

Development Control Committee B – 27 August 2014
Application No. 14/01187/FB: Land And Highways Between Cribbs
Causeway/Emersons Green in South Gloucestershire And Hengrove in Bristol
Including Aztec West Roundabout, Bradley Stoke, Stoke Gifford Transport Link,
Hambrook, Stoke Lane, M32, Bristol City Centre, Redcliff Hill And Hartcliffe Way

Committee Report Addendum

As stated in the Committee Report to Members, the North Fringe to Hengrove Package (NFHP) application has attracted a significant number of objections and many of these raise concerns as to the impact on the Stoke Park Estate, a Grade II listed historic park and garden which contains the Grade II* listed Dower House.

Subsequent to the issue of the Committee Report, it was considered prudent to issue a separate addendum with regards to the consideration of heritage matters.

Members should be aware that Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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."

Officers wish to make Members aware of recent case law developments which confirm that "preservation" in this context means "doing no harm". Consequently, even if only limited or less than substantial harm is identified, then the LPA should give this considerable importance and weight.

It has been held that:

"a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and it demonstrably applies that presumption to the proposal it is considering."

The Committee Report as issued to Members report states (at page 69) that:

"The original application previously assessed there to be no direct physical impacts or settings impacts on Stoke Park and Dower House by the double span bridge and connecting link road. With the revised plans proposing a reduction in bridge span and associated earthworks, this is therefore considered to remain a neutral effect."

The report within Key Issue E (at page 70): 'Is the impact of the scheme upon the Stoke Park Estate acceptable?' provides an assessment of the impacts of the NFHP scheme on the integrity of the Stoke Park Estate. Consultee responses of relevance to this key issue are that of the Council's City Design Group and English Heritage.

The response from the Council's City Design Group to the NFHP application (comprising comments from Archaeology, Urban Design and Conservation, Landscape and Public Art) stated:

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“The impact on the setting of the Grade II listed Dower House (an Asset of High value) is considered to be slight adverse. This is on the basis that the proposed new motorway bridge and associated slip roads would be screened from the public vantage points identified with the LVIA images via the presence of the existing tree/hedge cover and via the presence of the existing Stoke Lane Bridge. In that the majority of the of existing setting of the Listed Building can still be appreciated despite the formation of the two slip roads the entrance to the northern exit just coming forward of the existing bridge.*

In terms of the impact on Stoke Park (an Asset of Medium Value) the proposed northern exit would intensify the sense width of the existing motorway carriageway forward of the existing Stoke Lane Bridge within the area of the designated Park and Garden, particularly when perceived from within the motorway. The intensification of the existing motorway will cause a further negative effect on this historic landscape however the area of works affects one small section of the designated area. The effect of this potential change is considered on balance to slight adverse in that the works only affect one section of the asset and remain contained within the existing motorway channel through the historic landscape. The overall sense of the historic landscape will remain unaffected as significant open scape and its visual relationships with the Dower House and other landscape features such as the lake.

In determining the effect of the proposals bearing in table 3 (Chapter 12: Cultural Heritage of the Environmental Statement) and the scale of the impacts and the value of the assets affected the scheme is considered to slight/moderate effects, whist the proposal will have noticeable affects the overall significance of the assets and their settings can still be appreciated.”

In response to the application, specific to Stoke Park, English Heritage has stated that:

“The creation of a new bridge and bus only junction, requiring the loss of some land from the Park, is considered to have a harmful impact on these designated assets. However, given the existence of the M32 we do not consider this impact to be substantial. We acknowledge that the potential for mitigating the visual impact of a large structure such as this may be minimal; however there may be a case for mitigation elsewhere, such as improvements within the park itself. ”

Consequently as the development would result in some impact on the setting of the Grade II* listed Dower House, albeit that the likely harm has been assessed as slightly adverse/not substantial, the statutory presumption against the grant of planning permission arises. In exceptional cases this presumption may be overridden in favour of development which is desirable on the ground of some other public interest. Set out below are the public interest factors and material considerations which are considered by Council Officers to be powerful enough to rebut this presumption.

In the consideration of this application, the principle for the scheme and its policy support is assessed within Key Issue A (page 48) of the Committee Report - Is the principle of the NFHP supported? Most relevant is Policy BCS10 of the Core Strategy:

“Policy BCS10 of the Core Strategy sets out clear support for the proposed NFHP scheme as a rapid transit route in Bristol, alongside other improvements to transport infrastructure, in order to provide an integrated transport system which improves accessibility within Bristol and supports growth through proposed levels of development. The Core Strategy states that

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rapid transit will “provide a fast, frequent and reliable public transport service with a high quality passenger experience. Services will run on a largely dedicated route, separate from car traffic, with priority over other road users”.

