

WARD: Clifton East

CONTACT OFFICER: Kate Cottrell

SITE ADDRESS: Former Whiteladies Road Cinema 44 Whiteladies Road Bristol BS8 2NH

APPLICATION NO: 14/00639/F
14/00640/LAFull Planning
Listed Building Consent (Alter/Extend)

EXPIRY DATE: 18 April 2014

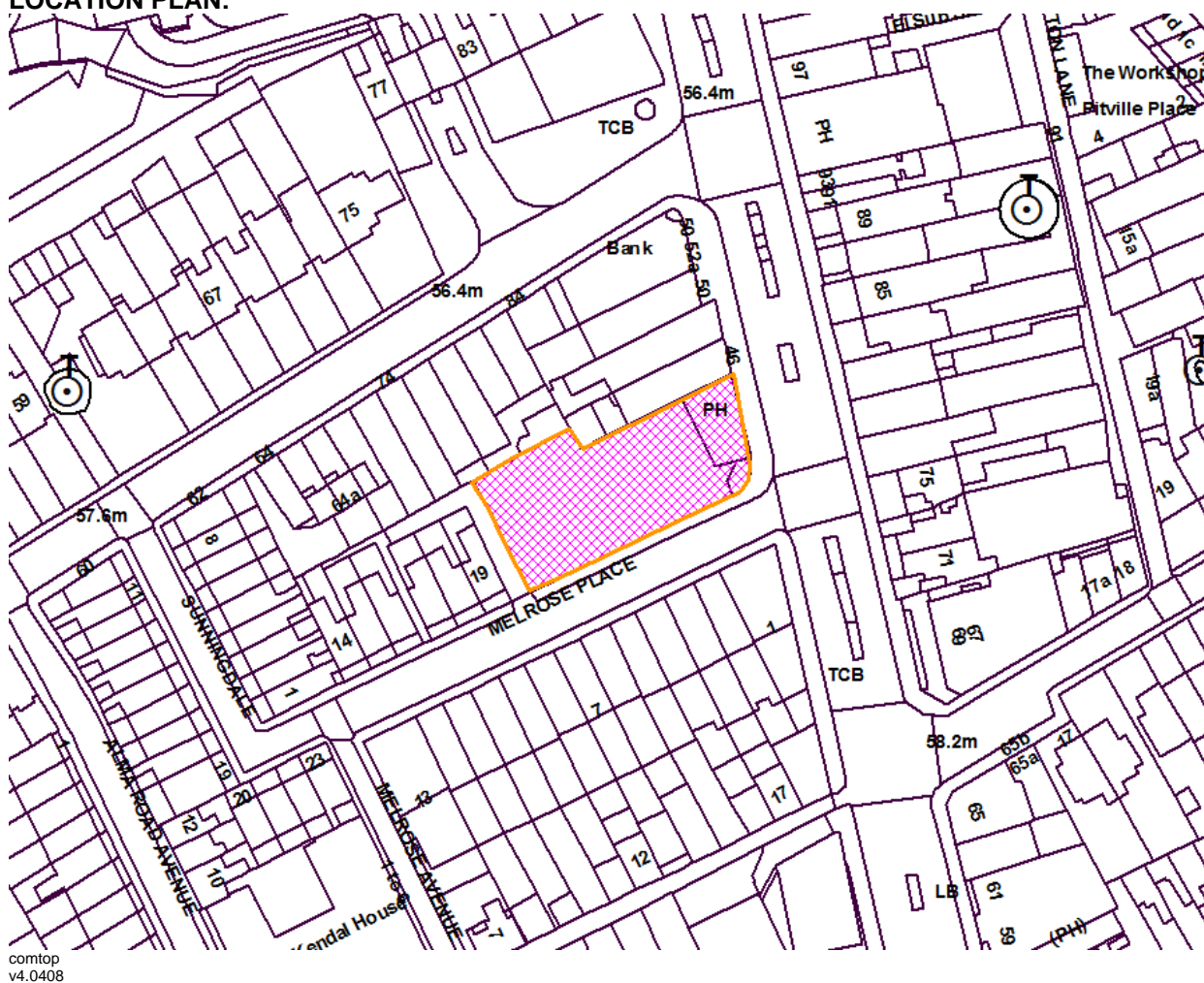
Alterations and extension to allow partial conversion of existing building to form 5 No additional flats and alterations and improvements to existing flat and 3 screen cinema including a new disabled access door and lift for cinema.

RECOMMENDATION: Grant subject to Condition(s)

AGENT: Woodward A P Limited
Dyrham Lodge
16 Clifton Park
Bristol
BS8 3BYAPPLICANT: Mr Medinbrand
3 Mead Court
South Moulton Street
London
W1K 5SE

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

LOCATION PLAN:

comtop
v4.0408

Development Control Committee A – 05 November 2014**Application No. 14/00639/F & 14/00640/LA: Former Whiteladies Road Cinema 44 Whiteladies Road Bristol BS8 2NH****UPDATE SINCE DEVELOPMENT CONTROL 'COMMITTEE A' HELD ON 18 JUNE 2014**

Following the approval of Planning Permission and Listed Building Consent for the proposals at Committee A held on 18 June 2014, a Judicial Review of these decisions was lodged by a third party (the Whiteladies Picture House Ltd) on 31 July 2014

In order to address issues raised by this Judicial Review process, it is considered pertinent that the applications be brought back to committee for consideration. The proposal itself has not changed and no new plans have submitted. The issues that are further given clarity are as follows:

1. Amendment to the Committee Report to further expressly set out how the consideration of the proposals was undertaken against Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states that:

- *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

The amendments are within the body of the report below, but are most specifically set out in Key Issue A.

2. Amendment to the Committee Report to further expressly set out the consideration of alternative proposals for the building in the assessment of these applications including the proposals of the Whiteladies Picture House Ltd.

The amendments are set out in Key Issue A under the headings 'Update on Viability Position since May 2014' & 'Alternative Uses'. Officers have also sought and updated viability opinion as to whether the existing value of the building and its value as a redeveloped stand-alone cinema, would have changed during the intervening period. Christie & Co have confirmed that the original valuations remain valid. Based on this advice, officers remain of the view that a stand-alone cinema would not be economically viable. This updated opinion is also appended to this report for Member's reference.

3. The provision of additional conditions to restrict the use of the auditorium and foyer areas to a cinema use only and also to prevent any development taking place before evidence of a valid lease for the operation of a cinema and the removal of the restrictive covenant have been submitted and agreed by the Local Planning Authority.

The amendments are set out in Key Issue A under the heading 'Securing the Use of the Auditorium as a Cinema' and in the Heads of Terms.

Overall, the principle issues of the proposals have not changed. Allowing for the alterations set out above, the planning and listed building consent applications are again recommended for approval as set out below.

SUMMARY OF THE PROPOSAL

Members will be aware that this site has a long and complex planning history and has also had significant public interest over recent years.

This proposal follows the refusal of Application No's. 12/00067/F (planning permission); and 12/00068/LA (listed building consent) in 2012 for the alteration and extension of the existing building, to allow the partial conversion to form 5 no. additional flats and to retain auditorium for use as a gym.

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The decision to refuse the applications was taken at the Central Development Control Committee on 25 July 2012. Both applications were refused for the following reason:

The proposals fail to demonstrate that the public benefits of the development including securing the optimum viable use for the auditorium outweigh the harm caused to the significance of the designated heritage asset via the works to the interior of the auditorium (Grade II Listed Former Whiteladies Road Cinema). As such the proposal is contrary to the provisions of Paragraph 134 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

This decision was subsequently appealed and a Public Inquiry was held. The appeal was dismissed on 26 March 2013. The Inspector in his decision concluded that the scheme caused less than significant harm to the building by virtue of the subdivision of the ballroom and the ancillary rooms together with the 2 storey extension to form the residential accommodation. The Inspector went on to conclude that this degree of harm to the listed building was required to be weighed against any public benefits of the proposal, including securing the building's optimum viable use. The Inspector having done so considered that the scheme proposed (involving a gym use allied with a residential conversion) had not demonstrated that it was the only means for securing the optimum viable use for the listed building. The appeal decision is appended to this report for Member's reference.

The main differences with the current scheme now in front of Members, from the scheme dismissed at appeal in 2013 are as follows:

- Removal of the 2 storey extension;
- Use of the auditorium for its original use as cinema (not a gym);
- The submission of a viability assessment to seek to demonstrate that the residential element of the scheme is required to secure the optimum viable use of the site

The Local Planning Authority employed the services of independent consultants to verify or otherwise the viability assessment submitted and to consider whether the residential units proposed are required to secure the 'optimum viable use' of the building (i.e. for cinema use).

Following a full assessment of the Viability Report, the consultant has concluded that a stand-alone cinema would not be economically viable. Your officers have closely examined this advice and accept it. The updated opinion confirms that a stand-alone cinema remains unviable. As such it is concluded that the associated residential accommodation is required in order for the proposal to become viable and thus for there to be a realistic chance of the development and the re-use of the auditorium as an active cinema delivered.

The other key issues relating to the proposals are considered acceptable as set out in the report below subject to conditions. Therefore both the planning and listed building consent applications are recommended for approval.

SITE DESCRIPTION

This application relates to the former Whiteladies Road Picture House in Clifton. Built immediately after the First World War in 1921, but in a style established twenty years earlier, the building has a long and interesting history, which is detailed in the submitted Heritage Statement. Opened by the then Duchess of Beaufort on 29 November 1921, it was the first cinema in the central Clifton / Redland / Cotham area and would also serve Westbury-on-Trym and other outlying suburbs and villages. It closed to the public just before Christmas 2001 and has remained vacant ever since.

The former picture house is Grade II listed and is sited within the designated Whiteladies Road Conservation Area. It is also within the identified Town Centre in the adopted Bristol Core Strategy 2011 and is designated as Secondary Shopping frontage in the adopted Bristol Local Plan 1997.

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RELEVANT RECENT PLANNING HISTORY

01/01658/F - External alterations including the construction of a single storey extension at first floor level and installation of a disabled persons access door onto Melrose Place (Granted.04.07.02)

01/01660/LA - Installation of disabled persons access to Melrose Place and internal alterations to include removal of cinema seats, removal of partitions, screen walls and projection rooms. Reinstate auditorium and ceiling features, and new fire escape (Refused 02.07.02)

03/01386/LA Internal alterations comprising removal of cinema seats, demolition of 1978 subdivision, screen walls and projection rooms, restore ballroom, reinstate auditorium and ornate ceiling features, and construct fire escape and lift enclosure.(Withdrawn)

03/04631/LA - Internal alterations comprising removal of cinema seats, demolition of 1978 subdivision, screen walls and projection rooms, Restoration of ballroom, Reinstate auditorium and ornate ceiling features, construct fire exit and lift enclosure (Granted 05.02.2004)

04/05090/F: Change of Use from Cinema (Use Class D2) to mixed use, incorporating cinema, restaurant and café / bar and ancillary residential use. Separate restaurant use (Class A3). `This application was approved subject to a number of restrictive conditions regarding the use, phasing and hours of operation.

04/05089/LA: associated listed building application for the internal and external alteration to facilitate the above change of use.

09/02253/F: Change of use from cinema (Use Class D2) to church (Use Class D1) and external alterations. GRANTED 22.09.2009

09/02252/LA: Internal and external alterations in connection with change of use from cinema (Use Class D2) to church (Use Class D1). GRANTED 07.10.2009

09/02254/F: Change of use from cinema (Use Class D2) to retail (Use Class A1) and external alterations. GRANTED 23.09.2009

09/02255/LA: Internal and external alterations in connection with change of use from cinema (Use Class D2) to retail (Use Class A1). GRANTED 07.10.2009

10/04258/F & 10/04259/LA: Alterations and extension to allow partial conversion of existing building to form 9 no. flats and retain the auditorium.
10/04259/LA) REFUSED 18 November 2010.

11/00125/F & 11/00126/LA: Alterations and extension to allow partial conversion of existing building to form 9 no. flats and retain auditorium. (Re-application). REFUSED 15 June 2011.

12/00067/F & 12/00068/LA: Alterations and extension to allow partial conversion of existing building to form 5 no. additional flats and to retain auditorium for use as a gym. REFUSED 30 July 2012.

APP/Z0116/E/12/2180890 & APP/Z0116/A/12/2180898: APPEAL DISMISSED 26 March 2013.

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APPLICATION DETAIL

The applications seek alterations and extension to the building to allow partial conversion for the following development that includes:

- 3 screen cinema
- Creation of 5 no. additional flats and associated alterations
- Alterations and improvements to the existing flat
- New disabled access door and lift for cinema.
- External and Internal Restoration and Repair

The associated listed building consent application (ref: 14/00640/LA) is also considered via this report.

The public house fronting Whiteladies Road does not form part of this application.

EQUALITIES ASSESSMENT

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

COMMUNITY INVOLVEMENT**(a) Process**

Community consultation is not a formal requirement for full planning and listed building consent applications for non-major applications such as this; however the applicant has confirmed that they undertook the following consultation events prior to the submission of these applications:

- Meetings with Clifton Down Community Association, Oakfield Residents Association and Clifton and Hotwells Improvement Society took place on 3rd and 5th December.
- Representatives from the groups were presented with plans for the Cinema and flats and were able to ask questions about the development and provide feedback.
- Copies of the plans have also been published on Community Websites and circulated to other Community groups including members of "Winning Whiteladies".
- A public consultation was carried out over 4 days at Clifton Down Shopping Centre on 9th, 11th, 18th and 19th January 2014. Plans for the development were displayed and representatives for the applicant were available to answer questions on two of the four days.

(b) Outcomes

It is not clear from the submission how or if the scheme altered specifically as a result of these events and any comments made.

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PUBLICITY AND CONSULTATION

The applications were publicised jointly by means of a press advertisement, site notices and letters to adjoining residents.

160no. letters of support have been received and 50no. objections. These are summarised below, but full comments can be viewed online.

In addition, an online petition has been set up opposing the development of flats in the Whiteladies Picture House on the basis that the proposed conversion of the Grade2 listed Whiteladies Picture House into six flats and a three-screen cinema will permanently destroy the architectural heritage of the building. This has 743no. signatures at the time of writing this report.

Support Comments:*Impact on Building*

- Pleased that this important building, a true part of Bristol's heritage, is returning to its former and proper use.
- Restored Cinema will be an asset to Whiteladies Road
- This design leaves the iconic tower unencumbered thus preserving the striking external appearance of the building.
- The flats are to be embedded within the structure of the building, rather than grafted on around the tower as in the last application, and that is a huge improvement. I do not believe they will detract from the exterior of the building.
- It will be a shame to lose the ballroom but this is an acceptable trade-off for the restoration of cinema in the auditorium space.
- Good to see the whole of the upper auditorium space being used to give an impression of the original size of the auditorium and complete restoration of the decorative and plasterwork and marble where appropriate.
- Exciting opportunity to bring an old building back to life
- The proposals appear to be well considered and sympathetic to the existing building's layout and historic fabric
- Ultimately the buildings fabric will be preserved both externally and internally. By approving this application the council will allow for the sensitive refurbishment of the building. A refusal would only prolong its closed state and further its dilapidation.
- The proposal would not harm the conservation area or adversely affect the listed building
- Even listed buildings must be allowed to adapt to the modern world - they should not be mothballed through over prescriptive planning policies which have no other effect than to see buildings fall into disrepair because no one can afford to keep them in use.
- All of the cinema space will remain exactly as that (admittedly, separated into three rooms, but with the upper room maintaining the whole floor space of the original cinema, complete with period features and ornate ceiling

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- The 2012 plans were rejected because they failed to 'demonstrate that the public benefits of the development outweigh the harm caused to the significance of the designated heritage asset'. The sensitivities of the current proposal for a cinema tip the scales in the other direction.
- In the building's listing summary the ballroom is described as being no longer of special interest". English Heritage in fact draws attention to the exterior of the building as being 'of greater interest'. The incorporation of the flats has very little impact on the exterior of the building and in particular, the tower and the area around it are unaffected. This sympathetic treatment therefore distinguishes these plans significantly from the previously-rejected plans which were submitted in 2012
- The ballroom has not been in public use for very many years
- It will restore the fine architectural features, including the ornate ceiling in the auditorium, the marble columns in the foyer and the iconic tower. The auditorium was split into 3 screens in 1978 and these plans will mirror the existing sub-division in order to limit any further harm to the building.
- The proposals offer the best chance after 13 years that local community public demand will be met without an unacceptable degree of harm to the relevant heritage assets
- The treatment of the proposed flats, and their integration within the existing envelope of the building meet the underlying objection of the Planning Inspector in the Appeals in 2012-13 , namely that the harm to the heritage assets comprising the listed building and the conservation area were not outweighed by the prospective public benefits.
- Under the proposals in this application the harm to the heritage assets will be less and the public benefits greater.

Use

- This development will improve the vitality of Whiteladies Road helping businesses in the area survive
- The best use of a listed building is the purpose for which it was originally designed. This is an example where that purpose can be maintained and the spirit of the building kept alive with it
- If squeezing in the flats can be done within building regulations and that enables the restoration of the building for its original purpose then that's a price well worth paying.
- With the stealthy encroachment of standard off the peg issue eating, drinking and shopping establishments threatening to eradicate the true communal and independent nature of much of our high streets, it is heart-warming to see a high uniquely individual operator back where they belong.
- With the strength of current British cinema getting many of the plaudits at the recent Oscar ceremony, what a time to celebrate our great film exhibition culture too.
- Not only will the building revert to its original use, for which it was listed, but in so doing it will become, once again, a community asset which will be accessible for everyone. A cinema will bring people to the area, and the positive knock-on effect on existing businesses on and near to Whiteladies Road will be considerable.
- This application for restoration of cinema into the Whiteladies Picture House feels like a genuine solution to the 13 year old problem of the building's sitting empty.

