rd</p> <p>The details of the bollards shown on the landscape masterplan along the eastern edge of the development shall be approved prior to the commencement of development. The bollards shall be installed prior to the first occupation of any of the development approved and retained thereafter.</p> <p>Reason: to prevent vehicular access to the development from Edward Road in the interest of highway safety and the amenity of existing residents.</p> <p>3 Further details of landscape and related details before relevant element started</p> <p>Detailed drawings of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is</p>

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	<p>begun. The detail thereby approved shall be carried out in accordance with that approval.</p> <p>a) Water butts including overflows into planting beds of rear gardens as illustrated on DAS page 44</p> <p>b) Cycle wheeling ramp</p> <p>c) Living Wall to riverside route</p> <p>d) Planters</p> <p>e) Street furniture</p> <p>f) Linear planting to back gardens showing a continuous planting medium allowing moisture to be shared across the planting beds of all back gardens in each row</p> <p>g) Lighting scheme to car park</p> <p>h) Visitor cycle parking</p> <p>Reason: In the interests of visual amenity, the sustainability of planting, cyclist access through the scheme and the character of the area.</p> <p>4. Variations to the scheme</p> <p>No development shall take place until detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Local Planning Authority:</p> <p>a) 2 additional riverside viewing and amenity pods</p> <p>b) Black painted railing to eastern boundary instead of galvanised finish.</p> <p>c) Onsite renewable energy technology to meet the requirements of condition 8 attached to this permission</p> <p>This part of the development shall be completed only in accordance with the modification thus approved.</p> <p>Reason: The design of public realm is considered unsatisfactory in the form shown on the drawings submitted to date and this aspect of the scheme should be modified to ensure an acceptable form of development.</p> <p>5. Permitted Floor Space</p> <p>The total gross internal floorspace (and number of units where stated) on the application site shall not exceed a total of 24,122 sq m comprising:</p> <p>-No less than 6,231 sq m B1 Business (not including the retained BBC/Endemol Building)</p> <p>-No more than 15,666 sq m C3 Residential (up to 210 units)</p> <p>-No less than 1,753 sq m Live/work</p> <p>-No more than 500 sq m Retail/Restaurants/cafes/drinking establishments (total for all A1/A3/A4 uses)</p> <p>Reason: In accordance with the application details and because the acceptability of the development has been based upon these floorspace and unit totals.</p>

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	<p>6. Development Parameters and Principles</p> <p>Reserved matters applications shall be in general conformity with the approved development principles document, including with the development parameters established within the illustrative masterplan, access and movement diagram and height diagram set out in sections 1.1, 1.2, and 1.3, and the development principles for particular areas detailed within sections 2.1-2.10 of the document, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: Although layout is yet to be specified and may be subject to change, the application has been assessed on the basis of the indicative layout and scale contained within this document, which also identifies principles to be addressed in Reserved Matters application to overcome specific urban design and 'liveability' concerns.</p>
	<p>7 Residential Unit Type/Size Mix</p> <p>Unless otherwise agreed in writing by the Local Planning Authority the C3 residential uses within the completed development shall comprise the following mix of types and unit sizes: flats/apartments: no more than 65%; houses: no less than 35%, of which no less than 50% shall be 4-bedroom (or larger), and 39% 3-bedroom.</p> <p>A statement shall be submitted with the first reserved matters application for each relevant phase detailing the unit composition within that phase and the cumulative composition of units within the phases then having reserved matter approval across the development.</p> <p>Reason: To ensure that a satisfactory number and range of size of residential units are provided within the development in order to meet an identified local housing need and in accordance with the application, whose viability and planning obligations package has been determined on the basis of this mix.</p>
	<p>8 Site Wide Energy Statement</p> <p>A site-wide energy statement setting out (in the manner prescribed in the Climate Change and Sustainability Practice Note which accompanies the Core Strategy) how the development will reduce Carbon Dioxide emissions from its projected residual energy use by no less than 20% through renewable energy generation (in accordance with the Allocation of PV document dated 15<sup>th</sup> July 2014) unless otherwise agreed in writing by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority with the first Reserved Matters application. The first Reserved Matter application (for each phase if submitted on a phased basis) shall be accompanied by a detailed proposal for the incorporation of the approved measures in the development of that phase for approval in writing by the Local Planning Authority. The details thereby approved shall be provided in accordance with that approval prior to the occupation of the relevant phase.</p> <p>Reason: In order to ensure that a site wide energy statement can be</p>

