

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF****BACKGROUND**

In 2013 the Development Control (North) Committee resolved to grant planning permission for the redevelopment of the Memorial Ground site comprising the demolition of the stadium and all related structures, and the erection of a foodstore with under-croft car parking, 65 residential units (houses and apartments) and community/commercial floorspace. Associated works comprising hard and soft landscaping, enlargement of vehicular access to Filton Avenue and the creation of a mini-roundabout on Filton Avenue, involving the demolition of nos. 29 and 31 Filton Avenue, and improvements to road junctions at Filton Avenue/Gloucester Road and Filton Avenue/Muller Road on the site of the Memorial Ground (Application Reference 12/02090/F).

Planning permission was subsequently granted subject to a number of planning conditions including Conditions 11 and 36 on 14 June 2013. Condition 11 states:

"No development shall take place until a delivery strategy for the foodstore, including routes for servicing vehicles, is submitted to and approved in writing to the Local Planning Authority. The approved strategy should include deliveries limited to between 06:00 and 23:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank Holidays. The development shall thereafter operate strictly in accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring occupiers."

Condition 36 listed the approved plans for the avoidance of doubt.

The approved scheme includes a covered service yard which has capacity for the parking of 2 HGV vehicles and 5 Goods on Line (GOL) vehicles are described in the supporting documents to the application as normally being extended mid-sized vans. Access to the service yard would be gained from the access to the site at Filton Avenue.

SITE AND SURROUNDING AREA

The Memorial Stadium at Filton Avenue, Horfield, is the home of Bristol Rovers FC. The Stadium currently provides a capacity for 12,000 spectators including 2,837 seats with the remaining areas providing terraced standing areas for spectators. The site is surrounded on all sides by residential development.

The Memorial Stadium site is close to the junction of Filton Avenue and Muller Road in Horfield. It has an area of 3.3 hectares.

APPLICATION

This is an application for full planning permission for the variations of Conditions 11 and 36 attached to planning permission 12/02090/F specifically to alter the wording of Condition 11 to:

"No development shall take place until a delivery strategy for the food store is submitted to and approved in writing to the Local Planning Authority. The approved strategy should include the following:

Deliveries (including all vehicle movements entering and leaving the site) to be limited to between 05:00 and 00:01 hours only.

Noise from delivery vehicles during the periods 05:00 – 06:00 and 23:00– 00:01 Monday – Saturday

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

and 05:00 – 09:00 and 20:00 – 00:01 Sundays and Bank Holidays at external free field locations representing façades of nearby dwellings shall not exceed 45 dB LAeq (5 mins) or 60 dB LAmax, fast.

Routes for servicing vehicles

Details of all mitigation measures recommended in the 24Acoustics report R5247-1 Rev 4 Date: 20th October 2014 including full details of all acoustic barriers and treatments

A noise monitoring strategy as specified in the 24Acoustics report R5247-1 Rev 4 Date: 20th October 2014.

The development shall thereafter operate strictly in accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring occupiers.”

The additional mitigation that has been put forward by the Applicants includes:

- Barriers: 2.3m to 2.7m tall barrier adjacent to 27 Filton Avenue; 2.3m tall barrier adjacent to 33 Filton Avenue. Barrier to be acoustically absorbing on face to road.
- 2.4m barrier running along the boundary with Filton Avenue properties (0.6m increase)
- 3.6m noise barrier along boundary with Trubshaw Close (inclusion of solid barrier on top of wall matching height of the existing hit and miss fence)
- External access ramp tunnel and absorptive lining internally.
- An anti-vibration resilient layer will be installed between the access roadway and the kerb from the roundabout and along the boundary with Filton Avenue on both sides.
- "Regular neighbour liaison meetings will be established to provide a forum to address any concerns raised by residents both in relation to noise and other matters."
- Condition of vehicles delivering, for example the universal use of air brake silencers

Operation of the Service Yard

The Applicants have provided details of the operation of the service yard including the following:

- "It is relevant to note that the number of HGV deliveries per hour will be governed by a combination of the capacity of the service yard (2 delivery spaces) and target turnaround time (38 minutes). On this basis, a figure of no more than 2 HGV deliveries per hour is considered to represent a likely worst case analysis."