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- Wish to see the building used as a cinema again
- Support the opportunity for this building to return to its original purpose i.e cinema, with the adaptations necessary to make it a viable, workable proposition
- Approve of the inclusion of flats
- Proposal fits well with the other facilities of restaurants and bars in the area by complementing them rather than competing with them. It will also serve younger and older residents who do not go to bars.
- Practical way of bringing a valuable local amenity back in to use
- Pleased that the cinema in Whiteladies Road is to be re-established, preserving this characterful building, and bringing a useful recreational facility in a lively area
- Cinemas are part of our culture and for the elderly and young these smaller screens offer a wonderful meeting place
- Will aid the mix of people living in the area by providing 5 flats that look unsuitable for more student accommodation
- Support this amenity so close to home; somewhere reached by a short bus ride and which could be combined with a shopping trip to Clifton Down
- With a huge student community in the area, can foresee an audience waiting to happen.
- To restore and reopen the cinema would again bring art and prosperity to the local and wider community and be a lasting architectural, historical and cultural attraction for Bristolians and tourists alike and deserves our support
- Why would we not want more flats in Clifton we need people to live in this area to keep it vibrant and the shops, cafes and cinemas open
- Most objections seem to say they want the "cinema retained". This solution does retain a functioning cinema (supported by the well-respected Everyman cinema chain), with an Arts cinema feel, with a bar and lounge. The flats (that make the project stand up financially) are well tucked away within the existing envelope.
- Provides a good balance between the provision of the cinema and a modest amount of housing
- Bristol now has a chance to change this to a forward thinking and commercially viable hub for the arts.
- The bottom end of Whiteladies Road has suffered a lost connection between park street, queens road and black boy hill this will reconnect those areas both socially and economically
- The mix of uses of residential, commercial and cinema uses is a good mix for the area
- NPPF seeks to set a pro-growth agenda. In this context, uses such as this have an extremely powerful opportunity to stimulate spin-off growth the length and breadth of Whiteladies Road, bringing new investment to this part of the city. Growth is needed here as much as anywhere - there are countless vacant units and these need to be filled to lift the economy of this part of Bristol.

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Transport Issues

- Will be easily accessible by foot, cycle, a main bus route in/out of the city and car
- The increased foot traffic to the cinema will also help other local businesses.
- A convenient car-park is nearby

Viability of Proposals

- The announcement by Medinbrand, the owners of the application site and the property, that they have secured the commitment (subject to the grant of planning permission) of Everyman Cinema Group to make a significant investment in the building and to operate it as a cinema is to be warmly welcomed. It is essential that the promise of this significant investment in this part of the city centre of Bristol is not lost.
- It is commercially based and not likely to require funding from public bodies and grant makers to support an unviable objective
- Proposal has professional input through involvement of Everyman to provide a viable business.
- Everyman has a proven track record of such projects
- The proposed lease is for 25 years (so this is no 'flash in the pan')
- The serious interest from this reputable cinema operator should not be overlooked
- The level of investment needed to restore the building is so high, a strong and viable business plan is a necessity when considering any proposals. The Medinbrand/Everyman plans need to be judged on their own merits
- Would make approval at least partly on the basis of Medinbrand making a solid long-term contract with Everyman for the operation of the facility

Case Officer Note: Securing a certain operator is beyond the remit of the planning process. Decisions are made on the suitability of the use.

Other Matters

- Only reservation is that the planners need to make it very clear that any parts that are proposed as flats at this stage should not be increased for any reason or at any time in the future
- Please ensure that the necessary sound-proofing is put in place between the flats and cinema.
- So often planning is thwarted by neighbours concerned about noise, particularly as cinema can be a late night experience. It would be a disaster if any future planning desires to augment the cinema were put at risk due to the inclusion of such residences
- Are you sure there's enough space on the plans for toilets
- Would like to see the cinema called once again the Whiteladies Picture House and a display in the foyer of its illustrious past.
- Although, only a small number of flats will be available it will mean easy access to the city, if they wish to work in Bristol.

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- Concerns that the covenant imposed on the building by the previous owners forbidding use as a cinema will be a barrier to the cinema reopening

Case Officer Note: Legal covenants cannot be altered by the planning process.

Alternative Proposals

- It is a shame that the Whiteladies Picture House Ltd (WPHL), group are trying to block this with their unattainable scheme.
- WPLH has made much of the fact that Everyman is a commercial operation, which they feel would not be beneficial for the building. This point is irrelevant; the building already currently has a commercial operation within it (the Cowshed); the building has always been used for commercial purposes (after all, most cinemas are commercial); and it will clearly be within the Everyman's best interests to give the community exactly what it wants.
- In addition to the fact that their initial plans for refurbishment do not appear to be financially viable, even if they went ahead, do not feel that their future plans for the building would be viable on an on-going basis. Clifton already has a fantastic community-type theatre (the Redgrave Theatre), plus an art-house cinema (the Watershed) fairly nearby.
- In its decision regarding the 2012 plans which were submitted for flats and a gym, the Planning Inspectorate gave "little weight" to WPHL's proposals, due to a lack of funding.
- Whiteladies Picture House Ltd (WPHL), who clearly have other plans for the building, have put a considerable amount of effort into strongly encouraging people to object the plans which have been submitted which has been one-sided and somewhat misleading.
- Whiteladies Picture House Group plans to object to this proposal, claiming to provide something better. However, it doesn't own the building so is not in a position to do anything with it.
- The Picture House charity's proposals for creating a "mixed use community arts venue" at the building are un-costed and unfunded and, to a degree, inchoate. They depend upon optimistic hopes and speculative expectations of funding from charities, the Lottery Funds, other public funding bodies and subscriptions from members of the public. In consequence their implementation is uncertain and their long term sustainability is questionable.

Objection Comments:*Whiteladies Picture House Ltd*

Firstly, the Whiteladies Picture House Ltd who have been progressing an alternative scheme for the site have submitted a substantial objection statement with regard to the proposals. The broad areas for objection are set out below, however due to the size and detail of the statements, these cannot be suitably summarised within this report. However, these statements are available in their entirety online referenced as Jonathan Lees Architects LLP (OBJECTION) and Viability Objection. Members are therefore directed to these statements.

- Objection to the validity of the proposed scheme
- Relevance of national planning practice guidance
- Analysis and objections to documentation
- Objections to proposed flats
- Comments on the design and access statement
- Objections to business case

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- A presentation of an alternative scheme
- Comments on the viability of the proposals

In addition, the other objections received are summarised below:

Impact on Building

Object to the loss of historic fabric of the building the lack of community space, the unimaginative scheme for yet another multi-screen cinema.

- Want the development to preserve and renovate the former cinema and dance hall within the building.
- Oppose the construction of new flats and the destruction of the architectural features.

- Badly thought out plan destroys large swathes of the architectural heritage of the building including the grand ballroom and the incredibly impressive single auditorium

-Scheme lacks imagination and does nothing to restore, enhance and preserve the special architectural heritage of this building.

- This historical building should be preserved

- Object to ripping out the heart of a beautiful 1920s building to accommodate flats and install modern multi-screen cinema

- The designs are in fact almost identical to those for 5 flats and a gym that were rejected at a public inquiry last year.

- It's a unique building, which shouldn't be homogenised for short-term commercial gain

- The building in its entirety should be saved - all the fine details on the outside as well as within.

- Ill-conceived 3-screen cinema (not enough toilets or fire escapes), which carves up the main space both horizontally and vertically, losing the scale of the full-height auditorium.

- The Inspector stated in section 19. "As heritage assets are irreplaceable, any harm requires clear and convincing justification. Such justification has not been demonstrated in this instance. The proposal would fail to preserve the special architectural and historic interest of the listed building, and would not preserve or enhance the character or appearance of the Conservation Area. The less than substantial harm to these heritage assets would not be outweighed by any public benefits.

- The NPPG still follows the principles of PPS5 regarding Historic Environment, so section 19 of the Inspectors dismissal is still a material consideration. The statement "The optimum viable use may not necessarily be the most profitable one." is very important. No figures have been given for either solution but it is clear that the site as it stands has massive potential for varied community use without carving it up into small flats, and in making the decision, short term irreversible applications which may appear to be more profitable to the applicant need not be the best solution for a heritage building.

- Converting part of the building into small flats is irreversible and is the main reason for the previous application being dismissed by the Planning Inspector.

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Use

- Object to the dual-use - this site should be cinema only
- It should be retained as a theatre for drama/ cinema and available for use as a training venue for stage, public speaking and dance particularly for young people.
- Old cinema should remain a building to service the local community
- Object to the loss of community Space
- Whiteladies road needs its cinema back. Vital to rejuvenate what is becoming a failing street, even the bars and restaurants are struggling
- Disagree that the flats should go ahead especially if it is student accommodation
- Conversion to residential use is inappropriate given the historical significance of The Picture House.
- Unimaginative scheme for yet another multi-screen cinema.
- The cinema would be well served by public transport (train and bus) with parking at Clifton down or the station.
- Even partial conversion into flats would be a real shame and is a short sighted and wasteful use of the building
- Are there not enough flat-type developments going on in and around Bristol at the moment. Ideally, return the Whiteladies Road Cinema to its previous glory, or at the very least, keep it as intact as possible
- Should be a whole cinema with refreshments and space, not squashed up next to yet more flats
- The Redland/Cotham/Clifton area has no local cinema and a surfeit of flats. Believe it also has a sufficiently large audience for quality cinema scheduling to support a single auditorium operation
- Already have a new development just around the corner with 1, 2 and 3 bedroom flats planned on the site of old garage on Whiteladies Road and there is little parking in this area
- Enabling residential use will just be the start of turning the whole building into Flats in time. This historic building should be very much part of the arts scene within Bristol. Turning it back into a cinema and arts venue would benefit the greater community but adding residential status will weaken any appeal and create restrictions on the venue likely to make it untenable.
- The owner, London developer Medinbrand, is trying to wear down vocal opposition to his flats by appeasing the public's desire for a cinema.
- Understand the result of last year's public inquiry the inspector came to the same conclusion - residential was not a suitable solution.
- The Clifton and Hotwells Character Appraisal states that the conservation area lacks community facilities .The same applies to the Whiteladies Road Conservation Area.
- Community facilities of the calibre that can be provided by this superb listed building are far preferable than five small flats.

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The Inspector stated in section 17 that he could not reach the conclusion regarding "the use alterations required to convert part of the building in to flats to be reversible. He considered it unlikely that once established, the residential element would revert back to a commercial use thereby removing the domestic accretions". This concern has been ignored by the applicant in this current application

- There are now two potential owners/tenants who both primarily want cinema use (the same class of use as a cinema) and space to provide extra facilities.
- The space proposed by the applicant for flats would be better be used for community use or extra facilities relating to more facilities for the cinema visitors and make it even more viable and an enjoyable experience for the local community just like it did in the past.
- The site does not lend itself to family housing because there are no external amenities.
- Flats will not enhance the heritage asset and provide the reasons why this application fails to accord with national policy NPPF and its guidance NPPG, local Policy BCS12, Policy CS1 and well as draft policy DM5

Transport Issues

- The cinema would be well served by public transport (train and bus) with parking at Clifton down or the station.
- Should flats be created it would cause more parking misery for Melrose Place which has already lost 30% of the available residents parking when a large part was changed to 1 hr regulated parking last year. Concerned that when it changes to permit parking, existing residents will not manage to fit into the limited non-regulated parking areas. Adding more flats could potentially see 5-10 new cars on the street which would exacerbate this situation even further

Viability of Proposal

Application depends on the commercial viability of the cinema. Should this waver then the rest of the building with inevitably be converted to more flats or other socially, artistically, and socially harmful purposes.

Alternative Scheme

- There is a significantly better proposal on the table, that put forward by the Whiteladies Picture House Ltd; a not-for profit community focused organisation that plans to re-open the venue as a multi-use arts centre offering theatre productions, music, cinema, live comedy and lectures. This proposal also retains the fabric of the building, the grand auditorium, the beautiful ballroom, and the foyer. This proposal is put forwards by a local group who will re-invest all profits back into the building and who are focused on reinvigorating Whiteladies Road by providing this building to the people of Bristol
- The community-based plan for this cinema which would preserve the historic character of the building and does not involve flats or change of use
- Allowing this application will sound the death knell to the better scheme by the charity 'The Whiteladies Picture House'. That proposal (which I know is being discussed with officers in pre-application meetings) demonstrates that there is a viable alternative which serves the community and stacks up financially. The proposal before you now is doomed to fail in the not too distant future as there is saturation in the market for multi-screen cinemas; the result will be the owner coming back in a few years with a scheme to convert the cinema to yet another convenience store or bar/restaurant

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Other Matters

- What about the unanswered question of Odeon's restrictive covenant

Case Officer Note: Legal covenants cannot be altered by the planning process.

General Comments:

General comments have been received from the owner of Clifton Photographic Company and from the owner of No. 74 Alma Road.

- Properties that we lease and own on Alma Rd back on to the cinema. We access the buildings from Melrose place via the gravel drive at the rear of the cinema. My concern is the access to the alley during construction and afterwards when the property is in use. The drive way cannot be obstructed. Scaffolding cannot be erected. Do the owners of the cinema have the right to access the drive way? The building marked 'bins bikes and plant' is very derelict and adjoins our property. What disruption will be caused? From what I can see on the plan there is no parking allocated in an already over parked area.

-As the owner and tenant of buildings behind the cinema I can see that there will be obvious issues with access to the rear of the cinema during building work and afterwards. The alley is narrow and we need access to it all the time, it cannot be blocked. How and where will plant and supplies be delivered? We do not want Melrose place blocked on a daily basis either. I would suggest that the rear 20 feet of the main structure that backs on to the alley is sacrificed to make residents parking for the flats. Space for a builders site office, deliveries etc.

Case Officer Note: Planning permission does not preclude any private access rights enjoyed by any third party. Agreements over the use of shared access ways are a civil matter and are not controlled via the planning process.

68no. further representations of support and 5no. of objection were received after the officer's report to Committee on 18 June 2014 was finalised and these were originally reported on the amendment sheet and verbally to members. These representations mainly raised no further issues than those already summarised within the report.

In addition a further letter of objection was received from a planning lawyer on the morning of committee, the receipt of which was reported verbally to Members due to the late submission of the correspondence. This correspondence is therefore now reported, however due to its length it has been summarised to set out the detailed grounds of objection made. Members can see the full letter online dated 23 June 2014.

"Object to the current proposals in the strongest possible terms. The application ignores a key plank of Government policy designed for the protection of heritage assets, which in turn follows the initial missed opportunity to register this building on the Council's list of assets of community value. The alternative vision promoted by WPH Ltd has already generated a considerable level of public interest and support, which confounds any notion that a diverse, alternative community use (including a cinema), which preserves and restores the entire fabric of the original auditorium, would not be viable.

(i) Harm to the listed building

The proposed development conspicuously fails to preserve the special architectural and historic interest of the listed building. Indeed, the current plans suffer from the same basic weaknesses which led to the rejection of the previous application on appeal, the two essential policy strands of which are (NPPF, para 131):-

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Residential development is very unlikely to be reversible, despite the applicant's claims to the contrary. The recent planning history confirms that development of flats in the upper interior of the historic building would be inherently harmful to the historic form and layout of the listed building. In dismissing the previous appeal (ref: APP/Z0116/E/12/2180890) the Inspector identified the ballroom and the ancillary rooms as fundamental aspects of the building's special historical interest, and yet the applicant still proposes to develop this part of the building for flats.

There has been no attempt to enhance the main original feature of the heritage asset, i.e. the auditorium itself. The sub-division of the main historic space, both horizontally and vertically, loses the scale of the full-height auditorium. *Great weight* (NPPF, 132) must be attributed to the significance of the harm which arises in this case.

(ii) Delivery

The cinema feature of this re-development proposal is to be generally welcomed, however that prospect must be fully secured (NPPF, para 136) since any failure to deliver a sustainable cinema operation would likely remove almost all public support for the scheme. It is striking that the applicant did not offer to forward any detailed business case right from the beginning. The actual mechanism for delivery has not been fully explained, nor how a viable cinema operation would be guaranteed as a result:-

Firstly, because although the applicant has indicated that '*the proposed works would produce the funds to pay for the works*' (See Design & Access Statement, para 4.1.2), this would normally require a section 106 agreement to ensure that development profits are channelled back directly into the refurbishment project. Where has it even been tested that the applicant does not stand to make additional profit from harmful development?

Secondly, because the lack of any cross-funding obligation in order to capture the entirety of the development proceeds worsens the future viability of the intended cinema operation; and

Thirdly, it is a genuine risk that once the building is partially developed for flats there is less chance of securing an alternative viable community use if ever the planned cinema operation should fail. Further detailed scrutiny is needed of the business case with regard to alternatives (as a vital matter of Government policy) before accepting this harm is justified.

(iii) The 'optimum viable use' / alternative uses

The previous appeal illustrates that flats would bring irreversible harm. Why then does this scheme require flatted development to make it work financially? As detailed above, no argument has actually been put forward to suggest that it does, contrary to the NPPF requirements.

Two key criticisms arise when scrutinising the sketchy details accompanying this application alongside the relevant Government policy–

1. it is a sub-optimal scheme which delivers short term private gains at the expense of immediate harm to the heritage asset; and/or
2. the future viability of the cinema is not guaranteed and risks financial failure, with pressure to revert to a non-community use likely to emerge some time later.

On the applicant's evidence there can be reasonable doubts whether the Everyman business plan is itself sound and viable. However, one must equally note that an established commercial cinema operator believes a local cinema might generate serious revenues to justify its own multi-million pound

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initial investment. It would then be somewhat irrational to believe that a multi-arts centre, which also incorporates a small screen cinema and a large auditorium (which could be used for the same purpose and more besides), would not also be viable, and highly profitable too.

Any multi- arts centre use (incorporating a cinema) of the kind promoted by WPH Ltd, would be able to draw upon a range of different income streams and would conceivably be less vulnerable to declining economic fortunes than a small multi-screen cinema use, especially as this would place it in direct competition with a number of other local venues. These plans would also retain the whole of the internal floorspace for such community uses, and restore the original auditorium and function room, which could be used flexibly to suit a variety of public purposes.

It has therefore not been demonstrated that the current proposal represents the '*optimum viable use*' (NPPF, para 134). This requires the applicant to demonstrate 'least harm' in a case where there are other alternative ways in which the asset could be viably used.

Testimony to this failure is that the applicant has largely ignored, rather than engaged, with the enormous ground swell of public opinion which has been stirred by WHP Ltd and others. For obvious reasons it is a significant blunder not to engage genuinely with the local community in the context of this type of proposal.

The plans presented by WPH Ltd offer a credible alternative, tapping into the public demand for a diverse community-led proposal; and yet there has been no attempt to make a proper comparative assessment with robust financial projections and other evidential data etc... This is required by policy. A number of questions can be raised to highlight these deficiencies, for example:-

Has Everyman had any input in the design of the type of cinema space which it has been offered?

Would it be desirable to retain more internal space as a means of ensuring greater flexibility in respect of other possible commercial uses?

Would Everyman not also be a willing tenant for the small screen cinema outlined in the WPH Ltd plans too?