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	<p>assessed against the requirements of Core Strategy policy BCS14 and is delivered in accordance with the scheme once agreed.</p> <p>9. Code for sustainable homes (CSH)</p> <p>No development shall take place until evidence that the development is registered with a CSH certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final CSH level. No dwelling shall be occupied until a final Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme) Certificate has been issued certifying that Code Level 3 has been achieved for this dwelling unless the Local Planning Authority agrees in writing to an alternative CSH level and/or an extension of the period by which a Certificate is issued.</p> <p>Reason: To ensure that the dwelling(s) achieve Level 3 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for home design which replaces that scheme), such that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.</p> <p>10 BREEAM (for Commercial and Retail Floorspace)</p> <p>Within 6 months of occupation of the relevant commercial / retail floorspace a final certificate is to be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'Very Good' with a minimum score of 63%; has been achieved for this development unless the Local Planning Authority agrees in writing to an alternative BREEAM level and/or an extension of the period by which a Certificate is issued.</p> <p>Reason: To ensure that the development achieves BREEAM rating level 'Very Good' (or any such equivalent national measure of sustainability for building design which replaces that scheme) and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.</p> <p>11 Public Art Strategy/Plan</p> <p>Prior to the submission of the first Reserved Matters application the developer shall appoint a suitably qualified public art consultant / curator (in liaison with Bristol City Council's Public Art Officer) to prepare a Public Art Strategy for the site. The Public Art Strategy, which shall set out the process to be used to commission and integrate public art across the development, shall thereafter be submitted to and approved in writing by the Local Planning Authority with the first Reserved Matters application unless otherwise agreed in writing by the Local Planning Authority.</p>

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12	<p>Reason: to set out the process to be used to commission and integrate public art across the development in order to ensure that public art is integrated into its design.</p> <p>Public Art Works</p> <p>Following the approval of the Public Art Plan and prior to the commencement of each phase of development unless otherwise agreed in writing by the Local Planning Authority, details of individual artwork commission(s) shall be submitted to and approved in writing by the Local Planning Authority. The public art works shall be implemented and completed in accordance with the approved details within 12 months of the first occupation of any accommodation within that phase, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: to ensure the provision of public art in the development.</p>
13.	<p>Tree Protection (during construction)</p> <p>A scheme for the protection of trees on the southern boundary of the site and on the east side of the access to Bath Road shall be submitted with the first Reserved Matter application. No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees in accordance with the drawing thereby approved. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.</p> <p>Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area (and where relevant to the character and appearance of the Conservation Area).</p>
14.	<p>Construction Management Plan</p> <p>No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period and shall provide for:</p>