Service Yard Management Strategies including

- Delivery vehicle manoeuvres
- Delivery Schedules for Sainsbury's vehicles
- Delivery Communication Strategy for Sainsbury's vehicles
- Gate opening strategy

Delivery Vehicle Manoeuvres

- The service yard facilitates all vehicles entering and exiting in a forward gear. Space is provided for a single lorry.

Development Control Committee B – 12 November 2014

Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF

Delivery Schedule for Sainsbury's Vehicles

- "A typical daily delivery programme for the Sainsbury's store is for the mixture of perishables, non-perishables, frozen and kitchen-line goods to be delivered throughout the day."

Delivery communication strategy for Sainsbury's Vehicles

- All Sainsbury's vehicles will be equipped with a paging system that will enable a signal to be sent from the Emersons Green depot that will be a cue for the entry gates to be opened.

Weekly Checks

- Store management will take weekly checks both within and surrounding the service yard to ensure that all equipment, gates are operating efficiently and without excessive noise.

PLANNING HISTORY

12/02090/F - Redevelopment of the site comprising the demolition of the stadium and all related structures, and erection of a foodstore with under-croft car parking, 65 residential units (houses and apartments) and community/commercial floorspace. Associated works comprising hard and soft landscaping, enlargement of vehicular access to Filton Avenue and the creation of a mini-roundabout on Filton Avenue, involving the demolition of nos. 29 and 31 Filton Avenue, and improvements to road junctions at Filton Avenue/Gloucester Road and Filton Avenue/Muller Road. (Major application). Granted 14 June 2013.

This application was subsequently challenged by way of a Judicial Review and upheld on 13 March 2014.

13/05462/X - Variation of condition 11 attached to planning permission 12/02090/F, which approved the redevelopment of the site to provide a foodstore with undercroft car parking, 65 residential units and community/commercial floorspace, to amend the proposed foodstore delivery hours to the service yard between 0500 and 00:00 (Major application). Application submitted by Sainsbury's. This application was refused on 28 January 2014 for the following reasons:

"1. The proposed variation of Condition 11 attached to Planning Permission 12/02090/F would result in hours of delivery that would have a detrimental impact on the amenity of both surrounding residents and future residents on the site. Furthermore, insufficient information has been submitted to demonstrate that the amenity of these residents will not be harmed by the proposed change. As such the proposal is contrary to Core Strategy BCS23 as it would fail to avoid adversely impacting upon the environmental amenity of the surrounding area by virtue of noise."

This decision was subject to an Appeal by Sainsbury's. This Appeal has subsequently been withdrawn.

RESPONSE TO PUBLICITY AND CONSULTATION

COUNCILLORS TIM MALNICK AND DANIELLA RADICE (BISHOPSTON WARD)

"We are writing to register our objection to the application and request that officers refuse it. We would like to make the following points:

1. Revising the criteria for acceptable noise:

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

The acoustic report puts forward a specific approach to determining maximum acceptable noise levels:

3.12 The method of combining maximum level and number of noise events to determine a "critical load" for nocturnal noise has been put forward by Griefahn [Reference 6].

3.13 It is considered that this type of approach is in line with real world experience of sleep disturbance. On the basis that far fewer than 30 HGV movements are likely to occur during the early morning or early night-time period, an upper internal value of 53 dB L_{Amax}, is considered a more relevant threshold criterion.