(iv) Community benefits and the basis for public support

The common theme running through the submitted representations (both for and against) is that there is very considerable support for a local cinema, or a local community venue (or 'community use') as a general aim. Those who support the scheme are understandably concerned that this might be the last chance for a new use to come forward. However that fear is entirely false, and in any event, it does not attract the sort of weight needed to justify non-compliance with heritage policy. According to the stringent requirements of heritage policy it has certainly not been demonstrated that the creation of 6 flats is a vital and necessary consequence, which is outweighed by the likely community gain. "

Comments received after Committee date on 18 June 2014

15no. further support letters have also been received since the original Committee date.

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OTHER COMMENTS

Clifton & Hotwells Improvement Society has commented as follows:-

CHIS is pleased that a professional cinema operator plans to use this building for the purpose for which it was built as well as other ancillary uses beneficial to the local community. It seems that the applicants intend to preserve all period features of this historic building. We commend this application for consideration.

CHIS then submitted a further comment which was received after the officer's report to committee on 18 June 2014 was finalised and these were originally reported on the amendment sheet:

"Given that the former Whiteladies Road Cinema building had been deteriorating for many years, the Clifton and Hotwells Improvement Society initially welcomed the current Application on the grounds that it appeared to provide a partial solution to the need for a reinstatement of the cinema facilities which had been lost, even though the creation of 6 flats would cause a significant detriment to historic features of the building. That situation has now changed in the light of the proposals put forward by the Whiteladies Picture House Ltd. They provide for the reinstatement of the main auditorium, together with the substantial restoration of key features elsewhere in the building including the ballroom space, at the same time as safeguarding the use of the building as a cinema and the provision of additional community facilities. (14/00870/PREAPP). We further note the reservations of English Heritage concerning the potential harm to the significance of the building posed by the current scheme, and their comment that - in order to address the concerns of the Planning Inspector -the Application would need to demonstrate that the repair and re-use of the building could be achieved only by means of this proposal. Clearly that is now not the case, and CHIS urges the Committee to address seriously those reservations, together with the potential merits of the alternative proposal."

The Oakfield Residents Association has commented as follows:

"We have been shown plans of the proposal and our members very keenly support the application"

The Oakfield Residents' Association then submitted a further comment which was received after the officer's report to committee on 18 June 2014 was finalised and these were originally reported on the amendment sheet:

"We the members of Oakfield Residents' Association whose patch the Whiteladies Picture House is in, wholeheartedly support the planning application no 14/00639F and look forward to the cinema reopening as soon as possible. We have no objections."

The Redland and Cotham Amenities Society have commented as follows:

Redland and Cotham Amenities Society supports the two current applications which we consider represent a long awaited and welcome solution, which will result in a useful public amenity. We are pleased to note that the exterior will be renovated and restored to virtually the pre-existing appearance. Internally while we regret that the original single screen situation will not be reinstated we accept that this is not viable with today's cinema trade. Finding viable uses for all floors of this large building is welcome. RCAS consider that this application, if implemented meticulously, will improve the appearance of this part of the Conservation Area.

The Clifton Down Community Association made the following comments which were received after the officer's report to committee on 18 June 2014 was finalised and these were originally reported on the amendment sheet:

"Please add Clifton Down Community Association's support for this application to those already

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received. We have consulted our members and we believe that a large majority are in favour of this scheme. This proposal stands the best chance Clifton has to restore a viable cinema to this site. The applicants own the lease, have the finance in place and plan to treat the restoration in a manner which will maintain the architectural integrity of the building."

Business West made the following comments which were received after the officer's report to committee on 18 June 2014 was finalised and these were originally reported on the amendment sheet:

"Business West is the main business organisation for Bristol and the South West. As the Chamber of Commerce for Bristol and beyond we represent and work with over 16,000 local businesses from the smallest to the largest. We set up and run in partnership with Bristol City Council Destination Bristol are central business partners of the West of England Local Enterprise Partnership and play a leading role in Bristol Green Capital Partnership. We write to express our support for the planning application for the regeneration of the Whiteladies Road cinema including the creation of a 3 screen cinema and 5 new flats in the part of the building formerly used as offices which will help finance the new cinema facilities. We consider this proposal to be an economically viable and appropriate way of bringing this important grade two listed building back into re-use and therefore preventing its decline and continued vacancy. The cinema site is part of Bristol's cultural heritage and after many different initiatives to regenerate this building we strongly support it returning to a cinema use to increase community pride and bring visitors to the area to stimulate economic growth. The former Whiteladies Road cinema has not been in use since the year 2000 and it is important that the opportunity of this significant investment in this part of the city is not lost and the site brought back into use which will bring back an important and popular community and entertainment facility in the heart of this part of our community. After many years of the cinema industry moving to multi screen outside or edge of town locations it is very welcome to see smaller, more distinct cinemas proposing to return to the heart of our community. Whilst Whiteladies Road had become a popular area with shops, bars, restaurants and other facilities in recent years there has been some reversal in the face of a very challenging economy, competition elsewhere and this scheme should act as a catalyst for improvement and renewal. It will provide a popular community facility and new homes helping bring vitality and sustainability to this part of the city and at a time of considerable change and challenge for our high streets. Bristol is the most liveable city in the country and the business community recognises the link between cultural investment and economic vitality. We consider this scheme will help contribute towards a stronger and more sustainable, local community, a backbone of our support for Bristol as a European Green Capital for 2015 and beyond, and we therefore encourage the committee to support this application."

English Heritage has commented as follows:

"Summary

The Whiteladies Cinema is a Grade II listed building, within the Whiteladies Road Conservation Area. Its primary significance is as a 1920s cinema incorporating the end of a Victorian terrace. The building has been vacant since 2001 when it closed as a cinema, and has been the subject of a number of recent planning proposals. The last proposal was refused by the Council and then subsequently dismissed at appeal in 2013. The building is on the Council's own Building at Risk Register.

The repair and re-use of the building is to be welcomed, as is reinstatement of its original use. However given the potential harm to the significance of the building, to address the concerns raised by the Inspector at the recent appeal, the application needs to demonstrate that the repair and re-use of the building could only be achieved by means of this proposal.

English Heritage Advice

As previously noted, the Grade II building has been empty for some years and was the subject of a

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recent planning refusal which was upheld at appeal. The primary significance of the building is as an early cinema but incorporating a 19th Century terraced house. The main auditorium has previously been subdivided and the current scheme proposes to divide the auditorium into three screens with the upper screen covering the full extent of the historic auditorium space. It would be preferable to open up the auditorium as a single volume; however, the Appeal Inspector accepted that a degree of subdivision may be necessary to provide a sustainable use for the building. The current proposal does allow the original ceiling to be retained/repared and presumably any remaining vestiges of the original screen wall can be retained within the new escape stairs.

The previous proposal envisaged an extension around the corner tower and subdivision of the street frontage block, including the ballroom to the first floor. The current proposal omits the corner extension, but proposes the removal of the most of the roof structure of the frontage block (to accommodate additional floor space) and still contains an element of subdivision within. It is also proposed to replace the staircase in the front block to provide access to the new flats.

No details are provided of the staircase it is proposed to remove, so it is not possible to comment on this aspect of the application. The significance of this element needs to be shown and duly considered. Subdivision of the ballroom is acknowledged as being harmful, and the removal of the original roof structure of the terrace will also harm the significance of the listed building.

In line with the NPPF and the recent appeal decision, the degree of harm would be less than substantial and requires to be weighed against any public benefits. A report on the viability of the proposals has subsequently been submitted, and we would recommend that you take specialist advice on the details of that report. However, we can find no information to demonstrate that the repair and restoration of the fabric could only be achieved by means of this proposal, in line with the Appeal Inspector's decision.

Recommendation

The listed building is on the Council's own Building at Risk Register, and the repair and re-use of the building is to be welcomed. Reinstatement of the original use is also welcomed; however given the potential harm to the significance of the building, to address the concerns raised by the Inspector at the recent appeal, the application needs to demonstrate that the repair and re-use of the building could only be achieved by means of this proposal."

The Cinema Theatres Trust made the following comments which were received after the officer's report to committee on 18 June 2014 was finalised and these reported verbally to committee

"While we welcome in principle the return of this historic cinema to its original use, we are concerned about the impact of the current plans on the historic fabric and consider them far too interventionist, non-reversible and damaging. We therefore object to the application in its current form and recommend that a more heritage-led approach is pursued.

The opportunity of a revised application should be taken to return more of the original fabric to public enjoyment while delivering virtually the same spaces:

1. The extension of the balcony should be removed completely so that the double height auditorium can be appreciated again. This would allow for the original balcony front to be regained as much as possible. The balcony and the stalls area just in front of the screen and not under the balcony should become the main screen. The balcony should have conventional seating and retain traditional steepings while the area in front of the screen (accessed by means of a corridor) should provide a lounge-style cinema experience with comfortable swivel chairs situated around tables. This approach has been very successful in Berkhamsted, where the Grade II listed Rex has been brought back to life. This has proved a very successful new format for film-going and been repeated elsewhere. I have

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attached two photographs for your reference. The original 1920s screen surround should be retained and stabilized as an archaeological trace and a floating screen should be erected in front of this. Consideration should be given to possibly creating a performance platform in front of this.

2. The two smaller studio cinemas should be relocated to the area under the balcony where currently a lounge/bar is proposed. We consider this over development of a sensitive listed structure.

We trust these comments have been of use and strongly urge you to turn down this application and recommend that a revised application is made taking our recommendations into account.”

The Conservation Advisory Panel has commented as follows:-

This scheme had a real prospect of success and it would bring this building back into public use as a cinema. The Panel disregarded the proposal that was not the subject of a planning application. The Panel supported the application, which would reverse the building's decay. The Panel drew the attention of the planning officer to the need to ensure adequate sound separation. Any intervention to create three screens must conserve the internal historic plasterwork and should be reversible.

The BCC City Design Group has commented as follows:

In general we are supportive of the content of the proposed scheme, our view is that the proposed use of the former auditorium would appear to be the optimum viable use of the designated heritage asset when considered in the context of the original designed purpose of the building. The principle of the restoration of the upper section of the auditorium as cinema is considered to better reveal the architectural, evidential and aesthetic value of the heritage asset in accordance with the requirements of Section 12 of the National Planning Policy Framework.

On reviewing the submitted information it is clear that the applicant has considered the need to conserve the remnants of the original Cinema Screen on the internal face of the end gable wall and made provisions in the scheme to retain this historic feature in situation. The additional information demonstrates that the new interventions in the auditorium are fully reversible and will allow for the detail of the decorative plaster ceiling to be restored and appreciated.

The introduction of smaller cinema screens under the rake of the original balcony is not considered contentious in principle as there is a historic precedent for such sub-division in this location.

We note that the scheme will cause the loss of some historic material in order to form the revision to the roof of the building, however when considered in the wider context of the application scheme this element is not considered to cause significant harm to values of the heritage asset and could be justified if considered in context of the wider public benefits delivered in the delivery of the optimum viable use of the auditorium and the restoration of the original architectural detail of the building.

We consider that the current scheme has addressed the key failing of the previous scheme identified by the Inspector, whilst the scheme does still include residential elements in the former ballroom and projection areas; it omits any discernable additions that would mask the original form of the historic building when perceived from the public realm. The Inspector cited in their report that the residential element of the scheme caused harm to the special interest of the building due to two factors; first being the additions to the existing building; and the second being the subdivision of the internal volume of the area.

We maintain our previous advice that building was constructed in two main phases the first being as part of terrace of six domestic building known as Keswick Buildings first shown on Ashmeads map of 1874. Two of the buildings of Keswick's Buildings were adapted to form part of the 1920s La Trobe and Weston, Cinema.

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The list entry of 1999 remains the description of the significance of the designated heritage asset it focusing on the Cinema as its component parts rather than the earlier domestic terrace.

We suggest should the committee wish to grant consent, the scheme be controlled via conditions in order to confirm the exact format of the proposed restorative works to the interior and exterior of the building.

Further comments received on 2 June 2014

These comments are made following an additional consultation request following the receipt of additional information, this being a report produced by Ark House Consultancy titled Viability Assessment and also note that since our initial comments were made we are now in receipt of a detailed objection prepared to the current application by Whiteladies Picture House Ltd dated the 25th March 2014.

During the assessment of the recent appeals the Planning Inspector made the following assessments regarding the impact of the previous scheme.

In paragraphs 14 and 19 in his response the Inspector advises that the creation of flats with the upper floors of the building would cause a degree of harm to the special interest of the listed building that is considered to be less than substantial harm, the inspector did not cite the previous works to the interior of the auditorium as being harmful on the basis that the works could be reversed at a future date.

The Inspector cited the harm that would be caused to the listed building was due to the obscuring the Dutch Gable (section 10) and the manner in which the proposed residential extension would detract from the setting of the tower as stand-alone feature of the building (sections 10 and 11), this harming the architectural interest of the listed building and the character of the Conservation Area.

In sections 12 and 13 the Inspector cites that further harm would be caused to the listed building via the subdivision of the former ballroom and ancillary rooms to form the proposed residential flats when considered in conjunction with the extension of the building.

The current scheme as mentioned in our previous response omits the proposed two storey residential extension that the Inspector advised would harm the architectural interest of the listed building, as this read as an alien and discordant element in the Conservation Area. As per the previous scheme the current retains a number flats which are now contained within the envelope of the existing building, save for a modest alteration to the existing roof of the building that would be concealed from view. The scheme is therefore an improvement on the scheme previously considered by the Local Planning Authority and the Inspector.

We note that the documentation provided by Ark House Consultancy provides a clear assessment that the reinstatement of the building to single cinema operation is not viable, therefore demonstrating the need for the residential conversion of upper floors of the building fronting Whiteladies Road.

Previously the Inspector in paragraph 16 of his response advised that the repair and restoration of the fabric of the listed building could not be considered as public benefit in that other mechanisms are in existence that could be utilised in order to seek the repair of the fabric of the Grade II listed building and seek its removal from the Buildings at Risk Register. It is notable that the assessment made by Ark House Consultancy does not include a sum for the restoration of the architectural features of building; the assessment is solely made on the costs of the delivery of the proposed cinema use.

The Inspector advised any future scheme needed to demonstrate that it presented the optimum viable use of the designated heritage asset in order to demonstrate that the requirements of section 12 of the NPPF are met. The optimum viable use of any historic building is described within the current NPPF practice guide (Paragraph: 015 Reference ID: 18a-015-20140306) as the optimum use is the

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one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. Clearly the original designed use of the building is generally considered to be the most compatible for its long term conservation; the current scheme seeks to reinstate the original designed use of the building. It is considered that this would also help to better reveal the historic significance of the building via the reinstatement of the original function of the building (in accordance with the requirements of paragraph 131 of the NPPF).

The practice guide advises that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. As previously concluded by the Inspector, the creation of a number of flats in the upper floors of the building will cause degree of harm to the special interest via the subdivision of the former ballroom, but that the harm that would be caused is considered less than substantial. The application details the construction of the proposed new flats in a manner which will preserve the majority of the historic fabric of the building in situation and bearing mind the original design of this section of the building as part of the domestic building, we consider that potential residential use could be most benign option available to support the reuse of the auditorium as an active cinema.

We consider that potential benefits of the scheme will be accord with those described in section Paragraph: 020Reference ID: 18a-020-20140306 of the NPPF practice guide those being:

- sustaining or enhancing the significance of a heritage asset
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

In summary the viability assessment demonstrates that a stand-alone cinema is not a viable option therefore we are of the view current scheme is now robustly justified and the proposed scheme presents the optimum viable use of the listed building as per the requirements of section 12 of the NPPF.

BCC Sustainable Cities Team has commented as follows:

Note since initial comments, the applicant has addressed concerns regarding the high carbon electric heating by agreeing to install a gas central heating system. Pleased to see they have undertaken the services of a PV specialist who has reviewed the PV proposals for the roof and following some changes, confirmed the proposal will meet the required 20% through the installation of fewer, larger PV arrays which will meet 23%. Welcome the roof plans outlining how the panels will be placed. Welcome the revised sustainability statement including the updated energy table to reflect these changes. Note the applicant's response regarding the provision of access to broadband within the development which is welcome. Would condition the proposals outlined within the sustainability statement but would specify the installation of the panels by a professional installer. Would also like to see the specification of these panels prior to installation, can we include this within the condition.

No further concerns.

BCC Pollution Control has commented as follows:

The re-submitted acoustic report which is not significantly different from the original report. The report details with the existing separating wall the report feels that the sound insulation should be at least 5-8 dB. And that during a film the average noise level will be LAeq 35-40 dB and LAmx 45-50 dBA. At these levels would expect the residents of the flats to be disturbed by noise from the film. The report goes on to state that a 'reduction in receiver room noise levels, of 10-15 dB can be achieved by adding a suitable independent lining to one side of the wall' however no specific details are given.

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If minded to grant the application Pollution Control would ask for conditions covering the following:

- Sound Insulation
- Construction Management Plan
- Restriction of noise from plant & equipment
- Restriction of use of refuse and recycling facilities
- Restriction of deliveries
- Provision of details of extraction/ventilation system
- Restriction of opening hours to between 09.00 and 23.00

BCC Air Quality has commented as follows:-

Monitoring of NO₂ concentrations along Whiteladies Road shows that at roadside locations the annual objective is close to be exceeded or in some locations is exceeded. However, the proposed new residential development is set back at a sufficient distance from the kerbside to be confident that the annual objective for NO₂ will be met where relevant exposure is to be introduced. As a result, do not have any concerns with regards to air quality for the proposed development.

BCC Contaminated Land Environmental Protection has commented as follows:-

This proposal does not appear to have any significant groundworks, the site has only ever been housing or the cinema so do not believe contamination conditions are required. The potential presence of asbestos containing materials (ACM's) on the site is noted. In order to prevent contamination of the site, surrounding highways and to prevent harm to surrounding residents, receptors and future site users, we will require submission of information relating to asbestos identification, management and/or safe certified removal, depending on the nature, type and condition of the ACM's on the site. Conditions covering an asbestos survey and any subsequent removal are required.

Crime Reduction Unit has commented as follows:-

Have no objection as leaving large properties vacant for a prolonged period of time sometimes attracts the wrong persona about this area.

Only comment would be the developer gives consideration to applying for Secured by Design certification on the proposed development as this would ensure minimum standards of security as there is significant amount of burglaries/domestic burglaries and Anti-Social-Behaviour in this area. Certification at the design and construction stage will allow the developer to include awards details in the marketing and sale of the development.

Details can be found at <http://www.securedbydesign.com>.

BCC Flood Risk Manager has commented as follows:-

Drainage strategy is required for the proposed development.

