

**WARD:** Eastville **CONTACT OFFICER:** Jonathan Coombs  
**SITE ADDRESS:** 574-590 Fishponds Road Fishponds Bristol BS16 3DD

**APPLICATION NO:** 14/01579/P Outline Planning  
**EXPIRY DATE:** 2 June 2014

**Application for Outline planning consent - for the erection of (Class A1) food retail store (338 sqm) and alteration to existing access and parking, (with Access, Layout and Scale to be considered).**

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

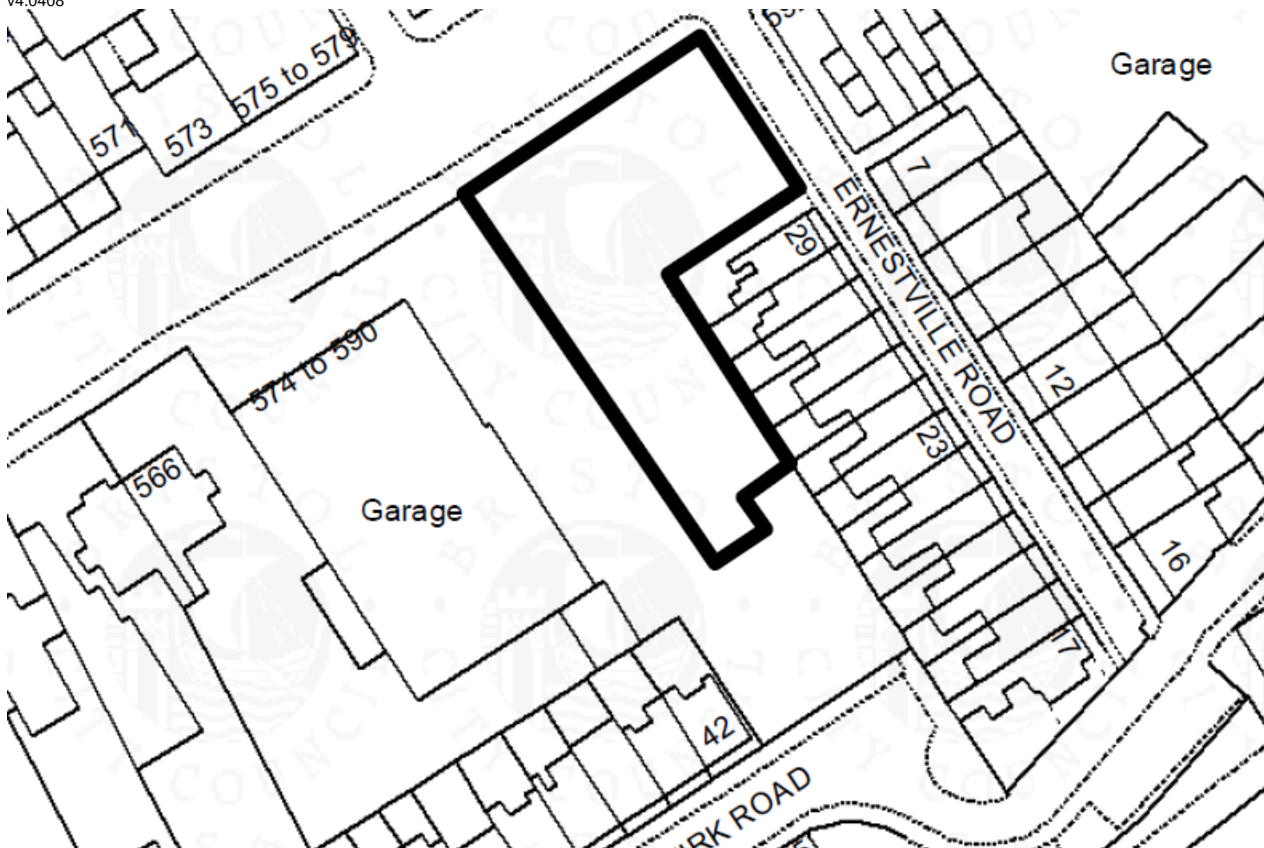
**AGENT:** DLP Planning Consultants  
1 Blenheim Court  
Woodlands  
Beaufort Office Park  
Bradley Stoke  
BS32 4NE

**APPLICANT:** Bristol Property Investments Ltd  
The Coach House  
Castle Mews  
16 Castle Street  
Thornbury  
Bristol  
BS35 1HB

*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 B – 9 July 2014****Application No. 14/01579/P: 574-590 Fishponds Road Fishponds Bristol BS16 3DD****BACKGROUND**

The application seeks outline planning permission with access, layout and scale for consideration (reserving appearance and landscaping) for a single storey 338 sqm retail unit. The application is before committee with a recommendation for approval subject to conditions.

This has been referred to committee by Cllr Khan on the following basis:

- "1. It will undermine the stability of the shopping facility exist on the High St, as City Council promote a balance and independent shopping unit across the City Streets.
2. As part of GBBN, Layout on Fishponds Rd is highly controversial and has been causing lot of extra congestion, delay and accident. It will increase further congestion on Fishponds Road and the vicinity.
3. Recently refused application no 13/03166/P on the Fishponds Rd is a prime example why this application should be refused."

**SITE DESCRIPTION**

The application site is located to the south-eastern side of Fishponds Road at the junction with Ernestville Road and currently forms part of the Suzuki Roadworthy car sales premises (Sui Generis Use). The site is broadly 'L-shaped' covering the corner hardstanding used for placing cars for sale and an existing vehicular access for such cars that continues behind the properties of Ernestville Road to provide access to the customer parking area. There is a low brick boundary wall to Fishponds Road and a poorly maintained raised planting bed alongside Ernestville Road with an Alder that is relatively prominent from Fishponds Road.

The site is bounded by the traditional two storey Victorian dwellings of Ernestville Road to the north that step up in levels via a boundary retaining wall by approximately 1m, which is screened adjacent to the site by a 3m tall painted corrugated metal fence to No. 29 Ernestville Road.

The site lies towards the edge of the Fishponds Town Centre. This is reflected in the range of properties from principally two storey Victorian terraces (some with accommodation at roof level) with many having small scale commercial units at ground floor with flats above, to the single storey commercial units directly opposite with larger buildings set back from the highway and larger semi-detached residential properties. The adjacent Suzuki garage is a modern two-storey commercial building with a snooker hall (Pot Black Club) above. The wider area along Fishponds Road encompasses purpose built public houses, warehousing and light industrial uses, supermarkets and multi-storey offices in addition to the development described above.

The application site is located within the Fishponds Town Centre under both saved and emerging policies, being located in secondary frontage under the former and no designated frontage with the latter more up-to-date emerging policy. The site is also within a High Risk Coal Mining Area and has no other site specific designations.