We are not experts in acoustics. But it seems that a large amount of the noise report is based on a single paper written by a single author in 1990. We understand that this proposed level of acceptable noise is higher than current WHO health guidelines and the BS guidelines state and is also higher than the same acoustic consultancy claims to be in the 'spirit' of current recommendation in other reports. Furthermore, the cited report is in German. At the very least we request that Council officers are fully acquainted with and entirely satisfied with this suggested new approach to determining noise levels.

We have concerns that this is simply an attempt to find any basis whatsoever for trying again to extend delivery hours, which knowingly ignores the letter and spirit of other existing guidelines and recommendations and the genuine needs of local people.

Further, the acoustic report continues ...

3.13 The criterion for maximum noise (i.e. based on Griefahn) corresponds to a risk, per night, of 10%, for a noise induced awakening of an elderly (70 year old) person, from their most sensitive sleeping stage.

So even if we accept this revised higher figure and these new criteria, our understanding (from the passage above) is that an elderly person living in one of the houses affected might expect to be woken up by the maximum allowable noise approximately 27 nights each year by the new deliveries (At 10% likelihood of being woken per night, the chance of not being woken each night = 90%. The chance of not being woken during an entire week = 48% (.9 x .9 x .9 x .9 x .9 x .9 x .9). So there is a 52% of being woken at least once a week. This equates to being woken approx. 27 nights per year, or nearly 1 whole month of disrupted sleep - even at the level suggested acceptable.). This equates to nearly 1 month of disrupted sleep lost between the hours of 12 - 5.

Even if the eventual noise is, as the report goes on to suggest, less than the revised maximum allowable, it is still clear that there will be some inevitable increase in the probability of sleep disruption caused by the extended hours.

Even a 5% probability of sleep disruption due to the new arrangements would still equate to nearly two weeks worth of disrupted sleep a year.

How can we not consider that this a clear loss of amenity?

As local councillors we simply cannot accept that the proposed increase in delivery hours will not inevitably have a negative impact on the health and wellbeing of local residents.

2. Visual and light impact of enhanced mitigation measures + lack of consultation or planning permission associated with them:

The proposed new barriers are a very significant increase in height compared to those in the original planning.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

The original proposed barriers were 2.4 metres on Trubshaw Close and 1.8 metres on Filton Avenue.

These are now proposed to increase to 3.6 metres (an increase of 50%) and 2.3 metres (an increase of 28%) respectively.

We believe this is very likely to have increased negative impacts in terms of blocking light into residential houses and gardens.

To our knowledge no consultation whatsoever has taken place with local residents about the proposed enhanced mitigation measures. We do not think it appropriate to increase the visual / light impact of these barriers without local consultation and under the existing planning approval.

3. Increased impact and noise disturbance on other residential houses on the route to delivery not affected by the proposed barriers:

The enhanced mitigation strategy takes no account of the considerable number of houses on the route to the proposed store that will not be affected by proposed new barriers. These will clearly be affected by the increase in delivery hours and the loss of amenity through additional late night noise. Very large delivery lorries approaching Filton Avenue via Muller Road and at the proposed new roundabout on Filton Avenue will still be using air brakes as they approach and accelerating after turning - on both inward and outward journeys. We consider it likely that there will be noise disruption caused by this - and so extending the delivery hours by a further 2 hours (6 on a Sunday) will only add to the loss of amenity.

Furthermore, we believe that the plans submitted in this application, do not feature the proposed raised platform on Filton Avenue which were part of the final agreed plans.

We are unclear whether the acoustic report takes any account of the obvious increase in noise created by lorries on the raised platform, and are concerned that their figures may not have taken this into account at all.

4. Use of management measures as part of mitigation

The report includes as an appendix a range of good practice delivery approaches intended as part of the mitigation. It claims that,

"Regular neighbour liaison meetings will be established to provide a forum to address any concerns raised by residents both in relation to noise and other matters."

It says nothing however about how management practice or delivery hours will actually change as a result of these forums should issues arise or how accountability or governance will work. We have strong concerns that the Council is being asked to rely on something that in part comes down to the vagaries and inconsistencies of driver behaviours and management processes and will be extremely hard to address or enforce in practice.