Nature Conservation Officer (Bristol City Council) has commented as follows:-

Recommend a condition requiring details providing the specification and location for built-in bird nesting and bat roosting opportunities. This shall include two built-in bird and two built-in bat boxes.

BCC Transport Development Management, City Transport has commented as follows:-

Do not have an objection to the creation of small developments of flats without car parking at this

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location, given the closeness of shopping facilities and major bus routes. There are sufficient controls on parking on the surrounding streets to prevent a highway hazard arising if residents do own cars.

The cinema would be capable of generating a large amount of trips but these would in many cases be pedestrians from the local catchment and car drivers would have the opportunity to park in Clifton Down Shopping Centre.

Servicing for the flats is available from the street in the same way as for the existing businesses.

Cycle parking is shown close to the flats entrance which is sufficient for the residential element. There is also a store marked 'Bins, bikes and plant' which would be less suitable for cycle parking due to the mix of functions but does provide a large amount of space if suitably partitioned.

Wessex Water has commented as follows:-

Please note that Bristol Water is responsible for Water Supply in this area.

Waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website. Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from our New Connections Team by telephoning 01225 526333 for Waste Water.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Planning (Listed Buildings and Conservation Areas) Act 1990, including Sections 66 & 72

Bristol Local Plan, Adopted December 1997

ME2	Location and Design of Developments
ME4	Controlling the Impact of Noise
ME6	Contaminated Land
NE3	Trees and Woodlands (including tree planting and the Community Forest)
B2	Local Context
B5	Layout and Form
B6	Building Exteriors and Elevations
B15	Streets and Open Space
B17	Extensions to Buildings
B21	Demolition: Listed Buildings & Buildings in Conservation Areas
B22	Sites of Archaeological Significance
M1	Transport Development Control Criteria
M16	Cycling and Pedestrians
S6	Frontages: Secondary

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Bristol Core Strategy (Adopted June 2011)

BCS5	Housing Provision
BCS7	Centres and Retailing
BCS10	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS21	Quality Urban Design

Bristol Site Allocations and Development Management Policies (emerging)

DM1	Presumption in favour of sustainable development
DM7	Town centre uses
DM8	Shopping areas and frontages
DM14	The health impacts of development
DM15	Green infrastructure provision
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM30	Alterations to existing buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM33	Pollution control, air quality and water quality
DM34	Contaminated land
DM35	Noise mitigation

Supplementary Planning Guidance

PAN 2	Conservation Area Enhancement Statements (November 1993)
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KEY ISSUES

(A) IMPACT UPON THE ARCHITECTURAL AND HISTORIC INTEGRITY OF THIS GRADE II LISTED BUILDING AND THE CHARACTER OR APPEARANCE OF THE WHITELADIES ROAD CONSERVATION AREA.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) (“Forge Field”) has made it clear where there is harm to a listed building or a conservation area the decision maker “must give that harm considerable importance and weight.” [48]. This is applicable here because there is harm to the listed building caused by the proposals as set out below. It is however considered that following the removal of the two storey modern extension

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behind the tower, there is no longer harm caused to the conservation area again as set out below.

Section 12 of the national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, Para.134 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy 31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

Significance of the Building

The Whiteladies Picture House is a Grade II Listed Building located within the Whiteladies Road Conservation Area. It has been vacant since the cinema closed in 2001 and has been on the Buildings at Risk Register since 2003.

The building was constructed in two main phases the first being as part of a terrace of six domestic building known as Keswick Buildings first shown on Ashmead's map of 1874. Two of the buildings of Keswick's Buildings were adapted in 1921 by James Henry La Trobe and Thomas Henry Weston of Bristol and the cinema (now Grade II listed) was purpose built behind. The building is constructed of limestone ashlar, brickwork and render. There is a large Auditorium originally designed with sunken panels and lit with glazed latticework with limestone ashlar features along the street facade to Melrose Place. There is a striking square tower attached to this, also in limestone ashlar, and above this is an octagonal one. An inscription of Art Nouveau letters "Whiteladies Picture House" extends down in two panels from the upper tower. The upper octagonal tower is capped by a dome, which in turn is surmounted by a cupola and finial. The entrance is a curving Ionic tetra style portico with remaining marble pillars and the original inlaid doors.

The special architectural and historic significance of the historic asset is derived from it being originally built as a cinema in 1921 as the Whiteladies Picture House and it being a purpose built cinema in Bristol being in continuous use as a cinema until December 2001. It is an elaborate cinema complex of the post-World War I period, which has significant quantities of good surviving internal plasterwork, and an exterior that was a late but prominent contribution to Bristol Art Nouveau.

The building has been significantly altered over time with most changes occurring to the interior of the building. The first major intervention was in the 1950's to allow for the showing of Cinemascope films. The balcony was also enlarged during this period. In the 1960's the cafe became an independent public house. The most significant interventions, however, occurred in the 1970's with the subdivision of the auditorium to create a three-screen cinema. Whilst the building has been extensively and insensitively altered, it still retains significant elements dating from the 1920s and the 1950s, including remnants of 1921 fabric including the original 1921 screen and much decorative plasterwork. It is clear from the statutory list entry of 1999 that the significance of the building centres on the cinema and its component parts rather than the earlier part of the building that was in use as a domestic terrace (the rest of this terrace No's 46 to 52 Whiteladies Road remains unlisted).

The three elements that contribute most to the value and significance are:

1. The external treatment of the entrance on the corner of Whiteladies road and Melrose Place,

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particularly including the tower which forms a very prominent local landmark;

2. The Art Deco façade onto Melrose Place, which utilises both classical and Egyptian influences

3. The former auditorium, where the scale and form of the original space, although partially compromised by later alterations, nevertheless remains legible, and where numerous rather decorative features survive (including the ceiling, and wall panels)

Overall the significance of the building rests primarily in the aesthetic value of its architecture; the design and prominence of the two principle façades, and in the space and detailing of the auditorium. The building was thus selected for listing due the later cinematic phase of development rather than its earlier domestic origins.

Impact of the Proposed Development

The development proposes the conversion and alteration of parts of the building to create a total of 5no. additional flats, with the auditorium retained in as a cinema (subdivided into 3 no. screens). The proposal also includes repairs and restoration works to the fabric of the building.

The impacts of the current proposals are therefore considered below against; the need to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; the merits of the scheme itself and in light of the Inspector's comments within the appeal decision of 26 March 2013 (ref's: APP/Z0116/E/12/2180890 and APP/Z0116/A/12/2180898).

Auditorium and Foyer

The Inspector in the appeal decision of the 26 March 2013 (Paragraph 9) concluded that the works previously proposed within the auditorium would not be harmful to the significance of the heritage asset.

With regard to the current works proposed to the auditorium, the current scheme is similar to the principle of subdivision previously assessed. The principle of the restoration of the upper section of the auditorium as cinema is considered to better reveal the architectural, evidential and aesthetic value of the heritage asset in accordance with the requirements of Section 12 of the National Planning Policy Framework. The submitted information demonstrates that the new interventions in the auditorium are fully reversible and will allow for the detail of the decorative plaster ceiling to be restored and appreciated. The scheme also conserves the remnants of the original Cinema Screen on the internal face of the end gable wall and makes provisions to retain this historic feature in situ. The introduction of smaller cinema screens under the rake of the original balcony is not considered contentious in principle as there is a historic precedent for such sub-division in this location.

Subject to conditions requiring the submission further details and works to restore the interior of the building, it is concluded that this element of the scheme is not harmful.

Other Works to Building Envelope

An acceptable method statement has been received regarding the restoration of the Melrose Place facade of the building which is currently under scaffold in order to protect the public from falling masonry. A condition is added to ensure compliance with this statement as well as a condition regarding the phasing of the restorative works (to ensure the works to the listed building are undertaken). Other works proposed to the building including the creation of new openings (including 2 no. dormer windows) and the restoration of existing openings within the external envelope are considered to be sensitive to the listed building subject to details secured by condition.

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With regard to the previously refused scheme assessed at appeal, the Inspector in their 2013 decision considered that harm would be caused to the listed building. This harm was identified as; the obscuring the Dutch Gable of the building by the proposed 2 storey modern extension; and the manner in which the proposed residential extension would detract from the setting of the tower as stand-alone feature of the building (Paragraphs 10 and 11), this harming the architectural interest of the listed building and the character of the Conservation Area. In Paragraph 12 the Inspector considers that harm would also be caused by the subdivision of the former ballroom and other ancillary rooms and that this together with the 2 storey extension to form the residential accommodation would obscure and confuse the building's original plan form. In Paragraph 14 the Inspector then concludes that this harm would be less than substantial and thus was required to be weighed against any public benefits of the proposal, including securing the building's optimum viable use.

The scheme currently under consideration notably now omits the proposed two storey residential extension that the Inspector considered 'would have a discordant appearance that would fail to enhance or better reveal the significance of the heritage asset and would detract from local character and distinctiveness.' The scheme will cause the loss of some historic material in order to form the modest revision to the roof of the building to create the proposed flats at third floor level, however when considered in the wider context of the scheme this element is not considered to cause significant harm to the heritage asset given that this is generally concealed from view. However the current proposal still involves the subdivision of the former ballroom and other ancillary rooms to create the 5no. new residential flats.

As set out above, the Inspector concluded at Paragraph 12 of the appeal decision, that the harm was cumulatively caused by the subdivision of the ballroom and the ancillary rooms together with the 2 storey extension to form the residential accommodation. As such, whilst it is concluded that the proposed scheme would still cause less than significant harm to the listed building via the subdivision of the former ballroom and the associated ancillary cinema spaces, given that this current proposal removes one element of the two identified elements of harm (via the omission of the 2 storey extension from the scheme), the scheme is therefore an improvement on that previously considered by the Local Planning Authority and the Inspector. This harm has been given "considerable importance and weight" in coming to a planning judgment.

Optimum Viable Use

The current proposal is still considered to cause a degree of harm to the listed building (albeit less than that identified in the previously refused scheme) the scheme is thus required to be considered against the need to have special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest. The harm is given considerable importance and weight. This harm must be weighed against any public benefits of the proposal, including securing the building's optimum viable use. The Inspector advised in the appeal decision (Paragraph 18), that they did not consider that the previous scheme involving a gym use allied with a residential conversion had demonstrated that it was the only means for securing the optimum viable use for the listed building. Thus any future scheme must demonstrate that it does indeed present the optimum viable use of the designated heritage asset in order to subsequently demonstrate that the requirements of Section 12 of the NPPF are met.

The optimum viable use of any historic building is described within the current NPPF practice guide (Paragraph: 015 Reference ID: 18a-015-20140306) is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The practice guide advises that harmful development may

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sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised.

As a result, the original designed use of the building is generally considered most compatible with its long term conservation. The current scheme being considered does seek to reinstate the original designed use (as a cinema) to a significant part of the building. Thus it is considered that this would help to better reveal the historic significance of the building than the previous scheme given the reinstatement of the original function of the building (in accord with the requirements of Paragraph 131 of the NPPF).

However as set out before, the current scheme still also includes the harmful subdivision of the former ballroom and ancillary former cinema spaces for residential use (rather than the whole building being used as a cinema). In light of the Inspector's conclusion that any harm caused requires clear and convincing justification, evidence needs to be presented that demonstrates that the residential element proposed is required to secure the optimum viable use of the site.

Does the proposal require the inclusion of residential accommodation in order to be viable?

The applicant has claimed that bringing the building back into use as a stand-alone cinema would not be economically viable, and that an element of residential accommodation is required in order to generate sufficient value to make the overall proposal viable. A viability appraisal was submitted as part of the application documents to support this claim. Given the particular characteristics of the application site and the Inspector's conclusions set out above, officers considered it important to independently examine whether a stand-alone cinema scheme may be viable.

In order to undertake this examination, the Council appointed the following expert advisors:

- Christie & Co, who are valuers specialising in leisure buildings, to advise as to the existing value of the site (i.e. what it is worth in its current condition) and the value of the development if the site was brought back into use as a stand-alone cinema;
- ARK Housing Consultancy, to advise on whether the inputs contained in the applicants viability appraisal were considered reasonable.

In simple terms, a development is considered to be viable if the Residual Land Value (RLV) of the development is greater than the existing use value of the site. The RLV is calculated by ascertaining the value of the completed development, and subtracting from this all the costs involved in bringing the development forward (e.g. build costs, professional fees, legal costs, financing costs etc.) and the developers profit. Analysis by ARK Housing Consultancy, which incorporated the valuation advice provided by Christie & Co, concluded that the residual land value of a stand-alone cinema would (at best) be in excess of £600,000 less than the existing use value of the site.

Consequently, officers were advised that bringing the building back into use as a stand-alone cinema would not be economically viable. Whilst incorporating residential accommodation into the building would incur further build and marketing costs, the additional value gained from the sale of the new dwellings would result in an overall development that was economically viable, as the residual land value would be greater than the existing use value of the site. Officers have closely examined this advice and accept it.

Update on Viability Position since May 2014

As approximately five months has passed since the original cinema valuations were received from Christie & Co, officers sought updated advice as to whether the existing value of the building and its value as a redeveloped stand-alone cinema, would have changed during this period. Christie & Co

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have confirmed that the original valuations remain valid.

Based on this advice, officers remain of the view that a stand-alone cinema would not be economically viable.

Alternative Proposals

It is recognised by officers that there has been a significant amount of public support for the campaign by Whiteladies Picture House Ltd to reopen the whole building as a centre for the arts (including a cinema and theatre). It is also recognised that Whiteladies Picture House Ltd have submitted substantial objections to this proposal.

The re-use of the building as an arts facility has been fully considered as an alternative proposal and in principle it has been set out in a formal pre application response that such a proposal would be welcomed (subject to the detailed assessment of a required listed building consent as well as a planning application to deal with the change of use) as commented by the Council in response to a pre application enquiry submitted by Whiteladies Picture House Ltd.

However the clear conclusion of the viability advice sought has been that a standalone cinema operation would not be viable without the inclusion of the residential element. That notwithstanding, no evidence has either been presented by Whiteladies Picture House Ltd to date that demonstrates that their proposals have been fully financially assessed, and are thus concluded viable or that there are any firm offers of grant assistance to fund their scheme.

Therefore whilst the alternative proposals of Whiteladies Picture House Ltd are acknowledged, little weight can be afforded to them as there is simply no evidence presented to demonstrate that these proposals are either viable or deliverable.

Securing the Use of the Auditorium as a Cinema

A condition has been added restricting the auditorium's use to only use as a cinema and excluding a change of use within the same use class (Use Class D2) without the express written approval of the Council. Additional conditions are also added requiring evidence to be submitted to the Local Planning Authority demonstrating that the restrictive covenant has been lifted and that a valid lease for the operation of the auditorium as a cinema has been put in place before any development commences to ensure that the auditorium is brought back into active cinema use.

Additionally, the likelihood is that any works to the building not covered by the grant of this permission would require listed building consent under Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, the LPA would also retain a measure of control over the use to which the building may be used.

Conclusion

In summary, officers are satisfied that a stand-alone cinema would not be economically viable, and that the associated residential accommodation is required in order for the proposal to become viable, and for there to be a realistic chance of the development being implemented. It is also concluded that there has not been the relevant evidence presented to the LPA to clearly demonstrate that any alternative proposals without a residential element (including the proposals by the Whiteladies Picture House Ltd) would deliver a viable or deliverable alternative scheme to that subject of these applications.

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It is accepted that the residential element will cause a degree of harm to the special interest via the subdivision of the former ballroom, but that the harm that would be caused is considered less than substantial and less than that previously considered by the Inspector. It is considered that following the removal of the 2 storey modern extension behind the tower, there is no longer harm caused to the Whiteladies Road Conservation Area. Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses. They have given this harm considerable importance and weight. The application details the construction of the proposed new flats in a manner which will preserve the majority of the historic fabric of the building minimising the harm caused. Having undertaken this assessment, the Local Planning Authority considers that the proposed scheme is the most benign viable option available to support the reuse of the auditorium as an active cinema. In accordance with s66 considerable importance and weight has been given to the less than substantial harm to the listed building. Nevertheless this is significantly outweighed by the benefits of these proposals which include the bringing back to use as an active viable cinema and the repair and restoration of the building both externally and internally.

Furthermore, in weighing the harm caused by the proposals against the wider benefits of securing a viable use as a cinema, it is concluded that the proposal (subject to relevant conditions) would meet the provisions of Paragraphs 131 and 134 of the National Planning Policy Framework; Policies BCS21, BCS22 of the adopted Bristol Development Framework Core Strategy 2011; saved policies B5, B6 and B17 of the adopted Bristol Local Plan; and emerging Policies DM30 AND DM31 within the Site Allocations and Development Management Policies (Publication Version March 2013 incorporating modifications recommended by Inspector in his report of 2nd April 2014). The proposals have been considered in accordance with the requirements of legislation within Sections 16(2), 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF.

(B) PRINCIPLE OF RESIDENTIAL USE AND MIXED AND BALANCED COMMUNITY ISSUE**Use of the Upper Floors for Residential Purposes (Use Class C3)**

The proposed use of part of the site for residential purposes is acceptable in principle land use terms given that the site is located in a sustainable, mixed use area that includes a substantial residential element.

Mixed and Balanced Communities

Section 6 of the NPPF reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities" Paragraph 4.18.5, with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

The application site is located within the Oakfield Grove LSOA within the Clifton East Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by looking at the 2011 Census data. The Oakfield Grove (LSOA) has a proportion of flats to houses at 89.5% flats and 10.5% houses.

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The above would lead to the conclusion that there is a requirement for more houses/family units in this area. The proposal subject of this application is for flats and not houses and as such the proposal does not adequately address this issue. However, the site is constrained by its listed status and thus its ability to provide outside space. The creation of family houses is therefore considered as unfeasible for this specific site. Given this and the fact that the proposal will restore a long term vacant building at risk and bring it back into active mixed use which is of benefit to the wider community and the vitality and viability of this part of Whiteladies Road, on balance the provision of flats in this instance would not justify the refusal of this application on this basis.

(C) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT

Policy BCS10 of the adopted Bristol Core Strategy, emerging Policy DM23 within the Site Allocations and Development Management Policies (Publication Version, March 2013 incorporating modifications recommended by Inspector in his report of 2nd April 2014) and Policy M1 of the adopted Local Plan are relevant when assessing transport and movement issues. These policies provide general transport criteria to be considered as part of all development proposals. It requires developers to ensure their proposals are sustainable in transport and movement terms, and to give consideration to, amongst other things, parking issues, highway safety, congestion, and the benefits of traffic calming.