**APPLICATION**

The application seeks outline planning permission with access, layout and scale for consideration (reserving appearance and landscaping) for a single storey 338 sqm retail (A1 use) unit. This would be formed by a building fronting onto Fishponds Road with 8no. parking spaces (including 2no. disabled spaces) and 4no. sheffield stands accessed from Fishponds Road. The indicative elevations show a 4.4m high building finished in timber and render with the existing raised planter to Ernestville Road being replaced.

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The following floorspace sizes of nearby retail units are in evidence for the sake of comparison:

- Traditional single retail units within Victorian terraces: Approximately 60-100 sqm (depending on unit depth).
- Fishponds Morrisons (excluding petrol filling station): 5170 sqm.
- Fishponds Aldi: 900 sqm.

Over the lifetime of the application further information has been provided no the advice of officers including:

- Revised elevations to show the relationship with the rear garden of No. 29 (a and b) Ernestville Road
- Revised site layout plan showing a reduced quantum of parking, clarifying cycle storage and providing space for turning and additional tree planting opportunities.
- A sequential testing report providing evidence of alternative existing sites within Fishponds Town Centre.

**RELEVANT PLANNING HISTORY**

Only the grant of the current lawful use is of interest. This was issued on 6th June 2003 for "Retrospective Change of Use of decommissioned Petrol Filling Station to site for display of new and used motor vehicles".

Reference has been made within the submission and referral from Cllr Khan to the nearby scheme at 543-551 Fishponds Road (current tile warehouse) under reference 13/03166/P for Outline planning application for the demolition of an existing warehouse and the erection of a two storey building comprising 6,400 sq ft (594.58 sq m) retail unit (Use Class A1) on the ground floor with 7 x 2-bed apartments on first floor with associated access, car and cycle parking. This was refused by committee on 29th October 2013 with the following reason for refusal:

"The proposed development would fail to provide a high quality residential environment for future residents by virtue of the layout of the development, which would expose the proposed residential flats to sources of high levels of noise and air pollution. As such, the proposal would be contrary to policies BCS21 and BCS23 of the Bristol Core Strategy and policy ME4 of the Bristol Local Plan, 1997"

**RESPONSE TO PUBLICITY AND CONSULTATION**

A site notice and 109 consultation letters were issued. Three objections have been received on the following basis:

- Impact upon parking and traffic along Fishponds Road.
- Impact upon Ernestville Road from parking and use as a cut through with littering.
- Congregation of gangs of people hanging around the proposed store.

The following issues were raised that are not material planning considerations.

- Competition with existing food stores [Competition is not a material planning consideration. Consideration of alternative sites under the sequential test approach is set out within the Key Issues]
- Inadequate consultation [The consultation undertaken was in excess of statutory requirements and in accordance with best practice guidance]

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A petition has been submitted with 419 signatories to the following motion:

"We the undersigned are opposed to a new large scale food retail store for Fishponds Road. This new store would generate traffic and put huge pressure on parking - resulting in yet more congestion for the main road. It would also damage existing businesses which have served the community for decades threatening to make them unsustainable. We want planning consent to be refused."

The Bristol Tree Forum have objected on the basis of the proposed layout failing to incorporate sufficient tree planting.

**OTHER COMMENTS**

**Transport Development Management** has commented as follows:-

This is now acceptable. The access should be a footway crossover, rather than a kerbed access given the level of traffic using the access and pedestrian movements, but this can be picked up in the condition below.

Please attached conditions to address the following:

- Car parking (C12),
- Cycle parking (C13),
- Car turning (C11),
- Change in access (B1 as shown below and I025 for works),
- Bin storage (C5 modified to ensure that bins are not left on the highway at any time).

B1 Approval of road works necessary

No development shall take place until details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- Removal of existing redundant vehicular crossing and the footway reinstated,
- Creation of a new footway crossover.

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation

**Urban Design** has commented as follows:-

[Verbal comments] The officer supported the principle of developing this space, as better enclosing Fishponds Road and adding further activity to the Town Centre, with the site having historically been occupied by commercial units. He raised no objection to the proposed layout, but advised that he had some concerns over the indicative elevational details due to ensuring the legibility and primacy of the public entrance, maintaining an active frontage that minimises the focus of delivery/emergency access, as well as trying to encourage more active elevation to the flanks that would both face areas of public realm. In terms of scale, he considered that an increased scale to two storeys would better reflect the two storey forms along Fishponds Road, but did not object on principle on the scale proposed due to the current lack of built form to the site.

**Development Control Committee B – 9 July 2014****Application No. 14/01579/P: 574-590 Fishponds Road Fishponds Bristol BS16 3DD****Contaminated Land Environmental Protection** has commented as follows:-

The desk study makes a number of recommendations for further intrusive assessment due to previous activities on and near the site, it also recommends the removal of the petroleum tanks that are on the site. We would be satisfied if a Phase 2 intrusive study is undertaken in accordance with the procedures outlined within this report.

The applicant is advised to contact the petroleum officer, Michelle Williams to obtain a petroleum search via [pollution@bristol.gov.uk](mailto:pollution@bristol.gov.uk)

I recommend the following conditions are applied to any planning consent:

B11 (Amended), B12, B13 and C1  
B11 Amended

No development shall take place until an intrusive investigation and risk assessment, in addition to the Phase 1 Desk Study prepared by SWEL Ltd, reference S14-124/DS provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**Pollution Control** has commented as follows:-

[Verbal comments] No objection subject to conditions covering noise from plant/machinery to be 5dB below background levels and times of servicing/deliveries.

The only issue that may require further detail is noise from cars within the car park during night time hours. This may necessitate an improved boundary treatment. If the opening times of the use were restricted this would not be necessary however.

**Air Quality** has commented as follows:-

The submitted air quality report does not adequately address additional vehicle movements associated with the development proposal along Fishponds Road and does not adequately describe the baseline air quality conditions along Fishponds Road. Whilst potentially increasing vehicle movements in the area (the transport assessment predicts 1003 daily vehicle movements associated

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with the store) as many of these movements will not be new movements but existing trips that will divert to the store, it is my judgement that these vehicle movements will not be significant.

I do not have any concerns with regards to air quality with the proposed development, however, to address the potential nuisance dust issues during the construction phase a CEMP should be implemented due to the proximity with residential uses.

**The Coal Authority - Planning And Local Authority Liaison** has commented as follows:-

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

**City Centre Projects (Public Art)** has commented as follows:-

No public art statement is included in the Design and Access Statement of the planning submission 14/01579/P or in the form of an 'Art Plan' or statement accompanying the application. A full application should include a detailed public art plan in line with BCC's public art policy.

It is advocated that the developer appoints a suitably qualified public art consultant to prepare a Public Art Plan for the site. The public art plan would set out a process for the production of a public art programme associated with the development.

A public art condition should be attached to the outline planning consent detailing the process for the development of public art for the site.

**Arboricultural Team** has commented as follows:-

The proposals would result in the removal of a semi-mature alder growing in a raised bed to the east of the site. This tree does contribute to the street scene. A second tree in this location has recently been removed.