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	<ul style="list-style-type: none"> <li>- the parking of vehicles of site operatives and visitors</li> <li>- loading and unloading of plant and materials</li> <li>- storage of plant and materials used in constructing the development</li> <li>- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>- wheel washing facilities</li> <li>- measures to control the emission of dust and dirt during construction</li> <li>- a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>- provision for satisfactory vehicular, cycle and pedestrian access and egress arrangements to and within completed parts of the site for the public and occupants during the phased development of the site.</li> <li>- Measures to prevent any impacts on the River Avon or its bankside (which is a Site of Nature Conservation Interest)</li> </ul> <p>Reason: In order to ensure that the development does not cause unacceptable impacts on the surrounding highway network and to safeguard the amenity of nearby occupiers and the Site of Nature Conservation Interest along the banks of the River Avon.</p>
15	<p>Sound Insulation</p> <p>The C3 residential and live/work elements of the development hereby approved shall be constructed in accordance with the recommendations of the External Noise Control Report hereby approved unless otherwise agreed in writing by the Local Planning Authority. In the event that changes to the design of residential and/or live/work accommodation necessitate any change to the report's recommendations, then a further report shall be submitted to and approved in writing by the Local Planning Authority with the first Reserved Matters application for the relevant phase of the development. The relevant part of the scheme shall be constructed in accordance with that approval prior its occupation.</p> <p>Reason: To safeguard the amenities of future residents of the development from external noise.</p>
16.	<p>Archaeology - Monitoring of Groundworks</p> <p>The developer shall ensure that all groundworks are monitored and recorded by an archaeologist or archaeological organisation to be approved by the Local Planning Authority and working to a brief and specification prepared by the Local Planning Authority. No development, including preliminary site clearance, shall commence until at least two weeks notice has been given in writing to the Local Planning Authority and the appointment of a suitable archaeologist or archaeological organisation has been confirmed in writing.</p> <p>Reason: To record remains of archaeological interest before destruction.</p>
17.	<p>Archaeological Programme of Work</p>

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	<p>No development shall take place within the application area until the applicant, or their agents or successors in title, have secured the implementation of a programme of archaeological work (to include the publication of findings) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The agreed archaeological programme for each phase of the development shall have been fully implemented prior to the construction of the relevant phase of the development. The findings of the archaeological works shall be published in accordance with a programme and format to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.</p> <p>18 Land affected by contamination - Site characterisation</p> <p>No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <p>(i) a survey of the extent, scale and nature of contamination;</p> <p>(ii) an assessment of the potential risks to:</p> <ul style="list-style-type: none"> <li>* human health,</li> <li>* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,</li> <li>* adjoining land,</li> <li>* groundwaters and surface waters,</li> <li>* ecological systems,</li> <li>* archaeological sites and ancient monuments;</li> </ul> <p>(iii) an appraisal of remedial options, and proposal of the preferred option(s).</p> <p>This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>19. Land affected by contamination - submission of remediation scheme</p>

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	<p>No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>20. Flood Defence Wall</p> <p>No development approved by this permission shall be commenced until details of the flood defence wall, which shall be constructed to a height of no less than 10.4 mAOD, have been submitted to and approved in writing by the Local Planning Authority. The flood defence wall shall be completed in accordance with that approval prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The submitted details shall include:</p> <ul style="list-style-type: none"> <li>a/ scaled and dimensioned plan, cross-section and long-section drawings</li> <li>b/ proposed ground level plan of the site</li> <li>c/ relationship to existing flood defence wall elsewhere on the site, and details on the means by which flooding of the development site will be prevented via lower parts of the flood defence wall elsewhere on the site</li> <li>d/ structural survey of retained BBC/Endemol if this structure is to be relied upon to prevent flooding of the development site. This shall be prepared by a suitably qualified and experienced structural engineer and shall either demonstrate that the existing structure is capable of withstanding a flood event which relies on it, or propose a package of measures designed to deliver a suitable flood defence for this part of the site.</li> <li>e/ details of the body that will be responsible for day-to day management and maintenance of the flood defence wall</li> </ul> <p>Reason: To protect the development from flood risk.</p> <p>21. Flood evacuation plan - residential property</p> <p>No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:</p> <p>During Demolition/Construction Process</p>