Car Parking

On-street parking is congested in the area, often to the detriment of road safety with cars parked at junctions, on visibility splays and on advisory keep clear markings. Whilst, it is likely that future residents could own cars (as the area does not have controlled on-street parking), and the potential impact of additional parked vehicles on-street may have a detrimental effect on road safety, the site is located centrally within a designated town centre, close to services and a good range of public transport options. It is considered that refusal on the lack of car parking could not be justified in this instance.

The cinema is also likely to generate a degree of car use, which may be significant at times, but again this is an easily accessible location for walking/public transport and there is a large public car park nearby.

Cycle Parking

The residential element of development would contain space for the storage of 9no. cycles to conform with the required standards (although only 6 no spaces are shown). The cycle store and required number of spaces is thus secured via condition.

6no. separate spaces are proposed for the cinema operation. The store is located to the rear of the property directly from the access lane off Melrose Place and is secure.

(D) AMENITY

The adopted Bristol Core Strategy Policy BCS18 also makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. The document states that the same standards used by the Homes and Communities Agency will be utilised when assessing applications. The Home Communities Agency currently utilise Housing Quality Indicators Form (version 4), in regards to setting the minimum standards for residential space standards, in terms of unit size and unit layout. In addition, Policy BCS21 sets out criteria for the assessment of design quality in new development and sets standards against the established national assessment methodology 'Building for Life'. Development will be expected to safeguard the amenity of existing developments and create a high-quality environment for future occupiers. Furthermore, as

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set out below, Core Strategy Policy BCS15 requires development to address issues of flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting as well as addressing waste and recycling. Emerging Policy DM30 within the Site Allocations and Development Management Policies (Publication Version, March 2013 incorporating modifications recommended by Inspector in his report of 2nd April 2014) reflects the Core Strategy policies in seeking to protect residential amenity.

Policy BCS23 of the adopted Bristol Core Strategy 2011, Policy ME4 of the Adopted Bristol Local Plan 1997 and emerging Policy DM35 within the Site Allocations and Development Management Policies (Publication Version, March 2013 incorporating modifications recommended by Inspector in his report of 2nd April 2014) require consideration to be given to noise pollution.

Size of Proposed Accommodation

The scheme under consideration would meet the space requirements for the range of residential premises proposed and therefore would provide living spaces that would be sufficient space to undertake everyday activities.

Outside Amenity Space

There is no outside amenity space provided with the accommodation given its constrained nature and listed status. As extensive public transport links to other areas of the city (including the Downs) are in within reasonable walking distance, a refusal on this point cannot be sustained.

Privacy, Outlook and Light

No detrimental issues of privacy can be identified to warrant the refusal of the application given the distances involved and the design and orientation between adjacent units/buildings.

All proposed flats would achieve sufficient outlook and light levels and the development would not detrimentally impact on any adjacent premises.

Refuse and Recycling

The proposed residential refuse and recycling store is appropriately designed and positioned to reduce its impact within the street scene and is of sufficient capacity for the proposed flats. A condition requiring that no refuse be stored on the highway at any time apart from on the day of collection is added.

The refuse store for the cinema is accessed via the lane off Melrose Place. This will be collected privately and will be subject to a refuse management strategy and collection restrictions secured by condition.

Noise

With regard to noise, the increase in the occupancy of the building will inevitably increase the level of activity and attendant noise. However, this site is close to a busy road that experiences relatively high background noise levels during the day and into the evening.

Any noise associated with the residential units is likely to be residential nature and therefore it cannot be assumed that nuisance would occur.

Turning to the noise created by the proposed cinema use on surrounding residential premises (existing and proposed), an acoustic report has been submitted. This report is not detailed, but states

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that with the existing separating wall between the auditorium and the residential uses, the existing sound insulation this provides should be at least 5-8 dB. It also states that during a film the average noise level will be LAeq 35-40 dB and LAmx 45-50 dBA. At these levels it is likely that the residents of the flats will be disturbed by noise from films. The report goes on to state that a 'reduction in receiver room noise levels, of 10-15 dB can be achieved by adding a suitable independent lining to one side of the wall' however no specific details are given. In addition, no information has been submitted regarding the proposed opening hours.

As such, given the lack of specific mitigation measures detailed within the acoustic report or evidence to support a different approach, the Pollution Control Team has advised that conditions be added requiring the submission of a detailed sound insulation scheme and the restriction of opening hours to between 9am and 23:00pm. Conditions are also added to restrict the timings of potentially noisy operations such as deliveries and collections from the cinema and noise levels from any required mechanical plant to further protect surrounding amenities.

Light

No formal external lighting details have been submitted and as such a condition has been added to secure the submission of full details (including light levels and spill) if external lights are considered necessary in the future.

(E) SUSTAINABILITY, CLIMATE CHANGE AND FLOOD RISK

The Bristol City Council Core Strategy was adopted on the 21 July 2011. There is a particular new emphasis within the Core Strategy for development to address climate change through appropriate mitigation measures. Policies BCS13-15 has significantly increased the requirements placed upon developers in respect of both the information required to support applications and the sustainability credentials of the schemes themselves. Finally, in terms of managing water run-off and reducing flood risk, Policy BCS16 states that all development will also be expected to incorporate water management measures to reduce surface water run-off. This is to ensure that it does not increase flood risks elsewhere and that the use of sustainable drainage systems (SUDS) are included.

A suitable Climate Change and Sustainability Statement has been submitted. The proposal includes the provision of photo voltaic panels to achieve and exceed the 20% savings on residual emissions by renewable methods and a small area of green roofing is included to reduce existing surface water run off rates.

The Council's Climate Change Officer does not raise any objections to the proposals. It is therefore concluded that the development on balance meets the proportionate provisions of Section 10 and the Core Planning Principles of the National Planning Policy Framework; Policies BCS13-16 of the adopted Core Strategy and emerging Policy DM27 within the Site Allocations and Development Management Policies (Publication Version (March 2013) incorporating modifications recommended by Inspector in his report of 2nd April 2014) subject to relevant conditions.

CONCLUSION

Whilst this proposal still presents a degree of less than substantial harm to the historic and architectural interest of the building as a result of the subdivision of the former ballroom and ancillary upper floor cinema spaces for residential use, the harm which is given considerable importance and weight is considered now to have been robustly shown to be outweighed by the benefits of bringing the building back into use as an active and viable cinema as well as the repair and restoration of the building both externally and internally. It has been shown that bringing the building back into use as a stand-alone cinema would not be economically viable via the submission of an independently reviewed viability assessment. As such it is concluded that clear and convincing justification that the

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associated residential accommodation is required in order for the proposal to become viable (and thus for there to be a realistic chance of the development and the re-use of the auditorium as an active cinema delivered) has been provided.

Overall the scheme represents the redevelopment of a prominent site and a demonstrable viable opportunity to bring it back into full active use after being vacant for a significant period of time. The proposed use of the auditorium as a cinema does not require formal planning permission given that it is its original use, but the associated required works to restore the auditorium have been designed to broadly retain the important open character of the former cinema and provides the much required restoration of key architectural features. All other works to the building are considered to be appropriate subject to details secured via conditions set out below.

Whilst the residential element of the proposal incorporates flats and not houses, the site is constrained by its listed status and thus its ability to provide outside space. The creation of family houses is therefore considered unfeasible for this specific site. The development is also acceptable in terms of highway and transportation issues as well as overall amenity and sustainability issues subject to relevant conditions also set out below.

Full consideration of the proposals against the following and as set out above has been undertaken; legislation in the form of the Planning (Listed Buildings and Conservation Areas) Act 1990 (with particular regard to Section 66); National Planning Guidance in the form of the NPPF and Local Planning Policies.

As such the approval of both the applications is again recommended to Members

COMMUNITY INFRASTRUCTURE LEVY

The Bristol Community Infrastructure Levy (CIL) came into effect from the 1st January 2013 on all existing and new planning applications. The CIL liability for this development is £24,473.61

APPLICATION (A) 14/00639/F:**RECOMMENDED GRANT subject to Conditions****Time limit for commencement of development**

1. Full Planning Permission

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

Pre commencement condition(s)

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) with regard to the D2 floorspace hereby approved within the auditorium and foyer areas and as set out on the Proposed Ground Floor Plan (Drawing No. 696-10/602 Rev D) and Proposed first floor auditorium mezzanine level (Drawing No. 696-10/603 Rev D) shall only be used for the purpose of a cinema only as specified in the application and for no other purpose (including any other purpose in Class D2); on the Schedule to the Town and Country Planning (Use

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Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 1995 are not acceptable to the Local Planning Authority without further detailed assessment.

3. No development shall take place until the covenant preventing the operation of a cinema is discharged and that evidence of that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is completed and occupied as permitted and the auditorium is brought back into active cinema use.

4. No development shall take place until a binding agreement with a cinema operator to enter into a lease of the cinema for at least a 15 year period has been submitted to and approved in writing by the local Planning Authority.

Reason: In order to ensure that the development is completed and occupied as permitted and the auditorium is brought back into active cinema use.

5. Prior to the first occupation of any residential unit, the conservation and restoration of the exterior of the building (including external render to the Melrose Place facade; and roof replacement) and the internal repairs (including all masonry repairs, replacement of missing features to the foyer and auditorium and repairs to all internal plasterwork) shall be undertaken in full accordance with all relevant plans, the Method Statements and Specifications for Repair and Replacement of Decorative Plaster prepared by Quentin Alder Architects and the Letter from Quentin Alder Architects dated 15 May 2012 (ref: 0932/QA) regarding external render hereby approved.

Reason: In order to ensure that the development is completed and occupied as permitted and to ensure that the restoration of the whole of the listed building is safeguarded and the whole building brought back into active use

6. To ensure implementation of a programme of archaeological works

No development shall take place (including removal of historic fabric) until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- * The programme and methodology of site investigation and recording
- * The programme for post investigation assessment
- * Provision to be made for analysis of the site investigation and recording
- * Provision to be made for publication and dissemination of the analysis and records of the site investigation
- * Provision to be made for archive deposition of the analysis and records of the site investigation
- * Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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Reason: To ensure that archaeological remains and features are recorded prior to their destruction.

7. To secure the recording of the fabric of buildings of historic or architectural importance

No redevelopment or refurbishment (including removal of historic fabric) of the building shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment.

8. Asbestos Removal

No development works shall commence unless and until a plan detailing methods, controls and management procedures relating to removal of all Asbestos Containing Materials associated with the development site and any former structures within it, has been confirmed and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from asbestos to highways, the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Asbestos in Buildings

No development shall commence unless and until a full Asbestos Survey of buildings to be demolished has been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. Site specific construction environmental management plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

Reason: In the interests of the amenities of surrounding occupiers.

11. Sound insulation - submission of scheme and retention thereafter

No development shall take place until a scheme of noise insulation measures for the noise insulation between the cinema and the residential flats (including large scale details at a minimum scale of 1:5 showing all relationships with historic fabric) has been submitted to and approved in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority).

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The scheme of noise insulation measures shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of either of the uses hereby permitted and be permanently maintained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers and to ensure special architectural and historic interest of the Listed Building is safeguarded.

12. No development shall take place until full details of the means of ventilation/extraction system for the whole development (including details of its method of construction, all relationships with historic fabric; exact location and service runs; flues; noise attenuation measures; methods of odour control; technical specification and its appearance and finish have been submitted to and approved in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority). The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval and to safeguard the special interest of the listed building and amenity of adjoining properties and to protect the general environment.

13. Drawings to a minimum 1:5 scale (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority.

- (a) Typical new and replacement windows, and secondary glazing, doors (including fire doors) dormer windows and rooflights (showing sectional profiles, cills, surrounds and depth of external reveals)
- (b) Typical ventilation grills and all other mechanical terminals
- (c) Boiler Flue
- (d) Meter Boxes
- (e) Door entry Systems (including design/technical specification, location and method of fixing)
- (f) Letter boxes
- (g) Eaves details
- (h) All balustrade details (internal and external)
- (i) Rainwater goods
- (j) Juliet Balconies
- (k) Projection equipment within upper auditorium (including method of fixing)
- (l) Junction relationship with acoustic wall construction adjacent to historic screen

The development shall then be carried out in full accordance with the approved details.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded. The development shall then be carried out in full accordance with the approved details

14. Prior to the relevant element being commenced samples of the following items shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved sample unless otherwise agreed in writing by the Local Planning Authority.

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- (a) Samples of all new windows and doors (including roof lights)
- (b) All Roof Coverings
- (c) External Render
- (d) All Balustrades/Juliet balconies
- (e) Stone repairs
- (f) Stone Cleaning

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Whiteladies Road Conservation Area.

15. Prior to the relevant element being commenced details relating to the photovoltaic panels (including the exact location, dimensions, sectional profiles, design/ technical specification and method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed in full accordance with the approved plans, be operational prior to the first occupation of the redeveloped building and retained as operational thereafter in perpetuity.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

16. Prior to the commencement of development a detailed strategy of surface water drainage for the site using sustainable drainage methods shall be submitted to and approved in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved development shall be implemented in accordance with the approved strategy prior to the use of the building commencing.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and that the principles of sustainable drainage are incorporated into this proposal.

17. Prior to the relevant element being commenced, a strategy for the implementation of the approved green roof shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include details relating to the extent, specification, installation method and the management and maintenance of the green roof unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and that the character and appearance of this part of the Whiteladies Road Conservation Area would not be harmed and to promote sustainability interests in this location.

18. Prior to the commencement of development details shall be submitted providing the specification and location (including method of fixing) for built-in bird nesting and bat roosting opportunities (this should include two built-in bird and two built-in bat boxes) shall be submitted to and agreed in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority). The approved boxes shall be installed in full accordance with the approved plans, prior to the first occupation of the redeveloped building and retained as operational thereafter in perpetuity.

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Reason: To help conserve legally protected bats and birds which include priority species.

Pre occupation condition(s)**19. Refuse and Recycling - Residential**

Prior to the first occupation of the redeveloped residential accommodation, a written refuse and recycling management scheme for the residential premises (including details as to how and by whom refuse and recycling receptacles are to be moved from the approved store to the street and returned after collection) shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling for the residential accommodation shall then be undertaken in full accordance with the approved management scheme in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses

20. Implementation/installation of refuse storage and recycling facilities - shown on approved plans

No residential unit hereby permitted shall be occupied or the use commenced until the residential refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

21. Refuse and Recycling - Cinema

Prior to the first occupation of the redeveloped cinema accommodation, a written refuse and recycling management scheme for the cinema premises (including details as to how refuse and recycling is to be collected from the site, when and how often) shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling for the cinema shall then be undertaken in full accordance with the approved management scheme in perpetuity unless otherwise agreed in writing by the Local Planning Authority:

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses

22. Implementation/installation of cinema refuse storage and recycling facilities - shown on approved plans

The cinema hereby permitted shall not be occupied or the use commenced until the commercial refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within

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the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, at any time.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

23. Prior to the installation of any external lighting (including security lighting) details of the design of the lighting units, location of light units, luminance level, direction and spread of light, method of fixing and an operational strategy shall be submitted and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the details approved and thereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the lighting scheme is appropriate for the listed building and its sensitive surroundings and that the light levels do not cause nuisance with regard to light pollution and the amenities of both existing and future nearby occupiers

24. Completion of Pedestrians/Cyclists Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

25. Completion and maintenance of cycle provision - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision (including the provision of 9no. secure cycle spaces within the residential cycle store) shown on the approved plans has been completed for each separate use hereby approved, and thereafter, be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

Post occupation management

26. New works to match - Listed Building

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded

27. Refuse and Recycling - Cinema Use

The collection of refuse, bottles and recyclable materials from the cinema hereby approved shall only take place between 08.00 hours and 20.00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.

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Reason: In order that the amenity of surrounding premises may be safeguarded

28. Deliveries - Cinema Use

Activities relating to deliveries to the cinema hereby approved shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In order that the amenity of surrounding premises may be safeguarded

29. Noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: In order to safeguard the amenities of adjoining residential occupiers.

30. Hours of operation of the Cinema

The use of the cinema shall not be carried out outside the hours of 09.00 and 23.00 Monday to Sunday.

Reason: To safeguard the residential amenity of adjoining and nearby occupiers.

31. Access to all roof areas shall only be for the purposes of maintenance and emergency access.

Reason: In order that the amenity of surrounding and proposed properties may be safeguarded.

32. The development permitted by this planning permission shall be carried out in complete accordance with the Climate Change and Sustainability Statement, 14 April 2014 (Amended) prepared by Bristol DEA dated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development makes sufficient contribution towards mitigating and adapting to climate change.

List of approved plans

33. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

696-10/LP Existing Site Location Plan, received 21 February 2014

696-10-02C Existing basement plan, received 21 February 2014

696-10-604D Proposed second floor and upper auditorium, received 11 April 2014

696-10-605B Proposed third floor and reflected auditorium, received 21 February 2014

696-10/01C Existing site context plan, received 21 February 2014

696-10/03D Existing ground floor plan, received 27 March 2014

696-10/04C Existing first floor and auditorium mezzanine level, received 21 February 2014

696-10/05C Existing second floor and upper auditorium, received 21 February 2014

696-10/06C Existing reflected auditorium plan, received 21 February 2014

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696-10/07C Existing section A-A, received 21 February 2014
 696-10/08C Existing section B-B, received 21 February 2014
 696-10/09C Existing side (south) elevation, received 21 February 2014
 696-10/10D Existing front (East) elevation, received 27 March 2014
 696-10/11C Existing side (North) elevation, received 21 February 2014
 696-10/12C Existing rear (West) elevation, received 21 February 2014
 696-10/600D Proposed site context plan, received 15 April 2014
 696-10/601B Proposed basement plan, received 21 February 2014
 696-10/602D Proposed ground floor plan, received 11 April 2014
 696-10/603D Proposed first floor auditorium mezzanine level, received 11 April 2014
 696-10/606D Proposed section A-A, received 11 April 2014
 696-10/607B Proposed section B-B, received 21 February 2014
 696-10/608D Proposed side (South) elevation, received 27 March 2014
 696-10/609D Proposed front (East) elevation, received 27 March 2014
 696-10/610A Proposed side (North) elevation, received 21 February 2014
 696-10/611A Proposed rear (West) elevation, received 21 February 2014
 Climate Change and Sustainability Statement dated 14 April 2014 (Amended), received 15 April 2014
 696-10/612A Proposed Roof Plan, received 15 April 2014
 696-10/13 Existing Roof Plan, received 27 March 2014
 696-10/650 Cinema Bin and Bike Storage Proposed, received 27 March 2014
 696-10/651 Residential Bin and Bike Storage Proposed, received 27 March 2014
 696-10/652 Section through New Structure, Proposed, received 27 March 2014
 Letter from Quentin Alder Architects (ref 0932/QA) dated 15 May 2012 concerning External Render Treatment, received 3 June 2014
 Method Statements and Specifications for Repair and Replacement of Decorative Plaster (Quentin Alder Architects), received 3 June 2014

Reason: For the avoidance of doubt.