The tree itself is a rather mediocre specimen, with a multistemmed form, bark wounds and rather poor historic pruning. It is also growing in a pretty confined space in a raised planter. The walls of the planter are already showing some distortion, and I suspect that as the tree grows it will break out of its confines. For these reasons, I am inclined not to push for the applicant to be obliged to include this tree within the scheme. However, this part of Fishponds Road is ill-served by trees and vegetation; therefore some compensatory tree planting either on site or possibly in the pavement, which is wide nearer the show room and would support a street tree, utilities permitting.

Under the BTRS, 3 trees would be required to compensate for the loss of the alder. However, para 3 of BCS9 and emerging policy DM15 require enhanced tree planting where possible. I have given some suggestions for locations for trees within the site.

I suggest appending a condition to the outline consent that mandates the number of trees that should be planted and requires the submission of a landscaping plan with details of planting locations, pits/planters, species, stock size and establishment regime.

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## RELEVANT POLICIES

**National Planning Policy Framework – March 2012****Bristol Local Plan, Adopted December 1997**

|     |  |
|-----|--|
| B2  | Local Context  |
| B5  | Layout and Form  |
| B6  | Building Exteriors and Elevations                                      |
| M1  | Transport Development Control Criteria                                 |
| EC4 | Protection: Existing Employment Opportunities                          |
| S6  | Frontages: Secondary   |
| NE3 | Trees and Woodlands (including tree planting and the Community Forest) |
| ME2 | Location and Design of Developments                                    |
| ME4 | Controlling the Impact of Noise  |
| ME6 | Contaminated Land  |

**Bristol Core Strategy (Adopted June 2011)**

|       |                                     |
|-------|-------------------------------------|
| BCS7  | Centres and Retailing               |
| BCS8  | Delivering a Thriving Economy       |
| BCS9  | Green Infrastructure                |
| BCS10 | Transport and Access Improvements   |
| BCS13 | Climate Change                      |
| BCS14 | Sustainable Energy                  |
| BCS15 | Sustainable Design and Construction |
| BCS16 | Flood Risk and Water Management     |
| BCS20 | Effective and Efficient Use of Land |
| BCS21 | Quality Urban Design                |
| BCS23 | Pollution                           |

**Bristol Site Allocations and Development Management Policies (emerging)**

|      |   |
|------|---|
| DM1  | Presumption in favour of sustainable development    |
| DM7  | Town centre uses                                    |
| DM8  | Shopping areas and frontages                        |
| DM12 | Retaining valuable employment sites                 |
| DM17 | Development involving existing green infrastructure |
| DM23 | Transport development management                    |
| DM26 | Local character and distinctiveness                 |
| DM27 | Layout and form                                     |
| DM28 | Public realm  |
| DM29 | Design of new buildings                             |
| DM32 | Recycling and refuse provision in new development   |
| DM33 | Pollution control, air quality and water quality    |
| DM34 | Contaminated land                                   |
| DM35 | Noise mitigation                                    |
| DM37 | Unstable land                                       |

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## KEY ISSUES

## (A) CAN THE PROPOSAL BE ASSESSED IN OUTLINE?

The application includes layout, scale and access at the outline stage, with landscaping and appearance as reserved matters. The principle of such a development can be adequately assessed without the need for landscaping and appearance details at this stage.

## (B) IS THE CHANGE OF USE ACCEPTABLE IN LAND USE TERMS?

The lawful use of the property is for car sales which is a Sui Generis use (i.e. falls within no specific use class). There are no policies that seek to protect such uses. Policies covering loss of employment use are not considered relevant and in any case the car sales use would remain, albeit reduced in area, and a retail use would likely result in an overall increase in employment upon the site. No concern is therefore held over the loss of this portion of the car sales use.

It is noted that there are objections to the development on the basis that the proposal will increase competition, and remove trade from existing, independent businesses in the area. It is not the role of the planning system to interfere with competition. However, the planning system can direct the location of retail development into appropriate locations. In this case, planning policies are clear that new retail development should be directed to allocated centres.

The application site is within the designated centre. The National Planning Policy Framework (NPPF) defines a town centre as the designations within the proposals map, "including the primary shopping frontage and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area." The NPPF defines 'edge of centre' as within 300 metres of the primary shopping area for retail purposes. This is reflected within the emerging Policy DM7, which covers town centre uses, stating in para. 2.7.5:

"The Primary Shopping Area identified within each Town/District centre is considered to be the 'centre' for the purposes of the sequential approach to retail developments (Use Class A1). This means that locations within a centre but outside the Primary Shopping Area are considered to be edge of centre for this form of development."

The policies map associated with the emerging policies does designate the 'Primary Shopping Area', and the application site is not within it. The application site is outside of the primary shopping area by more than 300m. While it is located within the secondary frontage under the saved local plan and opposite/nearby secondary shopping frontages in the emerging policies that contain a range of main town centre uses, this cannot be reasonably said to be adjacent to the primary shopping area. Members should note that while policy DM7 is yet to be adopted it has been found sound by an independent inspector, which includes compliance with the NPPF, and should be given significant weight.

The agent has advised that they disagree with your officer's assessment of the need for a sequential assessment, but on the advice of officers to ensure this issue is fully addressed have submitted a sequential test report. This has identified 11 other sites, none of which are of a sufficient size to cater for the proposed retail unit.

National planning policy guidance identifies that developers should be flexible in considering smaller scale. Local Authorities should also be reasonable and proportionate in the application of the sequential test in respect of sites being available, suitable viable. It goes on to identify that the purpose of the sequential test is to locate development to accessible sites and encourage linked trips to improve consumer choice and competition.



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No end-occupier has been identified, but the submitted report refers to a 'likely operator' with no scope to sub-divide the floorspace. On querying this, the agent has advised that "the applicant's negotiations have not reached a stage where an end occupier can be named. Suffice to say that all the potential occupiers are seeking the level of floor space being proposed as a minimum". Of the alternative sites, only one is of a scale greater than half the proposed floorspace and currently being marketed. This is 181 sq m and located to the Channon's Hill retail park, which is not within the designated frontage and set back from the high-street such that it is not considered to be meaningfully sequentially preferable.

Overall, it is considered that there are no other sequentially preferable sites within the designated centre. It is noted that at a floorspace under 500 sq m the application scheme does not meet the threshold for application of the retail impact test.

Members should also note that the scheme presents some advantages, in that it would provide retail frontage on to Fishponds Road, which is likely to increase footfall in this area, and increase the likelihood of passing trade. It could therefore be argued to contribute to the vitality and viability of the overall Fishponds Town Centre.

The application is therefore considered acceptable in land use terms. The detailed impacts of the scheme are assessed in more detail below.

**(C) DOES THE PROPOSAL ADEQUATELY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

The site is located within a Local Centre with good access by pedestrians and public transport. The site has historically been utilised as a petrol filling station with an accompanying number of vehicle trips. This use has however since ceased and members should consider the increase against the current lawful use for car sales. The transport statement identifies that the use would generate 1003 vehicle movements per day, with 86 and 90 vehicles within the AM and PM peak periods (based upon the TRICS database). BCC Transport have not objected to this on the basis that the majority of trips will be linked trips already taking place such that the increase in traffic is not considered to be significant.