As outlined to Members in the Committee Report (page 50) the economic benefits of the proposed NFHP scheme are an important aspect to the scheme’s policy support.

“The application is supported by a Socio Economic Assessment submitted as part of the Environmental Statement. The Socio Economic Assessment identifies the level of existing transport provision and connectivity as a barrier to economic growth across the West of England sub-region. The Assessment states that new transport infrastructure is an important aspect of unlocking new economic growth, including between key retail (Cribbs Causeway), employment (Aztec West, Filton Aerospace, Bristol city centre), residential (Patchway, Emersons Green, Bedminster, Hengrove Park) and educational areas (UWE, City of Bristol Academy) as well as key regeneration areas including South Bristol, Redcliffe and the Northern Arc.”

In this application, the rationale for the M32 bridge and bus only junction in this location is scrutinised and assessed by Transport Officers within Key Issue B (page 54 - 56) of the report: ‘Are the traffic, travel and access implications of NFHP acceptable?’

“In relation to the provision of a new bridge across the M32 to provide direct and exclusive access to and from the M32 for buses, concerns have been raised that the costs and impacts of this infrastructure outweigh the benefits that are achieved by the ability for public transport services to avoid Junction 1 of the M32. In relation to this, specific assessment work is included in the TA which takes into account journey times between the City Centre and UWE using alternate bus routing via Junction 1 and the A4174 Ring Road in the event that the M32 bridge is not provided. The results of this assessment work are forecasted within the TA to result in an average journey time saving of up to 200 seconds and it is this that has created the greatest level of concern.

The SATURN program is a strategic model predominantly used to forecast the wider effects of routing and congestion across a region. As such, it provides a very crude and blunt estimation of the future year M32 junction operation when compared with more accurate junction modelling techniques / programs such as LINSIG.

Transport Officers’ technical view is that in practice, it is very unlikely that daily journey times will only reduce by such a small amount given the congestion at Junction 1 and the need for buses to undertake what would become a sizeable detour in order to access UWE. To illustrate this, the assessments of Junction 1 using the LINSIG program predict the junction to operate, on average, at 20% over capacity in the 2031 peak hour scenario. As with the SATURN modelling, this figure is an average and can go up as well as down, which will call into question the reliability of the MetroBus service to efficiently meet the needs of housing and economic growth proposed across the Bristol region. Congestion is often variable, and the consequences of this as historic experience has confirmed, generates significant problems for bus reliability, resultant patronage and restricted finance for the following reasons.

The fundamental determinant in the effectiveness and financial stability of a public transport service is its reliability. In the absence of direct and exclusive access to the M32, Highway

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Officers concur with the promoters that the reliability of the NFHP would become severely compromised by the unexpected and compound nature of congestion occurring at Junction 1 in the future year scenario.”

In summary, there are two statutory presumptions in place in the consideration of this application - paragraph 14 of the National Planning Policy Framework, which sets a presumption in favour of sustainable development; and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which sets a presumption in favour of preservation.

It is the consideration of Council Officers that in assessing the statutory presumption in favour of preservation, there is evidence of sufficiently powerful material considerations and wider public interest factors in favour of the development to rebut the presumption. This is firmly supported by the policy outlined in the Core Strategy. In addition to BCS10, the scheme supports the delivery of Policy BCS1: South Bristol with predicted beneficial socio economic impacts; and Policy BCS2: Bristol City Centre by strengthening the regional importance of the city centre by addressing congestion and promoting sustainable transport.

The wider benefits of the proposal are an improved transport system; as well as unlocking new economic growth between key retail, employment, residential, educational and regeneration areas.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination must be made in accordance with the development plan unless material considerations indicate otherwise. It is open for Members to conclude that in the particular circumstances of this application, there are strong public interest factors and material considerations whereby in spite of the statutory presumption in Section 66 the policy presumption in BCS10 should prevail and carry most weight in the assessment. It is considered that sufficient mitigation has been secured by way of conditions so as to preserve the integrity of Stoke Park and Dower House, in line with the advice of English Heritage.

The recommendation, therefore, remains as set out in the published Committee report:

RECOMMENDED **MINDED TO GRANT** subject to the withdrawal of the direction for non-approval by the Highways Agency and the following conditions (listed in the main report).