Advices

1 Bird and Bat Boxes

Examples of built-in bird and bat boxes are available from:

<http://www.ibstock.com/sustainability-ecozone.asp>

http://www.nhbs.com/brick_boxes_for_birds_eqcat_431.html

If built-in bird and bat boxes cannot be provided within built structures, they should be provided on trees (with no more than one bird box per tree).

Bird boxes should be installed to face between north and east to avoid direct sunlight and heavy rain. Bat boxes should face south, between south-east and south-west. Bird boxes should be erected out of the reach of predators. For small hole-nesting species bird boxes should be erected between two and four metres high. Bat boxes should be erected at a height of at least four metres, close to hedges, shrubs or tree-lines and avoid well lit locations.

All species of bats and their roosts are legally protected. If bats are encountered all demolition or construction work should cease and the Bat Conservation Trust (Tel 0845 1300 228) should be consulted for advice.

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2 Construction Environmental Management Plan

The Construction Environmental Management Plan should also include but is not limited to reference to the following:

Procedures for maintaining good public relations including complaint management, public consultation and liaison

Arrangements for liaison with the Council's Pollution Control Team

All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:

08 00 Hours and 18 00 Hours on Mondays to Fridays and
08 00 and 13 00 Hours on Saturdays and;
at no time on Sundays and Bank Holidays.

Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

Procedures for emergency deviation of the agreed working hours.

Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.

Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.

3 It is recommended that any flues for the dispersal of cooking smells shall either:

(a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:

(b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System' Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

4 Noise

The recommended design criteria for dwellings are as follows:

Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.
Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & L_{max} less than 45 dB in bedrooms.

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Where residential properties are likely to be affected by amplified music or sound from neighbouring licensed premises the recommended design criteria is a Noise Rating Curve NR20 at all times in any habitable rooms

5 Secured By Design

Details can be found at <http://www.securedbydesign.com>.

APPLICATION (B) 14/00640/LA:

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

1. Listed Building Consent or Conservation Area Consent

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

Pre commencement condition(s)

2. No development shall take place until the covenant preventing the operation of a cinema is discharged and that evidence of that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is completed and occupied as permitted and the auditorium is brought back into active cinema use.

3. No development shall take place until a binding agreement with a cinema operator to enter into a lease of the cinema for at least a 15 year period has been submitted to and approved in writing by the local Planning Authority.

Reason: In order to ensure that the development is completed and occupied as permitted and the auditorium is brought back into active cinema use.

4. Prior to the first occupation of any residential unit, the conservation and restoration of the exterior of the building (including external render to the Melrose Place facade; and roof replacement) and the internal repairs (including all masonry repairs, replacement of missing features to the foyer and auditorium and repairs to all internal plasterwork) shall be undertaken in full accordance with all relevant plans, the Method Statements and Specifications for Repair and Replacement of Decorative Plaster prepared by Quentin Alder Architects and the Letter from Quentin Alder Architects dated 15 May 2012 (ref: 0932/QA) regarding external render hereby approved.

Reason: In order to ensure that the development is completed and occupied as permitted and to ensure that the restoration of the whole of the listed building is safeguarded and the whole building brought back into active use

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5. To ensure implementation of a programme of archaeological works

No development shall take place (including removal of historic fabric) until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- * The programme and methodology of site investigation and recording
- * The programme for post investigation assessment
- * Provision to be made for analysis of the site investigation and recording
- * Provision to be made for publication and dissemination of the analysis and records of the site investigation
- * Provision to be made for archive deposition of the analysis and records of the site investigation
- * Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure that archaeological remains and features are recorded prior to their destruction

6. To secure the recording of the fabric of buildings of historic or architectural importance

No redevelopment or refurbishment (including removal of historic fabric) of the building shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment.

7. Sound insulation - submission of scheme and retention thereafter

No development shall take place until a scheme of noise insulation measures for the noise insulation between the cinema and the residential flats (including large scale details at a minimum scale of 1:5 showing all relationships with historic fabric) has been submitted to and approved in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority).

The scheme of noise insulation measures shall be prepared by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of either of the uses hereby permitted and be permanently maintained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers and to ensure special architectural and historic interest of the Listed Building is safeguarded.

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8. No development shall take place until full details of the means of ventilation/extraction system for the whole development (including details of its method of construction, all relationships with historic fabric; exact location and service runs; flues; noise attenuation measures; methods of odour control; technical specification and its appearance and finish have been submitted to and approved in writing by the Local Planning Authority (unless an alternative timescale for the submission of these details supported by a formal phasing plan is submitted and approved in writing by the Local Planning Authority). The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval and to safeguard the special interest of the listed building and amenity of adjoining properties and to protect the general environment.

9. Prior to the relevant element being commenced samples of the following items shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved sample unless otherwise agreed in writing by the Local Planning Authority.

- (a) Samples of all new windows and doors (including roof lights)
- (b) All Roof Coverings
- (c) External Render
- (d) All Balustrades/Juliet balconies
- (e) Stone repairs
- (f) Stone Cleaning

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded as well as the character and appearance of the Whiteladies Road Conservation Area.

10. Drawings to a minimum 1:5 scale (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority.

- (a) Typical new and replacement windows, and secondary glazing, doors (including fire doors) dormer windows and rooflights (showing sectional profiles, cills, surrounds and depth of external reveals)
- (b) Typical ventilation grills and all other mechanical terminals
- (c) Boiler Flue
- (d) Meter Boxes
- (e) Door entry Systems (including design/technical specification, location and method of fixing)
- (f) Letter boxes
- (g) Eaves details
- (h) All balustrade details (internal and external)
- (i) Rainwater goods
- (j) Juliet Balconies
- (k) Projection equipment within upper auditorium (including method of fixing)
- (l) Junction relationship with acoustic wall construction adjacent to historic screen

The development shall then be carried out in full accordance with the approved details.

Reason: In order that the appearance of the development is appropriate and to ensure special architectural and historic interest of the Listed Building is safeguarded. The development shall then be carried out in full accordance with the approved details

Development Control Committee A – 05 November 2014

Application No. 14/00639/F & 14/00640/LA: Former Whiteladies Road Cinema 44 Whiteladies Road Bristol BS8 2NH

Post occupation management

11. New works to match - Listed Building

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded

List of approved plans

12. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

696-10/LP Existing site location plan, received 21 February 2014
 696-10-02C Existing basement plan, received 21 February 2014
 696-10-604D Proposed second floor and upper auditorium, received 11 April 2014
 696-10-605B Proposed third floor and reflected auditorium, received 21 February 2014
 696-10/01C Existing ground floor plan, received 21 February 2014
 696-10/03D Existing ground floor plan, received 27 March 2014
 696-10/04C Existing first floor and auditorium mezzanine, received 21 February 2014
 696-10/05C Existing second floor and upper auditorium, received 21 February 2014
 696-10/06C Existing reflected auditorium plan, received 21 February 2014
 696-10/07C Existing section A-A, received 21 February 2014
 696-10/08C Existing section B-B, received 21 February 2014
 696-10/09C Existing side (South) elevation, received 21 February 2014
 696-10/10D Existing front (East) elevation, received 27 March 2014
 696-10/11C Existing side (North) elevation, received 21 February 2014
 696-10/12C Existing rear (West) elevation, received 21 February 2014
 696-10/600D Proposed site context plan, received 15 April 2014
 696-10/601B Proposed basement plan, received 21 February 2014
 696-10/602D Proposed ground floor plan, received 11 April 2014
 696-10/603D Proposed first floor auditorium mezzanine, received 11 April 2014
 696-10-606D Proposed section A-A, received 11 April 2014
 696-10/607B Proposed section B-B, received 21 February 2014
 696-10/608D Proposed side (South) elevation, received 27 March 2014
 696-10/609D Proposed front (East) elevation, received 27 March 2014
 696-10/610A Proposed side (North) elevation, received 21 February 2014
 696-10/611A Proposed rear (West) elevation, received 21 February 2014
 Climate Change and Sustainability Statement dated 14 April 2014 (Amended),, received 15 April 2014
 Letter from Quentin Alder Architects (ref 0932/QA) dated 15 May 2012 concerning External Render Treatment, received 3 June 2014
 Method Statements and Specifications for Repair and Replacement of Decorative Plaster (Quentin Alder Architects), received 3 June 2014
 696-10/612A Proposed Roof Plan, received 15 April 2014
 696-10/13 Existing Roof Plan, received 27 March 2014

Development Control Committee A – 05 November 2014

Application No. 14/00639/F & 14/00640/LA: Former Whiteladies Road Cinema 44 Whiteladies Road Bristol BS8 2NH

696-10/650 Cinema Bin and Bike Storage Proposed, received 27 March 2014

696-10/651 Residential Bin and Bike Storage Proposed, received 27 March 2014

696-10/652 Section through New Structure, Proposed, received 27 March 2014

Reason: For the avoidance of doubt.

BACKGROUND PAPERS

Air Quality	17 March 2014
Contaminated Land Environmental Protection	27 March 2014
Crime Reduction Unit	21 March 2014
English Heritage	2 April 2014
Flood Risk Manager	24 March 2014
Nature Conservation Officer (Bristol City Council)	18 March 2014
Pollution Control	4 June 2014
Sustainable Cities Team (Mark Leach)	17 April 2014
Transport Development Management, City Transport	1 April 2014
Urban Design	2 June 2014
Wessex Water	17 March 2014
Clifton & Hotwells Improvement Society	10 March 2014
The Conservation Advisory Panel	18 March 2014



Appeal Decisions

Inquiry held on 11 December 2012, 8-11 January 2013 and 28 January 2013

Site visit made on 11 January 2013

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2013

Appeal A Ref: APP/Z0116/E/12/2180890

44 Whiteladies Road, Clifton, Bristol BS8 2NH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Medinbrand against the decision of Bristol City Council.
 - The application Ref 12/00068/LA, dated 5 January 2012, was refused by notice dated 25 July 2012.
 - The works proposed are alterations and extension to allow partial conversion of existing building to form 5 additional flats and retain auditorium.
-

Appeal B Ref: APP/Z0116/A/12/2180898

44 Whiteladies Road, Clifton, Bristol BS8 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Medinbrand against the decision of Bristol City Council.
 - The application Ref 12/00067/F, dated 5 January 2012, was refused by notice dated 25 July 2012.
 - The development proposed is alterations and extension to allow partial conversion of existing building to form 5 additional flats and retain auditorium.
-

Decisions

1. I dismiss the appeals.

Application for costs

2. At the inquiry an application for costs was made by Medinbrand against Bristol City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on the special architectural and historic interest of the listed building, whether the proposal would preserve or enhance the character or appearance of the Whiteladies Road Conservation Area, the effect on the significance of the listed building and the Conservation Area as heritage assets, and whether any harm caused is outweighed by any public benefits.

Reasons

Effect on the heritage assets

4. The Whiteladies Picture House is a grade II listed building located within the Whiteladies Road Conservation Area. It has been vacant since the cinema

- closed in 2001 and has been on the Buildings at Risk Register since 2003. Proposed is the conversion of part of the building to create a total of 6 flats, with the auditorium retained in D2 use as a gym. The proposal would also include repairs and restoration works to the fabric of the building to recover and reinstate detailing such as decorative plaster and render.
5. The cinema comprises 2 building phases, the 1st being the erection in the late 19th century of a housing terrace. These were later incorporated into the cinema designs of La Trobe and Weston in the 1920s. The overall design although eclectic, has a strong sense of the "Art Nouveau" particularly in its external elevations onto Whiteladies Road and Melrose Place. The building has undergone alterations, most notably when it was subdivided to create a 3 screen cinema, works that were subsequently removed. Works also recently occurred within the foyer.
 6. Nevertheless, the building retains large elements of its original design such as decorative plasterwork and glass, marble stairs and columns, limestone ashlar and moulded render. Of particular significance to the building's special architectural and historical interest, and the character and appearance of the conservation area, are the corner tower and the Melrose Place façade. The tower in particular creates a striking entrance feature and is a very prominent local landmark. Internally, it is the volume of the auditorium space along with the surviving detailing that makes a strong contribution to the building's architectural and historic interest.
 7. It is proposed to re-introduce a degree of sub division to the auditorium, through level floors and a balcony, in order to accommodate the gym and to remove the seating. While the use does not require planning permission as it is a permitted change within the same use class (D2) for the purposes of the Town and Country Planning (Use Classes) Order 1987 as amended, the proposed works to bring about the gym use require listed building consent. In my judgement, these would serve to recover a significant portion of the fabric that gives this space its character, albeit partially hidden beneath proposed suspended ceilings and raised floor levels.
 8. I note the concerns that the works would harm the perception of the space as an area that accommodated mass public entertainment and that fewer people would be able to experience it. However, it would still be possible to appreciate the volume of the space from within the gym and the works would be such that they would be capable of being reversed at a later date should the use of the auditorium change, leaving behind the restored historic fabric.
 9. Furthermore, a cinema like a gym, is open to those who wish to pay an entrance/membership fee and I note the appellant's offer of public open days to the building that could be secured by a suitably worded condition, were the proposal to be granted listed building consent. Similarly, the details of how the fabric of the auditorium (along with the foyer and external elevations) would be re-instated and restored could be made the subject of conditions as suggested by the appellant. In which case, I consider the works to the auditorium would not be harmful to the significance of the heritage asset.
 10. Turning to consider the alterations to form the flats, this would involve the conversion of the former ballroom and office accommodation along with a 2 storey extension above the flat roofed terraces to the upper levels of the Whiteladies Road and Melrose Place elevations. The extension would be fully

glazed with a convex roof stepping out at both levels which would sweep across the angle, obscuring the roof of the Dutch gable. While noting the reference in the report to the Planning Committee that English Heritage supported the approach to the extension, in my judgement, it would introduce a strident, alien feature that would detract from the architectural integrity of the original design. As conceived, the design involved the tower rising above the ground floor as a stand alone feature. The extension, although proposed to be set-back and constructed of lightweight materials, would nonetheless bring the built development much closer to the setting of the tower and this would not be ameliorated by any reflective qualities the proposed glazing might possess.

11. Moreover, the domestic elements that would be likely to accompany the extension such as curtains, blinds and furniture along with internal lighting in the evenings would dramatically alter the backdrop to the tower, when seen from street level. If tinted glass was used in order to mask the domestic use behind, the solid effect of such a feature would exacerbate the feeling of development around the tower. As such, the extension would create a very different dynamic to these facades and the environs of the tower, to the extent that the significance of the original design would be compromised, and the tower would become less of a feature on the building and within the conservation area.
12. Furthermore, the subdivision of the ballroom and the ancillary rooms together with the extension to form the residential accommodation would obscure and confuse the building's original plan form. The layout and arrangement of these spaces are redolent of the historic origins and function of this part of the cinema. This important element of the building's special interest would be harmed by the proposal.
13. It has been pointed out that the principle of residential use must be acceptable given the residential character of the area, the 1st phase of building on the site and the presence of a flat within the cinema. Be that as it may, decision makers in determining applications, under paragraph 131 of the National Planning Policy Framework (the Framework) should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. In my judgement, the proposed 2 storey extension, as new development within the Conservation Area, would have a discordant appearance that would fail to enhance or better reveal the significance of the heritage asset and would detract from local character and distinctiveness.
14. Against this background and notwithstanding the officer recommendation to approve the proposal, the positive consultation responses from the Conservation Advisory Panel and the Bristol Civic Society, and the recommendation from English Heritage that the Council should determine the applications in accordance with national and local guidance, and on the basis of your its conservation guidance, I consider that there would be harm arising from the scheme to both the listed building and the Conservation Area. In this regard, I agree with the officer who concluded in the report to Committee that the degree of harm would be less than substantial and requires to be weighed

against any public benefits of the proposal, including securing the building's optimum viable use.

Public benefits and optimum viable use

15. Several public benefits are claimed for the proposal including restoration works such as the repair of render and decorative features on Melrose Place, reinstatement of decorative internal plasterwork and pilasters to the foyer, consolidation of stonework to the tower, ensuring alterations are reversible and could be removed at a later date, and the enhancement of the setting of the tower. Additional regeneration benefits such as supporting 30 full time equivalent jobs, bringing back into use a long term vacant building at risk, creating an active mixed use that would benefit the vitality and viability of the area, and improving the health of locals are also claimed. In this regard it is argued that the proposal accords with paragraph 7 of the Framework.
16. Nevertheless, it has not been demonstrated that the repair and restoration of the fabric could only be achieved by means of this proposal. As a listed building the owner has a duty to ensure its repair and the Council has statutory powers to enforce this. The removal of the building from the Buildings at Risk Register could be achieved at any time with the carrying out of straight-forward, routine maintenance and is not dependant on the approval of this proposal. As for economic and health benefits, the gym use would attract footfall to the area and users would no doubt improve their fitness levels but I have no compelling evidence before me to demonstrate that the gym use which would create the jobs is dependant on permission being granted for the residential element of the scheme. With regard to the tower's setting, the claimed enhancement to its appearance stems from the removal of a number of elements relating to the cinema use of the building which I consider form part of the visual document of the building's history.
17. I have already stated that I consider the gym use alterations to be reversible but I cannot reach the same conclusion regarding the flats. While it is possible that commercial users of the auditorium could come and go, carrying out their own reversible alterations as each change occurs (including potentially back to a cinema), I consider it unlikely that once established, the residential element would revert back to a commercial use thereby removing the domestic accretions.
18. While it is the case that the building has been vacant for a considerable period of time there has been interest shown in bringing it back into use as evidenced by the planning history. Furthermore, although no concrete proposals came forward, and notwithstanding the appellant's claim that large space users such as a theatre, church, cinema and retail are not viable, the marketing exercise demonstrated that there is interest from potential owners/tenants for uses other than a mixed gym/residential use. In which case, from the evidence, it has not been demonstrated that this proposal, involving a gym use allied with a residential conversion is the only means for securing the optimum viable use for the listed building.
19. As heritage assets are irreplaceable, any harm requires clear and convincing justification. Such justification has not been demonstrated in this instance. Accordingly, taking account of the Practice Guide to Planning Policy Statement 5; *Planning for the Historic Environment* which remains relevant guidance insofar as it is consistent with the Framework, the proposal would fail to

preserve the special architectural and historic interest of the listed building, and would not preserve or enhance the character or appearance of the Conservation Area. The less than substantial harm to these heritage assets would not be outweighed by any public benefits. As such, the proposal would be contrary to the provisions of paragraphs 131 and 133 of the Framework, policies BCS 21, BCS 22 of the adopted Bristol Development Framework Core Strategy and saved policies B5, B6 and B17 of the adopted Bristol Local Plan.