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	<p>* command &amp; control (decision making process and communications to ensure activation of FEP);            * training and exercising of personnel on site (H&amp; S records of to whom and when);            * flood warning procedures (in terms of receipt and transmission of information and to whom);            * site evacuation procedures and routes; and,            * provision for identified safe refuges (who goes there and resources to sustain them).</p> <p>During Occupation of Development</p> <p>* occupant awareness of the likely frequency and duration of flood events;            * safe access to and from the development;            * subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.</p> <p>Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site</p> <p>22. Flood evacuation plan - commercial property</p> <p>No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:</p> <p>* command &amp; control (decision making process and communications to ensure activation of FEP);            * training and exercising of personnel on site (H&amp; S records of to whom and when);            * flood warning procedures (in terms of receipt and transmission of information and to whom);            * site evacuation procedures and routes; and            * provision for identified safe refuges (who goes there and resources to sustain them).</p> <p>The FEP shall be reviewed at intervals not exceeding 3 years, and will form part of the Health &amp; Safety at Work Register maintained by the applicant.</p> <p>Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site.</p> <p><b>Pre occupation condition(s)</b></p> <p>23. Provision of bird and bat boxes</p> <p>The bird and bat boxes hereby approved shall be provide, prior to the first occupation of the relevant block to which they are attached, or for those in existing trees no later than 18 months after commencement of development. The bird and bat boxes shall thereafter be retained unless otherwise agreed in writing with the Local Planning Authority.</p>

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	<p>Reason: in the interests of biodiversity.</p> <p>24. Details of Extract System for A3/A4 uses</p> <p>Insofar as this permission relates to Class A3 and/or A4 uses, the relevant A3/A4 unit shall not be occupied until details of the means of extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and shall thereafter be permanently retained.</p> <p>Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment.</p> <p>25. External Artificial Lighting</p> <p>The relevant part of the development shall not be occupied until a report detailing the proposed external artificial lighting, including predicted light levels at existing/proposed residential properties and along the riverside Site of Nature Conservation Interest has been submitted to and approved in writing by the Local Planning Authority. The lighting thereby approved shall be provided in accordance with that detail prior to the occupation of the relevant part of the development.</p> <p>Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005. Lighting to the riverside route (or otherwise within 5m of the northern site boundary) shall be designed so as to prevent light spill onto the river and bankside habitats.</p> <p>Reason: In order to ensure a safe and secure environment whilst safeguarding the amenities of existing/proposed adjoining residential occupiers, and preventing unacceptable impacts on the Site of Nature Conservation Interest along the River Avon.</p> <p>26. Outdoor Tables and Chairs</p> <p>Details of the location (within external areas) of tables and chairs to be used by any of the A1/A3/A4/B1 uses hereby permitted for the purposes of outdoor eating and drinking shall be submitted and approved in writing by the Local Planning Authority prior to the use of any external area for these purposes. The use of outdoor areas as such shall thereafter be carried out only in accordance with the approved details.</p> <p>Reason: In order for the Local Planning Authority to give further consideration to specific locations for external seating in order, for example, to ensure that there would be no obstruction to pedestrian/cycle/vehicular movement (and</p>

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	<p>safety), and to consider whether there could be unacceptable impacts on the amenities of existing/future residential occupiers.</p> <p>27. Servicing Management Plan</p> <p>The final phase of the development hereby approved (as set out in phasing plans to be approved as a requirement of condition 4) shall not be occupied until a detailed Servicing Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The servicing of the site shall thereafter be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the permanent arrangements for servicing the on site accommodation are satisfactory to ensure adequate amenity levels for future occupants of the development.</p> <p>28 Management of External Areas</p> <p>A management plan for external areas within the development, including any areas reserved for servicing, shall be submitted to and approved in writing by the local planning authority (this can be on a phased basis if required), prior to the first occupation of the development. The external areas shall thereafter be managed and maintained in accordance with that approval.</p> <p>Reason: In order for the local planning authority to be assured that the publicly accessible areas of the site are subject to adequate management.</p> <p>29 Land affected by contamination - implementation of approved remediation scheme</p> <p>In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.</p> <p>Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>30 Land affected by contamination - Reporting of Unexpected Contamination</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and</p>