Conclusion: Clear loss of amenity through increased late night disturbance, while existing delivery hours are entirely reasonable.

Filton Avenue is a relatively busy road. But it is clear from our many conversations with those living there and nearby that they are not currently disrupted by night time noise.

There are clear health grounds for considering that 7 hours of undisturbed sleep per night is significantly and materially better than 5 hours of undisturbed sleep (under the proposed new delivery hours).

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

We therefore ask Bristol City Council to refuse this application in order to preserve the health and quality of sleep of local residents."

COUNCILLOR CLAIRE HISCOTT (HORFIELD WARD)

"I wish to lodge my own objection to the above application which seeks to vary conditions previously deemed by Members of the Development Control (North) Committee to be important and necessary "in the interests of protecting the amenity of neighbouring occupiers". Under condition 11 of planning application 12/02090/F - submitted by Sainsbury's Supermarket Ltd - it was agreed to limit deliveries to between 06:00 and 23:00 Monday to Saturday and 09:00 to 20:00 on Sundays and Bank Holidays. I am sad and disappointed that this now seems insufficient given the need to balance the welfare of all those who actually live near to the proposed new superstore. If approved, the proposed extended hours of activity around the service yard would effectively deny local people any respite from the commercial goings-on at this site. Therefore, I would like to suggest refusal in the first instance. I believe the operational conditions granted only last year need to be tried and only then (if necessary) subject to review. Of course, such an exercise must also take into account and give weight to the views of site neighbours. As a last resort, and in the interests of ensuring that the redevelopment of the Memorial Stadium goes ahead, perhaps some compromise deal can be struck along the lines of allowing a more modest increase (say by a couple of hours) during the week only? In any event, given the controversy surrounding this sensitive planning issue, I would expect ward Councillors to refer this decision to the relevant planning Committee for determination, rather than rely wholly on Officers to take this decision under delegated powers. "

COUNCILLOR OLLY MEAD (HORFIELD WARD)

"As ward councillor for Horfield, whose boundary is just across the road from the proposed development, I have received a great many complaints about the proposed extension of delivery hours at the new Sainsburys. I feel that the proposal is inappropriate in a residential neighbourhood, and would likely disrupt the sleep of local residents. I have no problem with businesses receiving deliveries, but do feel that people should be able to get a decent night's sleep without delivery lorries waking them up. I feel that a 16-hour time window for receiving deliveries is plenty for any business, and that an extension is unnecessary."

FORMER COUNCILLOR WILLINGHAM

"Based upon the highly residential nature of the area around the development site, it should be evident to the Local Planning Authority that if deliveries were to be permitted at the site from 0500 to 0001, then vehicles seeking to arrive at the site for the first delivery time of 0500 or departing the site at the last opportunity of 0001, will need to traverse through these residential areas, with the potential noise impact from the site being over a wider area and wider timespan.

In light of this, the documentation is totally inadequate because:

- a) It fails to prescribe the delivery route.
- b) It consequently fails to assess the noise impact on residential properties adjacent to any affected delivery routes.
- c) The Local Planning Authority has failed to make any effort to consult with potentially affected properties on any delivery route.

In order to ensure that the complete picture of the vastly detrimental impact of this foolish proposal can be properly determined the following needs to be done:

The applicant should be required to formally agree and adopt as a planning condition a delivery route that will be used by all vehicles seeking to deliver to the store. This planning condition prescribing the

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

route should also include a requirement that save for emergencies no delivery vehicles shall park-up outside any residential frontage on the aforementioned delivery route within the municipal boundaries of the City and County of Bristol. This planning condition should also include the sanction that if evidence of ANY deviation from this planning condition for ANY reason is presented to the Local Planning Authority, that the permitted delivery hours for the store shall immediately revert to those specified in the original planning application.