Other matters *Secondary issues*

20. Concern was raised that noise from the gym or future uses of the auditorium such as a return to use as a cinema(s) would harm the living conditions of the occupiers of the flats. This matter was considered by the Council's Pollution Control and Conservation Officers who concluded that the revised mitigation scheme would be acceptable subject to condition. I am satisfied from the evidence that the concerns put before me could be overcome by way of suitably worded conditions, along the lines of those suggested by the appellant, were I minded to allow the appeal.
21. I note that the change of use of this building has been granted planning permission by the Council in the past, including to use as a health club, restaurant, church and a retail store either separately or in combination. However, none of these permissions appear to have been implemented and they were granted prior to the publication of the Framework. In which case these considerations, taking this proposal on its merits, do not outweigh the harm I have identified to the listed building and the Conservation Area.
22. In addition, it was drawn to my attention that a charitable trust or a company such as the Whiteladies Picture House Ltd could be used to keep the building in cinema use. However, I heard that such proposals are at a very early stage of development with no firm offers of grant assistance to fund such schemes. Accordingly, I give this consideration little weight.
23. The written Ministerial Statement; *Change of Use: Promoting Regeneration* was referred to in support of the proposal as it is claimed it shows the urgency and priority of the government's approach to regeneration. It was agreed by the parties that the change within D2 of cinema to gym is a permitted change and I have concluded that the works to the listed building, to effect the gym use, would be acceptable. In my judgement however, this consideration would not outweigh the harm I have identified to the heritage assets, under paragraph 134 of the Framework, arising from the proposed extension and loss of historic plan.

Conclusion

24. For the reasons given above, and taking all matters raised in the representations into account including the letters in support of the proposal, I conclude that the appeals should be dismissed.

Richard McCoy

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Stemp of Counsel

He called

Mr Nash BA, Dip Arch,
RIBA, SCA, AABC

Senior Partner, Nash Partnership

FOR THE APPELLANT:

Mr Grant of Counsel

He called

Mr Brooks BSc (Hons)
Mr Alder BA, Dip Arch,
Dip Arch Cons, IHBC,
RIBA

Director, Macarthur Wilson

Quentin Alder Architects

Mr Woodward RIBA
Mr Orr BA(Hons), BPL,
Dip UD, MRTPI

Woodward Architectural Practice

Partner, CSJ Planning Consultants Ltd

Dr Cogger BSc CEng,
FIOA

Partner, English Cogger LLP

FOR KEEP CINEMA LOCAL:

Mr Langdon of Counsel

He called

Ms Appelby
Mr Staples BSc, MSc
Cons Hist Bldgs
Mrs Western
Ms Davies
Ms Wheeler
Mr Trevor-Jones CPhys,
MInstP, FIOA

Local resident

Geologist

Local resident/freelance scriptwriter and editor

Local resident

Local resident

Acoustics Consultant

INTERESTED PERSONS:

Ms Lloyd

Local resident

Mr Ferguson

Mayor of Bristol

Mr Bekhradina

Local businessman

Mr Fells

Whiteladies Picture House Ltd

DOCUMENTS

- 1 Council's letter of notification of Inquiry
- 2 Letter of objection from Mr Pieri
- 3 Letter in support from First Step Homes
- 4 Letter in support from Ruby & White Butchers
- 5 Email exchange with Insight Retail Consulting re Everyman
- 6 Drawing Schedule

- 7 Evidence submitted by Mr Fells
- 8 Condition 8 amended wording
- 9 Condition 8 further amendments to the wording
- 10 Additional condition in respect of render
- 11 Extract from the Bristol Local Plan
- 12 Ministerial Statement on Change of Use

PLANS

- A Corrected drawing no. 696-10/352G
- B Section B-B drawing no. 696-10/361E

Bristol City Council

44 Whiteladies Road, Cinema Site, Bristol
Viability Assessment

May 2014



1. INTRODUCTION

- 1.1 Ark was appointed by Bristol City Council to carry out an independent assessment of the viability appraisal put forward by the applicant and its advisors in terms of the development at the Whiteladies Road Cinema Site, Bristol, planning reference 14/00640/LA.
- 1.2 The main purpose of the assessment is to establish if it is viable to deliver a standalone cinema on the site or if in fact it may be necessary for additional development, such as residential, to be generate sufficient revenue profit to cross subsidise the cinema.
- 1.3 The existing site is an empty listed building that is in need of significant improvements in order to deliver a modern cinema.
- 1.4 The Council has held ongoing discussions with the applicant regarding the proposed scheme and there is a planning history relating to this application. The role of Ark can largely ignore that history and focus on the viability of a cinema only project.
- 1.5 It should also be noted that the site as a whole was purchased and then part of it sold in order to provide a bar on part of the site. This may have an impact on the level of a reasonable hurdle rate for the Residual Land Valuation (RLV) which we will discuss later.
- 1.6 The Council has accepted that the project viability is a material consideration and should be reviewed comprehensively. Therefore, as a baseline argument, the applicant and their advisors are suggesting that viability justifies an approach where residential development is needed on part of the site alongside a refurbishment of the cinema.
- 1.7 It is Ark's role to recommend to the Council if, based on viability evidence and supporting documentation, the Council can reasonably expect a developer to deliver a standalone cinema.
- 1.8 In carrying out the viability assessment Ark had regard to the following documents:
 - Original Financial Appraisal, presented by Rapleys on behalf of the applicant, 27th March 2014
 - Cinema Only Appraisal, Rapleys on behalf of the applicant, 28th April 2014
 - Commercial valuation, Christie and Co, independent valuation, May 2014

2. VIABILITY ASSESSMENT

2.1 It is agreed that the accepted methodology in assessments such as this is to analyse the Residual Land Value (RLV) and compare that against a reasonable hurdle rate, often taking in to account the Existing Use Value (EUV).

2.2 Therefore we first need to establish the reasonable hurdle rate. The difficulty is that there are very few comparative sites of a redundant cinema site in a listed building. The independent valuation report of Christie & Co considers this point and a copy of the full report is attached as an appendix to this assessment..

2.3 In the valuation report, Christie & Co conclude that in their opinion the Market Value of the freehold interest in Whiteladies Road Cinema, Bristol BS8 2NH, in its existing use and present condition, with vacant possession is:

£450,000 (Four Hundred and Fifty Thousand Pounds)

2.4 Therefore Ark would assume that the hurdle rate must be a minimum of £450,000 in terms of the RLV that needs to be achieved in order to establish a viable project, whether that be a cinema only project or not.

2.5 Ark raised a series of queries with the original viability appraisal and then some further queries when the cinema only appraisal was available. Given that Ark is testing what a reasonable typical developer would expect to deliver it becomes more challenging on what is an unusual project.

2.6 Ark has therefore tested the viability modeling with the most bullish assumptions that can be reasonably made. These are different from those used by Rapleys in terms of certain items.

2.7 In terms of key assumptions the following were agreed:

- Profit on costs @ 20%
- Borrowings (development finance) @ 7%
- Professional Fees (delivery) @ 15% of build costs
- Marketing and Sales costs @ 2% of value, inclusive of legals

2.8 The required profit levels assumed as necessary to allow a developer to proceed with a scheme of this nature are agreed by Ark as reasonable although it is possible to identify current projects where a developer can accept a lower and a higher return. Given the high risk in this case associated with working with an existing structure which is listed it is likely that funders would insist on this level of profit.

2.9 The internal borrowing rate is agreed by Ark as a reasonable midpoint in terms of the range of borrowing costs incurred by developers. It is fair to say that some large developers can borrow at 5% but a small/medium sized developer who might be expected to deliver a project such as this typically has to borrow at rates between 6% and 7.5%. Overall 7% seems to be reasonable.

2.10 The professional fees are higher than normal. The assessment from Rapleys shows fees at a higher rate. However this is a complex project on a listed building and a

relatively low value contract sum. When viewed as a percentage of build costs the fees seem to be high. At 15% Ark believes this to be bullish and it is possible that the developer could need to meet additional costs. The high level of fees also reflects the complex nature of this development and the need for specialist advice.

- 2.11 The sales income or Gross Development Value (GDV) has been based on the viability submitted by Rapleys on behalf of the applicant. Their figure shows a capitalized value of the new cinema at £1,533,333. This is in fact higher than the figure recommended by Christie and Co in their independent valuation, which suggest a Market Value of £1,355,000 for a cinema fitted out to a high standard and trading as an independent cinema.
- 2.12 Ark will use the GDV supplied by Rapleys on behalf of the applicant as it is based on an agreed deal. Nonetheless the advice from Christies shows that this is a very good price to achieve.
- 2.13 The build costs are those provided by Rapleys and seem to be reasonable. They are based on a cost plan provided by Hartnell Taylor Cook in their role as project manager to the applicant. The cost of converting a listed building can be very expensive, with a significant risk of cost over runs and hence Ark accepts a contingency of 10% as applicable in this case. Rapleys had suggested that 12% contingency is reasonable but Ark believe that 10% is the lowest level of contingency that could be acceptable. We have worked on the viability of other listed buildings and 10% has been agreed. Other assumptions have been amended by Ark to more bullish figure.
- 2.14 The resultant viability assessment completed by Ark to arrive at a RLV is as follows:

Income	
Revenue Value	£115,000pa
Gross Development Value (GDV) - yield of 7.5%	£1,533,333
Scheme Costs	
Construction costs	£800,000
Contingency @ 10%	£80,000
Contractor prelims @ 12%	£96,000
Contractor profit @ 5%	£40,000
Professional Fees @ 15%	£120,000
Purchaser costs/legals	£88,933
Agents fees, disposal	£22,999
Disposal legal fees	£7,660
Planning fees	£20,000
Surveys	£5,000
CIL	0
Release of restrictive covenant	£70,000
Sub-Total Scheme Costs	£1,350,592
Finance, 7% averaged over 12 months	£47,270
Finance Fee	£50,000
Total Scheme Costs	£1,447,862
Profit, 20% of costs	£289,572
Residual Land Value (RLV)	-£204,101

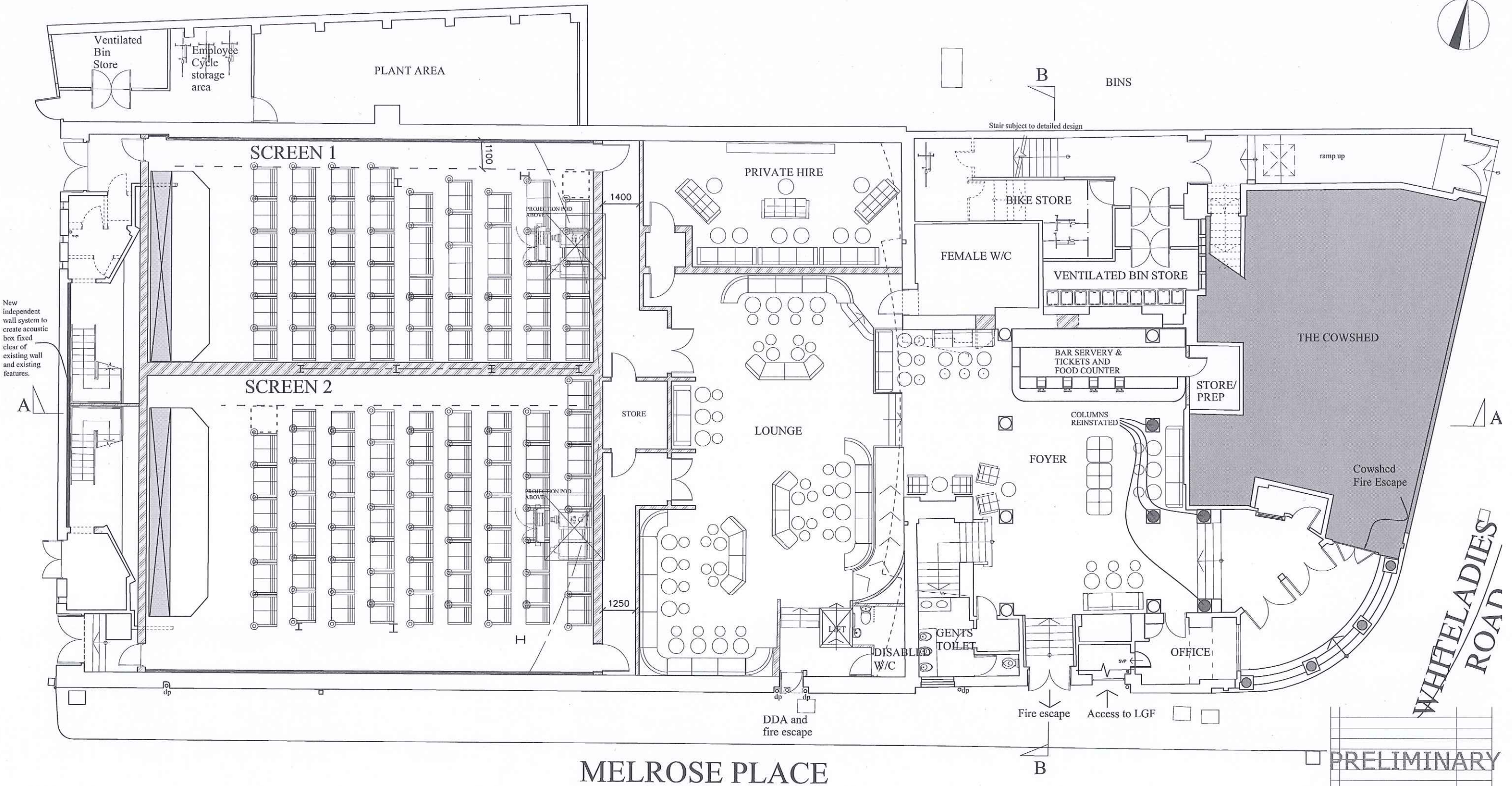
- 2.15 After taking into account all of the income and costs the appraisal provides a RLV of -£204,101 with no planning obligations which will not be needed on a commercial development of this nature. This suggests that the scheme is not viable as no landowner in such a location would give their land away with a dowry of £204,101. Indeed our earlier hurdle rate for a required RLV was set at £450,000 and so we effectively need an improvement of £654,101 to achieve a viable, deliverable scheme.

3. SUMMARY AND RECOMMENDATIONS

- 3.1 Ark has examined the viability appraisal in some depth and has concluded, in our opinion, that based on viability grounds it is reasonable for the applicant to conclude that a cinema only development is not viable.