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	<p>risk assessment must be undertaken in accordance with the requirements of Condition entitled 'Land affected by contamination - Site characterisation', and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition entitled 'Land affected by contamination - submission of remediation scheme', which is to be submitted to and be approved in writing by the Local Planning Authority.</p> <p>Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition entitled 'Land affected by contamination - implementation of approved remediation scheme'.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p><b>Post occupation management</b></p> <p>31. Retail/Food and Drink - Hours of Deliveries and Refuse/Recycling Collection</p> <p>Activities relating to deliveries and to the collection of refuse and recycling (including the disposal and collection of bottles/glass) at any of the retail (Class A1) or food and drink uses (Class A3, A4) hereby permitted shall only take place between the hours of 0800 and 1900 Monday to Saturday and not at all on Sundays and Bank Holidays.</p> <p>Reason: To safeguard the residential amenity of existing/future nearby occupiers</p> <p>32. No Plant or Telecommunications Equipment</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order), no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems) are to be erected on the roof or within open areas within any part of the development without the express permission in writing of the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and the character of the area.</p> <p>33. Hours of Opening - Use Classes A1/A3/A4</p> <p>The following uses hereby permitted shall not be open to customers except between the following hours:          Retail (A1/A2):          -0700hrs to 2330hrs Monday to Saturdays, and          -0900hrs -2230hrs on Sundays.</p>

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	<p>Cafe/Restaurants and Drinking Establishments (A3/A4):  -0700hrs to 2330hrs Monday to Saturdays, and  -1000hrs -2230hrs on Sundays.</p> <p>Reason: SR21 - To safeguard the residential amenity of existing/future nearby residential occupiers.</p> <p>34 Noise from plant &amp; equipment</p> <p>The rating level of any noise generated by plant &amp; equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas" at any time.</p> <p>Reason: To safeguard the amenities of existing/future residents of the development.</p> <p>35. Means of Enclosure</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no fences (including railings), gates, walls or other means of enclosure shall be erected on the site unless expressly authorised by the local planning authority.</p> <p>Reason: In order to ensure safe and satisfactory means of access into and through the development and to safeguard the appearance of the development.</p> <p>36 Local Employment Opportunities</p> <p>No development shall take place including any works of demolition until the developer/occupier enters into an agreement with the City Council to produce and implement a strategy that aims to maximise the opportunities for local residents to access employment offered by the development. The approved strategy shall be undertaken in accordance with an agreed timetable.</p> <p>Reason: In recognition of the employment opportunity offered by the development.</p> <p>37 Landscape (planting) works - shown</p> <p>Within each tranche of development approved under condition 4 attached to outline planning permission 09/04693/P the planting proposals hereby approved shall be carried out no later than during the first planting season following the date when 50% by area of that tranche of the development hereby permitted is ready for occupation. All planted materials shall be maintained for ten years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 10 years of planting</p>



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	<p>shall be replaced with others of similar size and species to those originally required to be planted.</p> <p>Reason: To encourage the proper maintenance of planted material so as to ensure that the appearance and design of the development is satisfactory in the longer term.</p>
38	<p>Use of lower ground floor of Live/Work units</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order), the lower ground floor of live/work units labelled units 01-11 on the approved Lower Ground Floor Plan shall be maintained as workspace (comparable to Use Class B1 as defined by the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority) and shall not be used for residential purposes at any time.</p> <p>Reason: in the interests of minimising the risks of flooding and accordance with the details set out in the reserved matters application and those approved by consent 09/04693/P (notably condition 26).</p>
39	<p>Provision of obscure glazing:</p> <p>Obscure glazing to industry standard level 3 or higher shall be installed in the following locations and retained thereafter:</p> <ul style="list-style-type: none"> <li>(i) Block L houses 80 &amp; 81 to west facing windows of L/D rooms at 1st, 2nd, 3rd floors</li> <li>(ii) Block P house 54 - west-facing windows to kitchen of 1st floor flat</li> <li>(iii) As shown on the approved 'setback diagrams' for blocks B, C, H and J (Drawings AP_(0)_1153A, 1152A, 1151A and 1150A).</li> </ul> <p>Reason: To safeguard the residential amenities of occupiers from overlooking and loss of privacy.</p>
40	<p>Use of flat roofed areas</p> <p>Except where specified on approved drawings, flat roofed areas shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.</p>
41	<p>No Further Extensions</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any</p>