The proposal would provide for 6no. parking spaces and 2no. disabled bays, having been reduced from 15 on the basis of officer advice to address parking over-provision, cycle parking, tree planting opportunities, pedestrian movement and to incorporate a turning point. The emerging Development Management policies set out a parking standard for such uses of 3-4 parking spaces with no requirement for disabled bays. While no concern is held over the additional disabled bays, the proposal would result in 50% overprovision of standard parking spaces. BCC Transport have advised that this would prevent potential for highway safety harms from traffic queuing onto the public highway to await a space and would reduce on-street parking pressures within Ernestville Road and other surrounding side streets. Ernestville Road has no turning point and is relatively narrow, such that vehicles often have to reverse out onto Fishponds Road. This over-provision is considered to be in the interests of highway safety and BCC Transport have no objection to the scheme on this basis.

The proposed parking layout is considered to provide for safe and adequate access/movement of pedestrians/cyclists/private motor vehicles. The proposal also makes provision for 4no. sheffield stands (8 bicycle spaces) which is considered acceptable.

Servicing and deliveries are proposed to take place from Fishponds Roads. The potential for conflicts with peak traffic times are managed by virtue of the operating times of the bus lane and no conditions are required in relation to controlling transport impacts from deliveries/servicing. Moreover, this arrangement is commonplace to retail uses operating along Fishponds Road.

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Overall, the proposal adequately addresses transport and movement issues subject to appropriate conditions.

(D) WOULD THE PROPOSED DEVELOPMENT HARM THE CHARACTER OR APPEARANCE OF THIS PART OF THE AREA?

The application is in outline, with access and layout to be considered. It is noted that the design officer has provided a series of advices over the detailed design of the proposal and a preference for a higher scale of development, but not objected to the proposals. Matters of appearance are not for consideration here and it is not possible to refuse the application on these grounds. What does require consideration is whether a building with the proposed layout, access and scale could accommodate the proposed retail floorspace without harm to the character and appearance of the area.

The existing site remains distinct from its surrounds by the nature of the extent of open space covered by cars for sale due to its use. The car sales premises with snooker club above also appear distinct within the local context. The most prominent feature of the site is the low retaining wall and raised planted bed including a mature tree (see tree Key Issue below), as well as the 3m high white painted corrugated metal boundary treatment to the neighbours on Ernestville Road. The development of this space providing the potential for active frontage onto the public highway within the Fishponds Town Centre, that is also currently within a designated secondary frontage, should therefore be supported.

A preference has been expressed by the Urban Design officer for a taller scale to better reflect the two storey forms within the area. The scheme is taller than a traditional single storey, with a higher floor to ceiling height to reflect modern retail demands. Given the existing context of the open space of the car sales, which would partly remain between this site and the building housing the car sales office functions the scale of development is considered acceptable.

The indicative plans do suggest a building with limited activity to the flank adjacent to the car park and more concerning onto Fishponds Road due to the access for servicing/deliveries. It is not considered that the location of these accesses prevents a successful scheme however. Again, it is considered that this could be achieved through the reserved matters process, and does not merit the refusal of the application. Therefore, whilst the indicative plans are not considered to present an ideal elevational appearance and particularly frontage design, the principle of a single storey building in this location is not considered to be harmful, and therefore it is not reasonable to refuse the application on these grounds.

The BCC Public Art Officer has sought a public art condition. Under the supporting text to Policy BCS21, this is only required for 'major' development (over 1000 sq m) on the basis of proportionality. As the application is for a 'minor' development this has not been incorporated into the recommendation.

Overall, the proposal adequately addresses this key issue.

(E) WOULD THE PROPOSED DEVELOPMENT HAVE AN ACCEPTABLE IMPACT UPON RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS?

The principal concern relates to the impact upon residents of Ernestville Road and in particular Nos. 29a and 29b. The extended indicative elevation shows a scale of development of 4.3m that when set 1m due north from the boundary with these properties to a 3m tall fence is not considered to result in any unacceptable amenity harms.

BCC Pollution Control have raised no objection subject to conditions to ensure no noise nuisance from plant/machinery and hours of servicing/deliveries due to the existing noise environment associated with Fishponds Road. They have expressed some mild concern over the potential for

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noise nuisance from vehicles within the parking area during night time hours, but advised that this could be identified via a noise report and appropriate boundary treatment (i.e. acoustic fencing if need be). The agent on being queried as to the opening times has advised that this would not be beyond 0700-2300 daily. Officers consider that the application of such an opening hours condition would negate the need for a condition requiring a noise report and potentially improved acoustic boundary treatment.

Some concern has been raised over the use of Ernestville Road by customers resulting in litter and loitering. Given the location within a designated centre and likely public access to the retail use being located away from Ernestville Road (which would be determined at reserved matters stage) it is not considered that these impacts would be materially different than the present scenario and a refusal on this basis would not be warranted.

The scheme does not meet the threshold for an air quality report under the Council's local validation list, applying only to major development. However, due to the committee refusal on the nearby scheme in 2013, the applicant has compiled a report on the advice of officers to ensure that this would not represent a concern to members. While BCC Air Quality Management have advised that the report is of poor quality they consider that the scheme would not result in any material harm to air quality and have no objection as a result.

Overall, the proposal addresses this key issue subject to appropriate conditions.

**(F) WOULD THE PROPOSAL ADEQUATELY ADDRESS TREE ISSUES?**

BCC Arboricultural have advised that the tree to the raised bed within Ernestville Road is a poor quality specimen that will likely be lost in future in any case. Thus while offering some visual amenity value this cannot be safeguarded in the long term and refusal on the basis of its loss is not considered reasonable. BCC Arboriculture have advised that 3 trees would be required under the Bristol Tree Replacement Standard and that additional planting should be sought under green infrastructure policies that encourage improved provision.

The proposed layout would allow for 3 trees within the renewed raised planter and within the frontage adjacent to the parking (either within a planter or within the ground - services allowing). A condition will be attached to secure this at reserved matters stage.

**(G) DOES THE PROPOSAL ADEQUATELY ADDRESS LAND STABILITY/CONTAMINATION?**

The application site was previously in use as a petrol filling station and is within a high risk coal mining area. Reports have been submitted to address these matters within the application and both BCC Land Contamination and the Coal Authority consider that these matters can be addressed by condition.

**(H) DOES THE PROPOSAL ADEQUATELY ADDRESS SUSTAINABILITY?**

As an outline scheme this key issue can only consider whether the policy aims of the Core Strategy sustainability policies (policies BCS13-16) could be delivered under the proposed scale, layout and access sought. This is considered feasible and will be addressed at reserved matters stage in detail.

**CONCLUSION**

The scheme would result in a new retail unit within a designated centre. Matters of competition between individual operators are not a material planning consideration. A sequential testing report has however been submitted that identifies that there are no other alternative sequentially preferable

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sites within the centre. The scheme would therefore reintroduce retail and enclose this section of Fishponds Town Centre at the partial loss of car sales hard standing.