G Fox
Ark Housing Consultancy
May 2014

Current Proposal



Revisions	
D Replaced columns amended	09.04.14

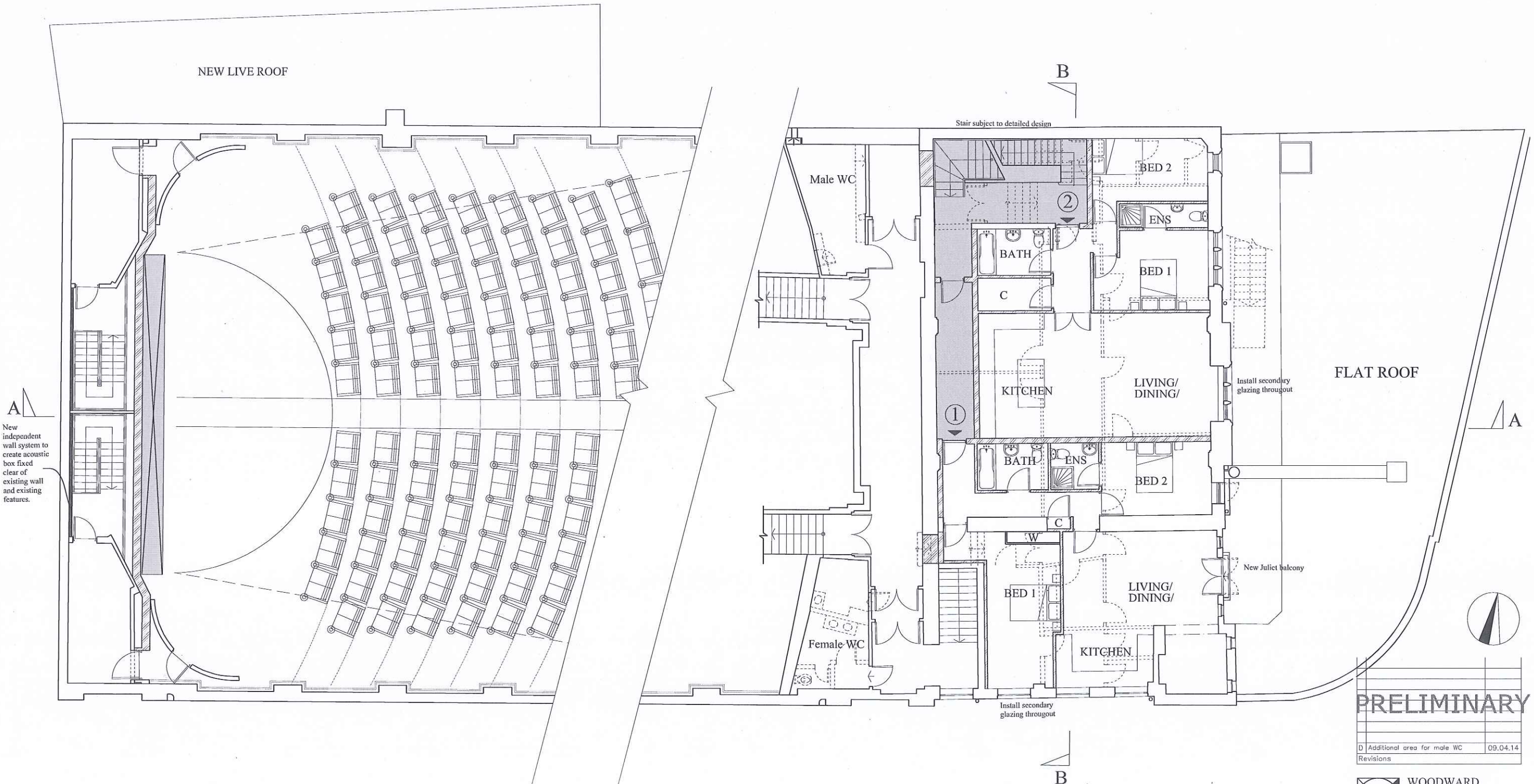


44 Whiteladies Road,
Clifton, Bristol

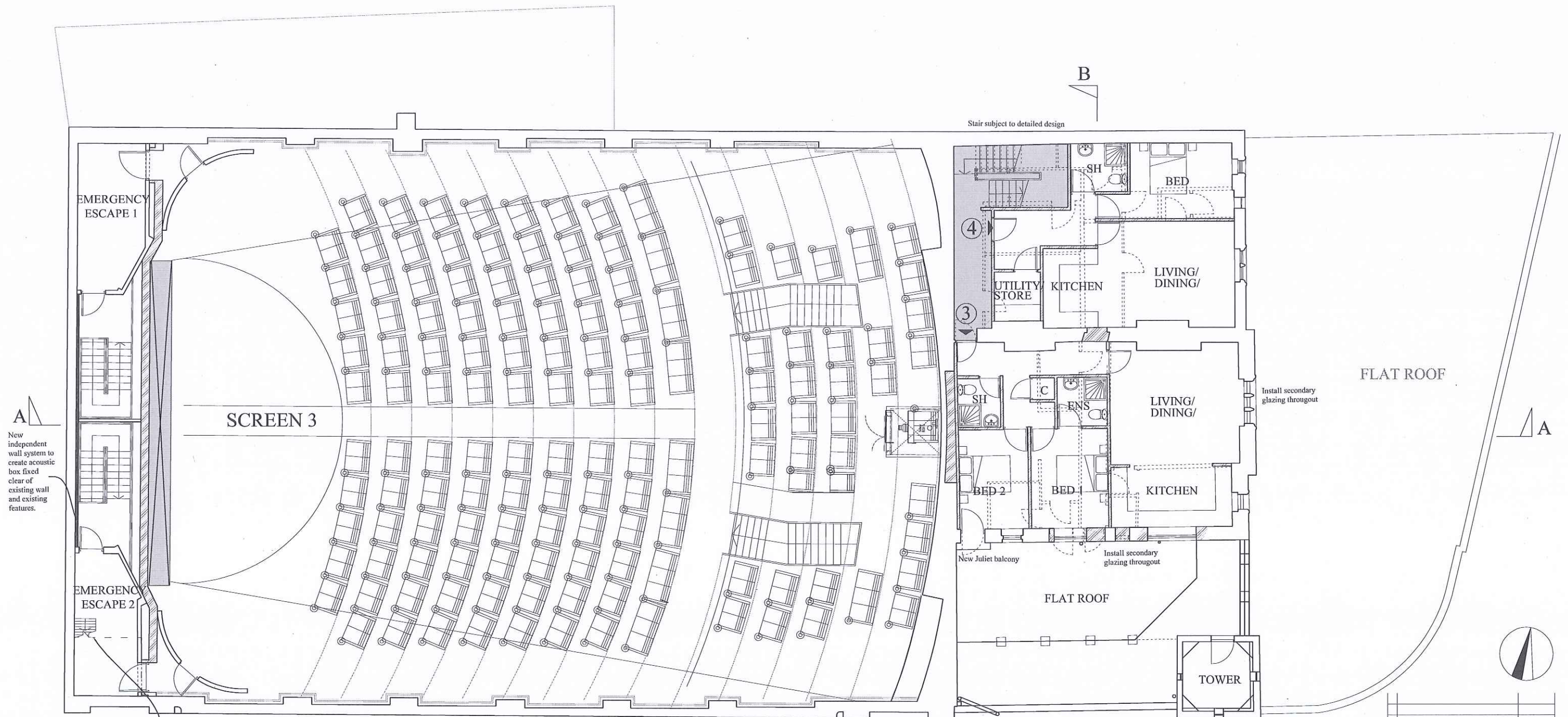
Ground floor plan,
Proposed
1/100
@A2

Dec' 2013 696-10/602D

current Proposal.



Current Proposal



New independent wall system to create acoustic box fixed clear of existing wall and existing features.

New dogleg ship style ladder. Loft access required for inspection and maintenance

PRELIMINARY

D Seat layout altered 09.01.14
Revisions

WOODWARD ARCHITECTURAL PRACTICE
Tel : 0117 973 5690 Fax : 0117 923 8060

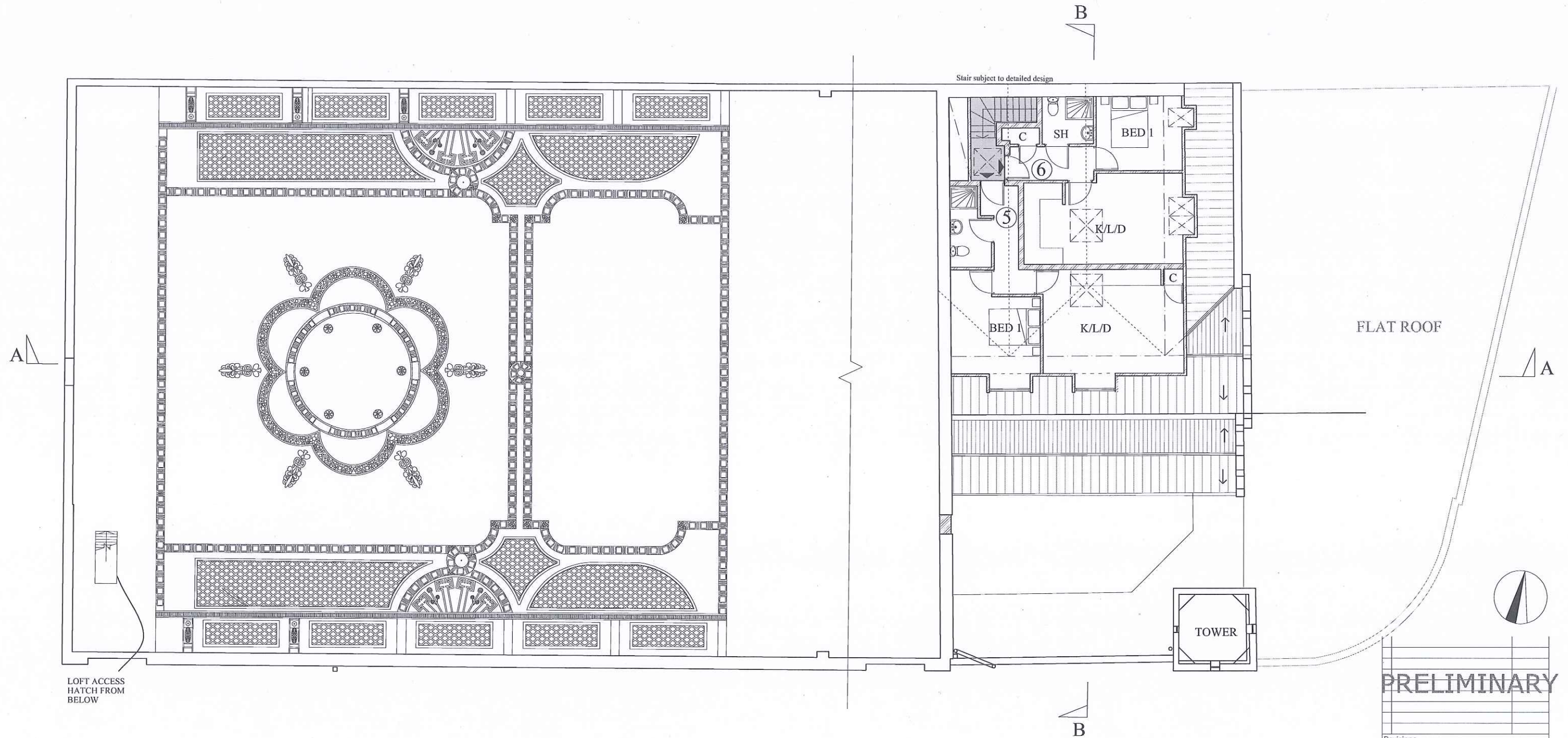
44 Whiteladies Road,
Clifton, Bristol

Second floor and upper
auditorium plan,
Proposed
1/100
@A2

Dec' 2013 696-10/604D

0 0.5 1 2 3 4 5 7.5 10
Meters

current Proposal



LOFT ACCESS
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0 0.5 1 2 3 4 5 7.5 10
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PRELIMINARY	
Revisions	

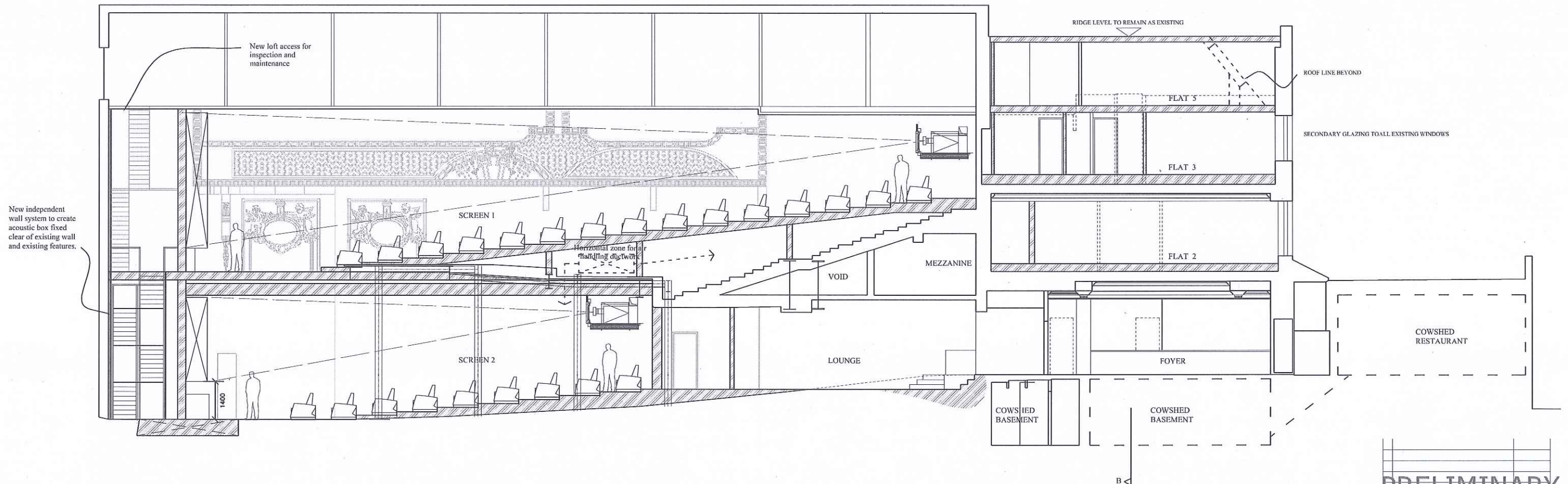
**WOODWARD
 ARCHITECTURAL
 PRACTICE**
 Tel : 0117 973 5690 Fax : 0117 923 8060

44 Whiteladies Road,
 Clifton, Bristol

Third floor and reflected
 auditorium ceiling plan, 1/100
 Proposed @A2

Dec' 2013 696-10/605B

current Proposal



PRELIMINARY

Revisions

WOODWARD ARCHITECTURAL PRACTICE
 Tel: 0117 973 5690 Fax: 0117 923 8060

44 Whiteladies Road,
 Clifton, Bristol

Section A-A
 Proposed
 1/100
 @A2

Jan' 2014 696-10/606C

0 0.5 1 2 3 4 5 7.5 10
 Meters

Current Proposal.



43.00 AD



PRELIMINARY	
B Drawing updated and rendered	23.01.14
Revisions	



44 Whiteladies Road,
Clifton, Bristol

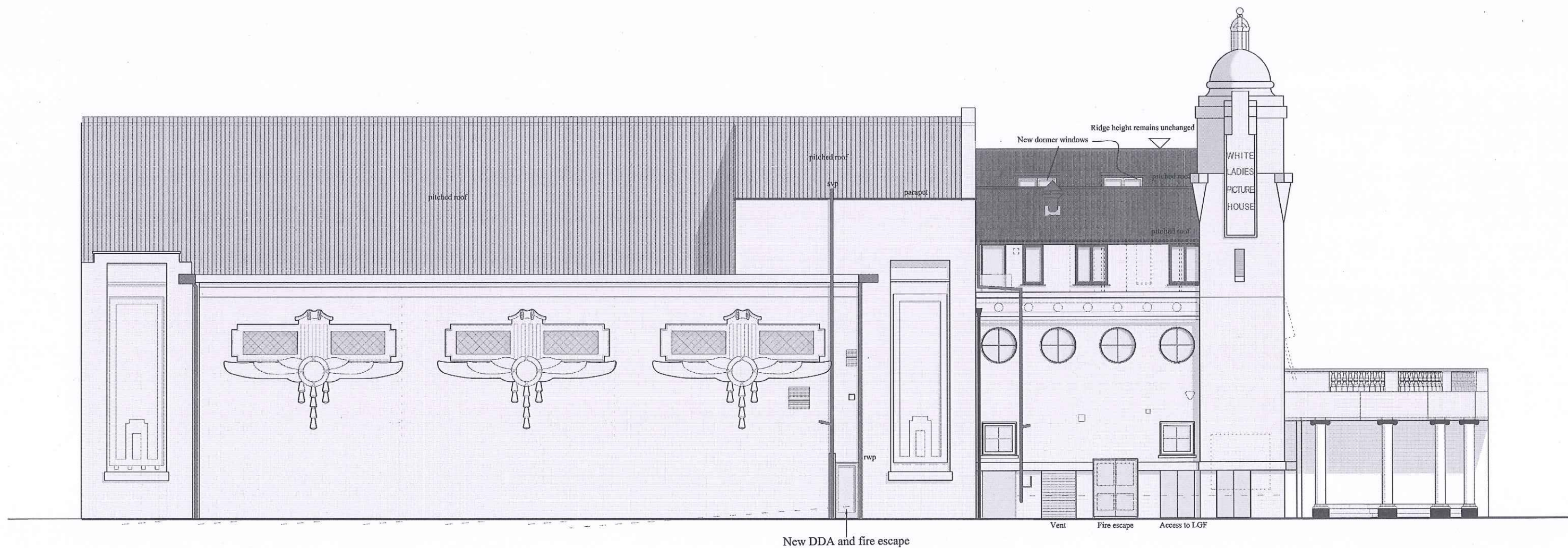
Front (East) Elevation
Proposed

1/100
@A2

Jan' 2014

696-10/609D

Current Proposal



SIDE ELEVATION (Melrose Place)

PRELIMINARY	
B Drawing updated and coloured	23.01.14
Revisions	



44 Whiteladies Road,
 Clifton, Bristol

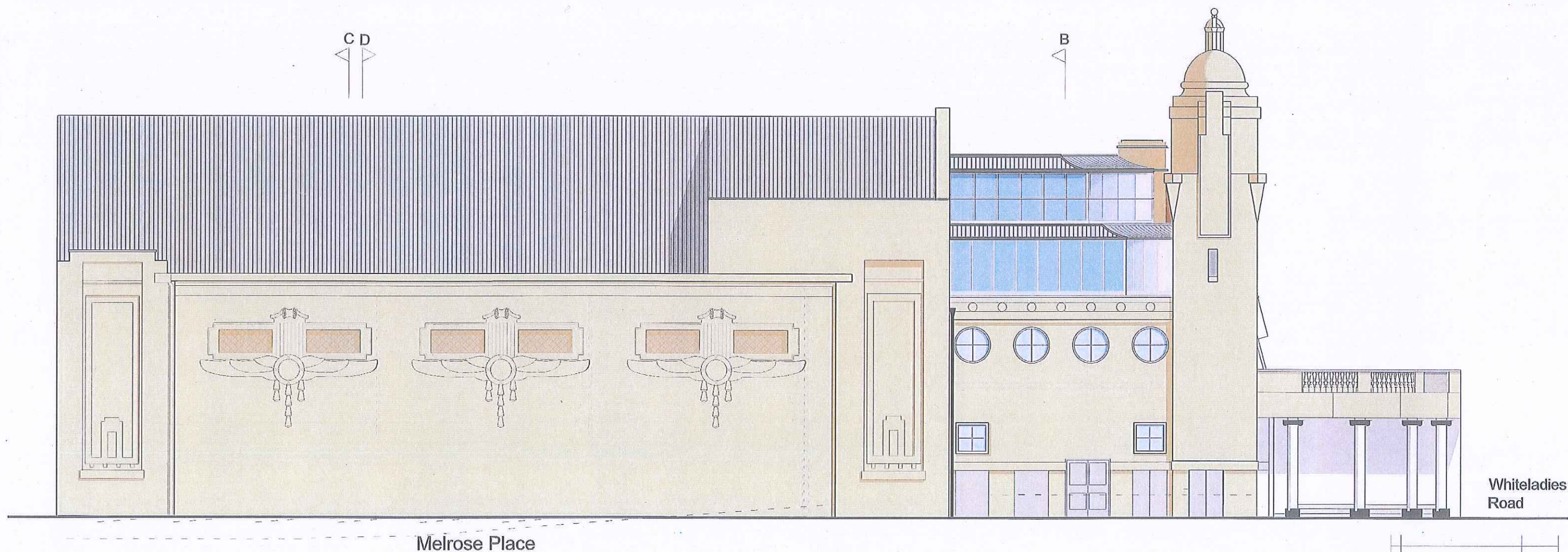
Side (South) Elevation,
 Proposed
 1/100
 @A2

Jan' 2014 696-10/608D



3.

Previously
 Refused Scheme.



D General update for issue	May 12
C Balcony amended	May 12
B General update for issue	April 12
A General update for issue	Dec 11
Revisions	



44 Whiteladies Road,
 Clifton Down

South elevation,
 Proposed

1:100
 @A2

Dec' 11

696-10/357D



Kate Cottrell

From: Jonathan Barnett <jonathan.barnett@christie.com>
Sent: 15 September 2014 12:41
To: Jim Cliffe
Subject: RE: Whiteladies Road Cinema

Dear Jim,

I write further in the above matter and our recent telephone discussion. Please note that this email should not be read in isolation but in conjunction with our valuation report dated 21 May 2014 and the full terms, conditions, assumptions and definitions contained therein.

You have asked for our consideration on whether there is any change to our opinion of Market Value or Market Value subject to Special Assumptions set out within the aforementioned valuation report given the time that has elapsed between the date of reporting and now. We have now had an opportunity to review the valuation report and available transactional evidence (that has been documented post the date of our original valuation) and are of the opinion that there is no change in the values.

We trust that this is satisfactory for your purpose at this stage.

Regards,

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