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	<p>detached building erected, without the express permission in writing of the council.</p> <p>Reason: The further extension of these dwellings or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.</p> <p>42 No Further Windows</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the dwellinghouses hereby permitted without the grant of a separate planning permission from the Local Planning Authority.</p> <p>Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.</p> <p>43. Approved plans and drawings</p> <p>With the exception of the details shown in respect of Block W, the development shall conform in all aspects with the plans and details approved under permissions 09/04693/P and 13/04275/M and those documents listed below, unless variations are agreed by the Local Planning Authority in order to discharge conditions attached to this decision.</p> <ul style="list-style-type: none"> <li>• Allocation of PV document dated 15 July 2014</li> </ul> <p>Reason: For the avoidance of doubt and to confirm that details in respect of Block W have been removed from consideration of this application.</p>

**Item 4: - Builders Yard 183 Henleaze Terrace Bristol BS9 4AS**

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14	<p>Amendments to conditions and additional advice following comments from the Environment Agency.</p> <p>Condition no.5</p> <p>No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. This shall include characterising the nature of groundwater quality and offsite groundwater flow. The contents of the scheme should be</p>

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15	<p>submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:</p> <ul style="list-style-type: none"> <li>i) a survey of the extent, scale and nature of contamination;</li> <li>ii) an assessment of the potential risks to: <ul style="list-style-type: none"> <li>- human health,</li> <li>- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,</li> <li>- adjoining land,</li> <li>- groundwaters and surface waters, including current and historic site drainage and potential groundwater migration pathways</li> <li>- ecological systems,</li> <li>- archaeological sites and ancient monuments;</li> </ul> </li> <li>iii) an appraisal of remedial options, and proposal of the preferred option(s).</li> </ul> <p>This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".</p> <p>REASON: The nearby landfill and development site represent a potential source of poor quality water which, either by natural migration, or engineered drainage, may be the cause of contamination the nearby River Trym. The above condition is needed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>Condition no.6</p> <p>No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>REASON: The nearby landfill and development site represent a potential source of poor quality water which, either by natural migration, or engineered drainage, may be the cause of contamination the nearby River Trym. The above condition is needed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>Condition no.7</p> <p>In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the</p>

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	<p>approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.</p> <p>REASON: The nearby landfill and development site represent a potential source of poor quality water which, either by natural migration, or engineered drainage, may be the cause of contamination the nearby River Trym. The above condition is needed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>Condition no.18</p> <p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, which is to be submitted to and be approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.</p> <p>REASON: The nearby landfill and development site represent a potential source of poor quality water which, either by natural migration, or engineered drainage, may be the cause of contamination the nearby River Trym. The above condition is needed to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p> <p>Additional Advice</p> <p>The Hydrock report provided as part of the planning application submission has included soils analyses and borehole installation. However we consider that groundwater quality data (not included in the SI report) for the made ground and the natural strata is needed. Currently the site boreholes are only installed in the made ground. The nature of the strata also suggests there will be preferential fissure flow which may not have been encountered during site drilling. Reference to 'caves' was stated in the site report. This is typical of Karstic type limestone strata and may be encountered on or near the site. Our nearby contamination 'incident' was however a piped flow and so may be representative of a man made drainage pathway. The current groundwater analysis also needs to include 'leachate type' analyses and pH, in addition to the contaminants currently encountered at the site.</p> <p>Additional Condition re public art- Pre-Occupation</p> <p>Prior to the occupation of the development hereby permitted, a Public Art Plan for the scheme shall be submitted to and approved in writing by the Local Planning Authority. The plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. All public art works shall be completed in accordance with the agreed scheme and thereafter retained as part of the development, unless otherwise agreed in writing by the Local Planning Authority.</p>

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	<p>Reason: To ensure that public art is integrated into the design of the development.</p> <p>Amendment to 106 recommendation;</p> <p>Reference to drawing no.1485 3001 03 to be removed to introduce flexibility in the design of the off site highway works.</p>