The applicant should then perform a worst-case analysis of the timings of driving said route, based upon a 20mph speed limit and the vehicle being stopped at every set of traffic lights. This would establish the genuine times at which a fully noise and vibration assessment would need to be performed in respect of every residential property along the route so prescribed. It should further be noted that if the Muller Road delivery route were to be considered, that such noise calculations would need to demonstrate that the impact of the substantial gradient, and the effect this would have on engine and braking noise had been fully considered in the noise assessment.

Residents along the route should be fully consulted, including details of the likely first and last times that vehicles will pass residential properties on the route and cause disturbance.

However, based upon the likely route to the store being from the M32 and via Muller Road, it seems likely that the residential properties on Muller Road will have noise disturbances caused by these deliveries, and that the times of these disturbances may well be between 0440 and 0020. Furthermore, the failure to assess the noise impact of these HGVs using noisy air-brakes to come to a standstill, revving noisy diesel engines when pulling away from or from noisy power-assisted steering when making sharp turns at the various signalised junctions along the prescribed route would represent a considerable failure to properly assess the impact of this application. Whilst it may be considered that by virtue of it being a B-class road, residents on Muller Road may have different expectations with respect to levels of night-time noise, the scale of the development and disparity of the proposed delivery hours when compared to other similar developments within the locality suggest that this proposal will cause an unacceptable disturbance to a large swathe of residential properties along the entire delivery route.

With this consideration in mind, and with the total omission of this consideration by the applicant rendering the supporting documents utterly inadequate, it is now incumbent on the Local Planning Authority to request from the applicant the formal documentation described within this objection, and to hold determination of this planning application in abeyance until said documentation has been provided, allowing full, proper, open and transparent consultation with affected residents. Should the applicant fail to supply said documentation, then the only reasonable action open to the Local Planning Authority would be to refuse the application using delegated powers. To do otherwise would seem to knowingly and wilfully ignore material planning considerations highly pertinent to the potential loss of amenity that would be inflicted on residential properties by this ill-judged proposal."

KEYSTONES HOUSING SUPPORT SERVICES LIMITED (29 FILTON AVENUE)

"I am the Managing Director Of Keystones Housing Support Services Ltd. We are a registered not for profits organisation that help to rehabilitate residents with long term MH conditions in the community. As part of this development Sainsbury's purchased our main office address at 29 Filton Ave (where we also house 6 residents) from the owner, in order to demolish it to widen the Rd. We were not happy with this but as we only rented the property we could not stop the owner from selling. We are now renting from Sainsbury's until the building work starts. We have now become aware of this new application for extended hours and to put a sound barrier along our other house at 27 Filton Ave. As explained our residents suffer from Mental Health conditions, many of them have spent years in hospitals surrounded by fences or walls & become very stressed & anxious about any type of containment. Putting a sound barrier around their garden could have a serious impact on their Mental Health, the garden is currently open & they spend many hours enjoying that freedom. In addition most

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

of the residents have very poor sleep, the amount of disruption with deliveries being made by these extended hours will also impact on their MH. Keystones has already been seriously affected by this building application, with the impending loss of our main house at 29, I do not feel it is acceptable to cause further disruption to vulnerable residents."

BRISTOL CIVIC SOCIETY

"Bristol Civic Society objects strongly to the proposed variation of Condition 11 attached to planning permission 12/02090F. Conditions are attached to planning permissions among other things to make the resultant development acceptable to neighbouring uses. As the surrounding neighbourhood of the Memorial Stadium is largely residential, it is perfectly reasonable to restrict deliveries to the hours stated in the condition. The significant increase in delivery hours proposed would create noise and disturbance harmful to the quality of life of neighbouring residents. The Society urges the Council to refuse the application."

BCC POLLUTION CONTROL

Comments incorporated into the Key Issues Section of the Report.