Transport, amenity impacts, trees and land stability. contamination can be addressed by appropriate conditions

The scheme is accordingly recommended for approval subject to conditions.

**RECOMMENDED GRANT subject to condition(s)****Time limit for commencement of development**

## 1. Outline Permission

Application for approval of the reserved matters shall be made to the council before the expiration of 3 years from the date of this permission.

The development hereby permitted shall begin no later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## 2. Reserved Matters

Approval of the details of the 'appearance' and 'landscaping' (hereinafter called "the reserved matters") shall be obtained from the council in writing before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

**Pre commencement condition(s)**

## 3. Approval of road works necessary

No development shall take place until details of the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- Removal of existing redundant vehicular crossing and the footway reinstated,
- Creation of a new footway crossover.

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation

## 4. Land affected by contamination - Site characterisation

No development shall take place until an intrusive investigation and risk assessment, in addition to the Phase 1 Desk Study prepared by SWEL Ltd, reference S14-124/DS provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local

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Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwater and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Land affected by contamination - submission of remediation scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Land affected by contamination - implementation of approved remediation scheme

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

**Development Control Committee B – 9 July 2014****Application No. 14/01579/P: 574-590 Fishponds Road Fishponds Bristol BS16 3DD**

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. Prior to the commencement of development site investigation works shall be carried out to identify the potential for risk from coal mining shafts and openings upon the site. Details of this alongside an appropriate mitigation strategy to ensure that the development is safe from land stability risks associated with coal mining legacy, where relevant, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall only be carried out in accordance with the details thereby approved.

Reason: To ensure that the development is safe from land stability risks associated with coal mining legacy.

8. Submission and approval of landscaping scheme

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the planting of 4 trees indicating location, species, stock size and planting medium. The approved scheme shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All trees shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: In order to ensure appropriate mitigation of trees lost as a result of the development.

**Pre occupation condition(s)**

9. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Completion and maintenance of car/vehicle parking - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

**Development Control Committee B – 9 July 2014**

**Application No. 14/01579/P: 574-590 Fishponds Road Fishponds Bristol BS16 3DD**

Reason: To ensure that there are adequate parking facilities to serve the development.

11. 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 shown on the approved plans has been completed, 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.

12. Completion and maintenance of vehicular servicing facilities - shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

**Post occupation management**

13. Restriction of 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 background level as determined by BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To safeguard the amenity of nearby premises and the area generally.

14. Hours open to customers

No customers shall remain on the premises outside the hours of 0700 to 2300.

Reason: To safeguard the residential amenity of nearby occupiers.

15. Refuse, recycling and deliveries

Activities relating to the collection of refuse and recyclables and deliveries shall only take place between 0700 and 2300.

Reason: To safeguard the amenities of nearby occupiers

**List of approved plans**

198;34-02A Existing site plan and location plan, received 7 April 2014

198;34-03O Illustrative site plan, received 28 May 2014

198;34-04F Illustrative elevations, received 8 May 2014

Street elevations, received 7 April 2014

Reason: For the avoidance of doubt.

**Development Control Committee B – 9 July 2014****Application No. 14/01579/P: 574-590 Fishponds Road Fishponds Bristol BS16 3DD****Advices**

1. The applicant is advised to contact the petroleum officer, Michelle Williams to obtain a petroleum search via [pollution@bristol.gov.uk](mailto:pollution@bristol.gov.uk)
2. Minor works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking the work on the highway you must enter into a highway agreement under s184 or s278 of the Highways Act 1980 with the council. You will be required to pay fees to cover the council's costs in undertaking the approval and inspection of the works. You should contact the Highways Asset Management Team on 0117 9222100.

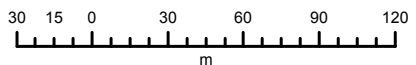
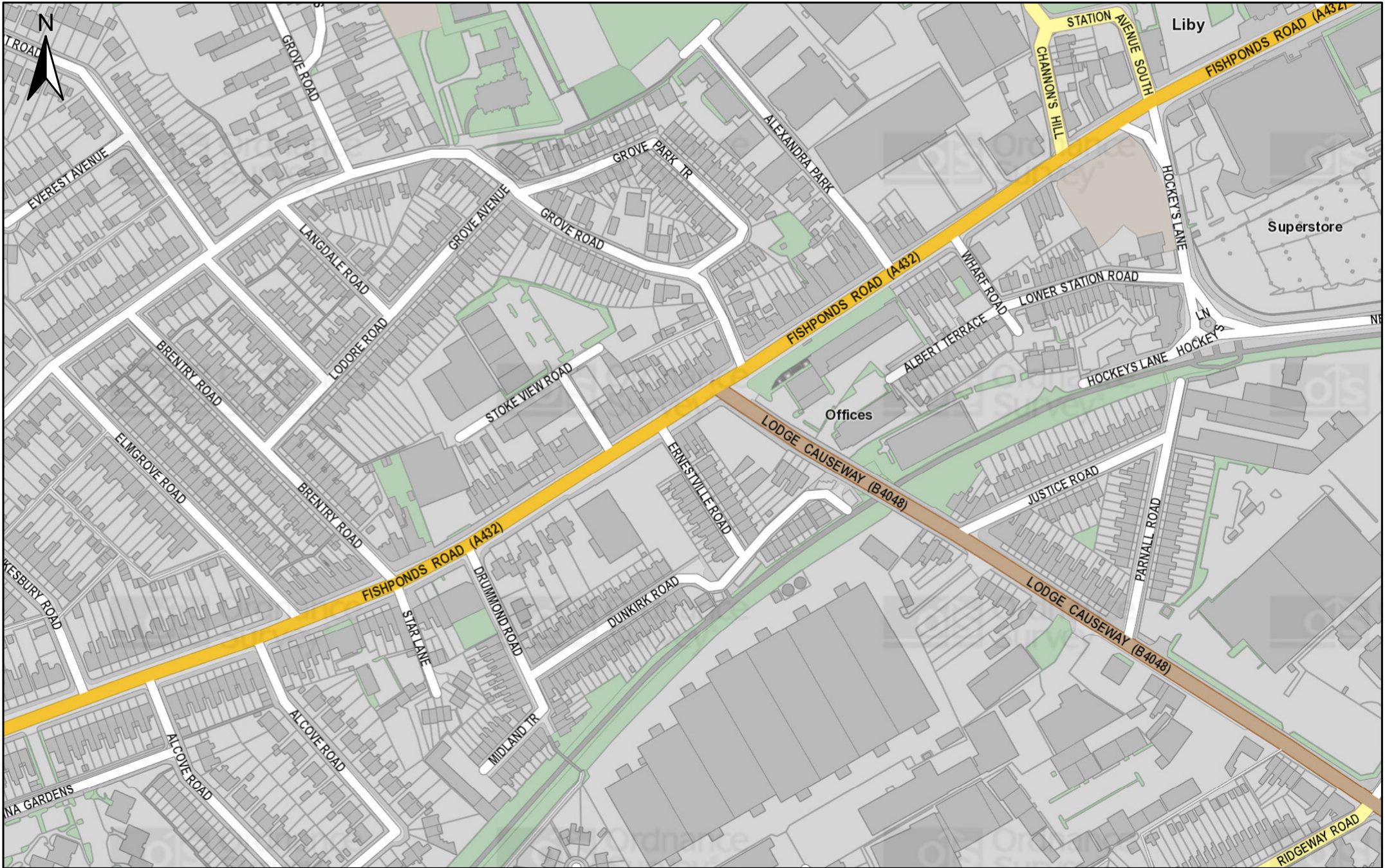
**BACKGROUND PAPERS**

|   |               |
|---|---------------|
| The Coal Authority - Planning And Local Authority Liaison | 6 May 2014    |
|   | 21 May 2014   |
| Transport Development Management                          | 10 June 2014  |
| Urban Design  | 2 May 2014    |
| Contaminated Land Environmental Protection                | 9 May 2014    |
| Pollution Control   | 10 June 2014  |
| Air Quality   | 12 May 2014   |
| Landscape   | 30 April 2014 |
| City Centre Projects (Public Art)                         | 4 June 2014   |
| Arboricultural Team                                       | 29 May 2014   |



# 574-590 Fishponds Road

Document created on Thursday 19th June 2014 at 13:47



1:3,000

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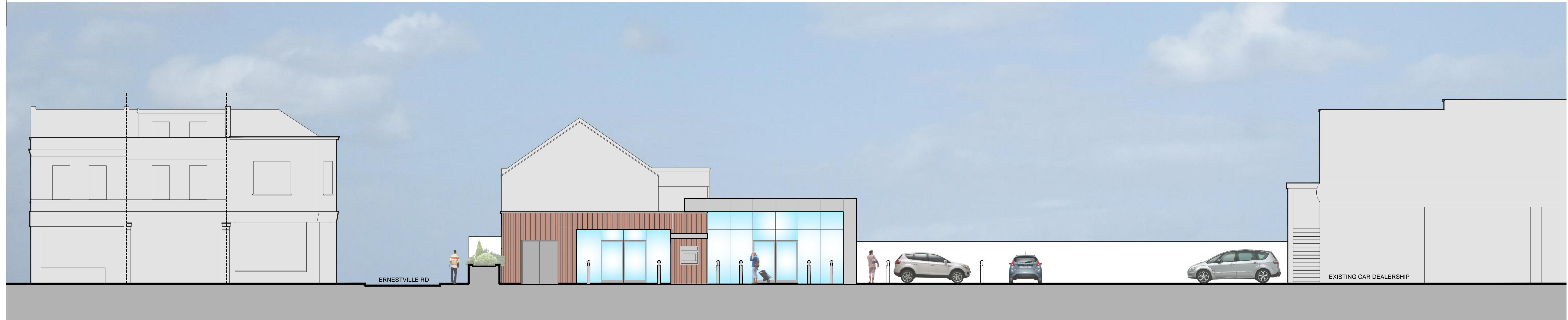






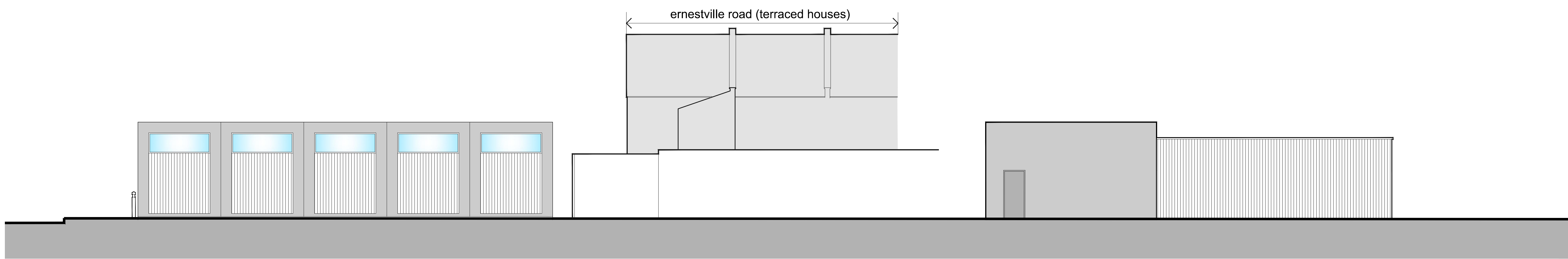






PROPOSED ELEVATIONS 1:100

NORTH (STREET) ELEVATION



WEST ELEVATION

SOUTH ELEVATION



SECTION

EAST ELEVATION

**BESWICK PARTNERSHIP LIMITED**  
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 www.bplarchitecture.co.uk

- FEASIBILITY
- FOR INFORMATION
- FOR COMMENT
- PRELIMINARY
- PLANNING
- BUILDING REGULATIONS
- TENDER
- CONSTRUCTION ISSUE
- AS BUILT

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 2 all dimensions to be checked on site prior to construction work commencing and any discrepancies reported to CA do not scale off drawing  
 3

REVISIONS  
 F 08-05-2014 Ernestville terrace outline added to west elevation.

|  |                 |             |
|--|-----------------|-------------|
| client:                                | scale:          | date:       |
| BRISTOL PROPERTY INVESTMENTS LTD       | 1:100 @ A1      | 13-02-2014  |
| project:                               | drawn by:       | checked by: |
| FISHPONDS ROAD<br>FISHPONDS<br>BRISTOL | PA              | RAB         |
| drawing title:                         | drawing number: |             |
| ILLUSTRATIVE ELEVATIONS                | 198;34 - 04F    |             |





|                      |                                     |
|----------------------|-------------------------------------|
| FEASIBILITY          | <input type="checkbox"/>            |
| FOR INFORMATION      | <input type="checkbox"/>            |
| FOR COMMENT          | <input type="checkbox"/>            |
| PRELIMINARY          | <input type="checkbox"/>            |
| PLANNING             | <input checked="" type="checkbox"/> |
| BUILDING REGULATIONS | <input type="checkbox"/>            |
| TENDER               | <input type="checkbox"/>            |
| CONSTRUCTION ISSUE   | <input type="checkbox"/>            |
| AS BUILT             | <input type="checkbox"/>            |

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--- Site Area 981m<sup>2</sup> - 0.0981ha

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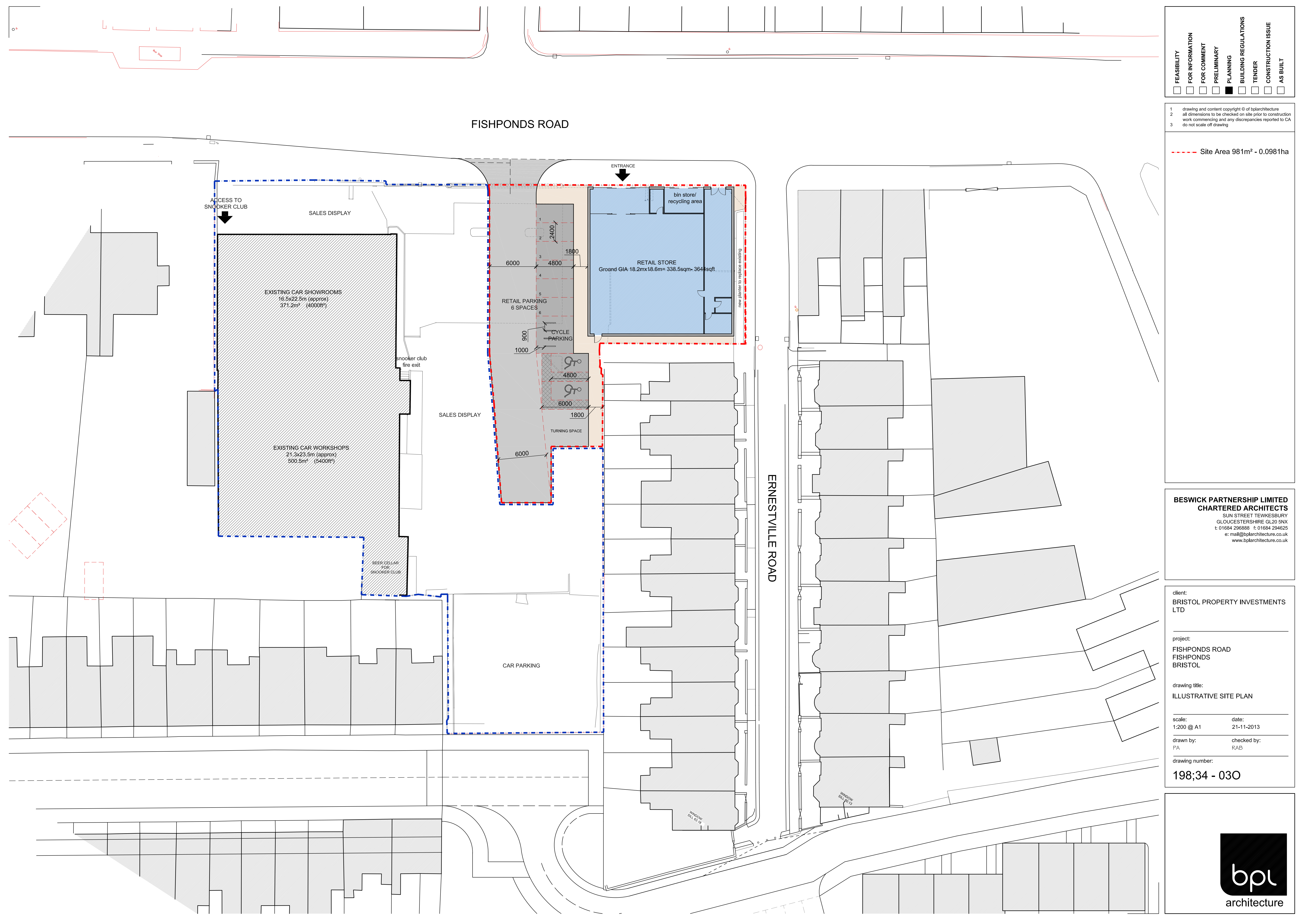
client:  
**BRISTOL PROPERTY INVESTMENTS LTD**

project:  
**FISHPONDS ROAD  
 FISHPONDS  
 BRISTOL**

drawing title:  
**ILLUSTRATIVE SITE PLAN**

scale: 1:200 @ A1      date: 21-11-2013  
 drawn by: FA      checked by: RAB

drawing number:  
**198;34 - 030**





# Case Officer Site Photographs

Application No: 14/01579/P    Site Address:    574-590 Fishponds Road  
Fishponds  
Bristol  
BS16 3DD

Date of Photo: 29 May 2014



Aerial photograph looking east – © BlomPictometry 2012



View of site from opposite side of Fishponds Road – Vehicular access located to right



View of site looking to east



View of edge of application site and existing car sales building with snooker hall above.





View of adjacent property at Ernestville Road with tall metal fence to boundary.

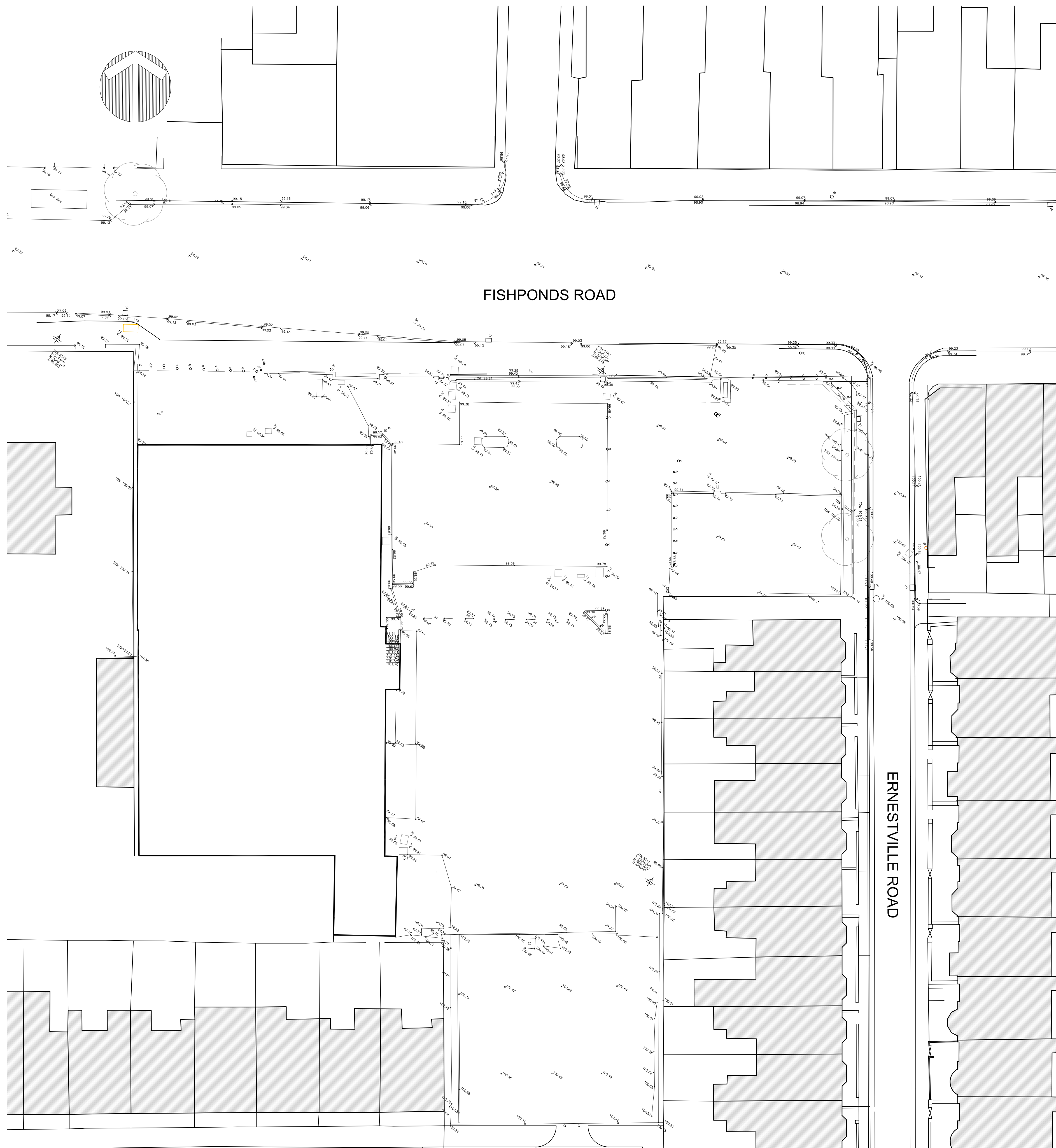


Existing retaining wall/raised planting bed to Ernestville Road

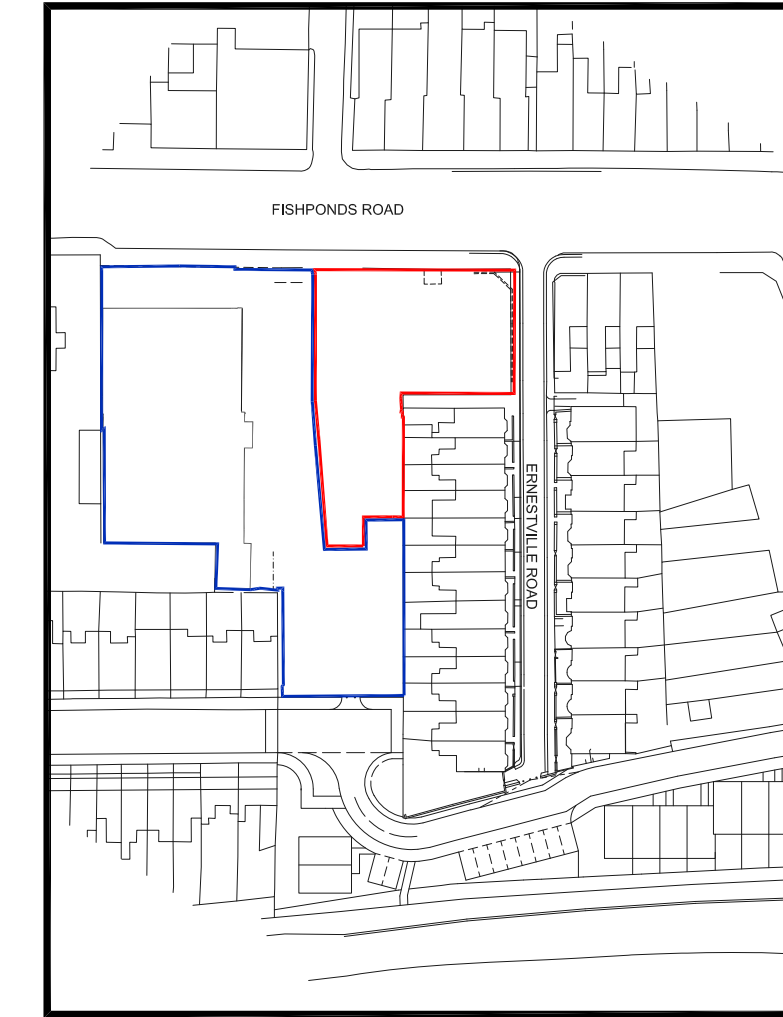


View into rear garden of adjacent property showing changes in level.





EXISTING SITE PLAN 1:200



LOCATION PLAN 1:1250

- FEASIBILITY
- FOR INFORMATION
- FOR COMMENT
- PRELIMINARY
- PLANNING
- BUILDING REGULATIONS
- TENDER
- CONSTRUCTION ISSUE
- AS BUILT

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client:  
 BRISTOL PROPERTY INVESTMENTS  
 LTD

project:  
 FISHPONDS ROAD  
 FISHPONDS  
 BRISTOL

drawing title:  
 EXISTING SITE PLAN

scale: 1:200, 1:1250 @ A1 date: 24-03-2014  
 drawn by: FA checked by: RAB

drawing number:  
**198;34 - 02A**



# **Development Services**

## **Councillor Referral Form**

### **Reporting of a planning application to a Development Control Committee**

Before submitting, please discuss the application with the identified case officer, as this may prevent the need for the referral, if the officer recommendation agrees with the ward member view.

(Please email this form to [development.management@bristol.gov.uk](mailto:development.management@bristol.gov.uk))

**Councillor name:**           **Mahmadur Khan**

**Councillor ward:**           **Eastville**

**Date:**           **13/5/14**

**Application ref. no:**           **14/01579/P**

**Application address:**           **574-590 Fishponds Rd, BS16 3DD**

**I would like this planning application to be considered by an Area Development Control Committee if it is proposed to be recommended for approval (please delete as necessary).**

#### **Reasons for referral (must be on planning grounds):**

**1. It will undermine the stability of the shopping facility exist on the High St, as City Council promote a balance and independent shopping unit across the City Streets.**

**2. As part of GBBN, Layout on Fishponds Rd is highly controversial and has been causing lot of extra congestion, delay and accident. It will increase further congestion on Fishponds Road and the vicinity.**

**3. Recently refused application no 13/03166/P on the Fishponds Rd is a prime example why this application should be refused.**

**By requesting to refer this application I understand that I am expected to submit a further statement\* as part of the Public Forum section of the relevant Committee meeting and attend the Committee meeting.**

\*Public Forum statements have to be with Democratic Services by Noon on the day before the Committee meeting.

## Notes:

1. The application that you are referring, must relate to a site within your ward.
2. The referral request must be received by Development Management no later than **7 days** after the end of the published consultation period. This is shown for each application in [Planning Online](#) – see Important Dates tab. While there may be a number of different dates listed here, the date that applies will be the **latest** of the **Expiry Dates** for the neighbour and standard consultation, advertisement and site notice.
3. You can only refer an application to a Development Control Committee for planning reasons i.e. not for reasons such as loss of view, effect on property values, private rights, boundary disputes, or construction noise. It is not intended that a request from a constituent is simply “passed on” but that you are supporting the views expressed in this referral, and will attend the committee meeting.
4. The referred application will be considered by the next available committee meeting in order to assist us in determining planning applications in accordance with Government performance targets. Therefore, it could be considered by any of the area committees (Central, South and East, or North).
5. Early contact with the case officer is recommended in order to establish the reasons for any potential referral and to explore potential solutions to the situation.