REPRESENTATIONS FROM RESIDENTS

All properties that were consulted on Application 13/05462/X were consulted again together with neighbouring residents including properties in Beaufort Road. As a result a total of 297 representations were received, of which 186 indicated that they objected to the application and 111 wrote indicating that they support it.

COMMENTS OBJECTING TO THE PROPOSAL**Noise and Vibration**

Many representations expressed concern that the proposal would have a detrimental impact on amenity in terms of noise and vibration:

- 44-ton lorries are noisy: they are the largest, maximum weight lorries allowed on UK roads and were designed for motorway haulage. These HGV's will be travelling fully laden in low gear up Muller Rd, with its steep hills and descents, its many family houses and its 7 sets of traffic lights. On Filton Avenue these HGVs will thump up and down a raised-table roundabout.
- On Filton Avenue these HGVs will thump up and down a raised-table roundabout which has been omitted from the Noise Assessment.
- Increased vibration from lorries passing residential properties - "No attention has been paid to the age and structure of the mainly Victorian houses in the area which are less likely to have noise-reducing measures and are more susceptible to vibrations from heavy vehicles."
- Concern about the noise from HGV vehicles reversing.
- "I have previously been in favour of the proposed Sainsbury's, but I object to this proposal to extend the delivery hours by an hour at either end of the day. I don't want 44-ton lorries going up and down Muller Rd from before 5am until after midnight 7 days a week"

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

- Extending the hours, and therefore noise disruption to local residents, to 5am 'til midnight (19 hours a day) is a ridiculous request from Sainsbury's, made purely in self-interest and showing no regard to the community it plans to move into.
 - Much stronger restrictions exist for other supermarkets in "residential locations" in our area: Co-op, 335 Glos Road 8am - 6pm Mon-Sun (10 hours daily) Tesco Golden Hill 7am - 9pm Mon-Sun (14 hours daily) Setting a precedent for such long delivery hours (19 every day including Sundays) could lead to a flurry of applications from other stores across the city to increase their delivery hours.
 - If deliveries are permitted to start at 5am and to extend to midnight the acoustic character of the area will be affected to the extent there is bound to be a noticeable change in quality of life, with or without sound barriers. This is because any resident in a vulnerable property, (i.e. either backing onto the development or along the HGVs' route), who is accustomed to the normal necessary 7 to 8 hours of sleep and sleeps with their window open, or in an upstairs bedroom beyond any benefit from a sound barrier, will inevitably be exposed to noise, both sudden and prolonged. For all their height, the proposed noise barriers, will not provide appropriate mitigation to prevent this.
 - Increasing noise exposure will at some point because the significant observed adverse effect level boundary to be crossed. Above this level, the noise causes a material change in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused." The significant observed adverse effect level is defined as "the level of noise exposure above which significant adverse effects on health and quality of life occur."
 - There would be a detrimental impact on people's health. Local residents have a right to an undisturbed sleep at night: The World Health Organisation states in its Night Noise Guidance for Europe that :
 - o Sleep is a biological necessity and disturbed sleep is associated with a number of adverse impacts on health.
 - o While noise-induced sleep disturbance is viewed as a health problem in itself (environmental insomnia), it also leads to further consequences for health and well-being It is no surprise to find that among the groups identified by WHO as most vulnerable to sleep disturbance are children and the elderly, or that Sundays are particularly important: "On Sundays, sleeping time is consistently 1 hour longer, probably due to people recovering from sleep debt incurred during the week." Sleep deprivation reduces quality of life.
- It is noted that "Both WYG and 24Acoustics refer to the Quiet Deliveries Demonstration Scheme. In the Quiet Deliveries Demonstration Scheme Project report to the Department of Transport, the DfT made it clear that the findings and recommendations are those of the authors and do not represent the views of the DfT and goes on to say the DfT does not guarantee the accuracy, completeness or usefulness of that [the reports] information. Where trials have taken place there is no clear evidence that noise improvements were actually achieved and there is certainly no trial at a location where a raised platform roundabout close to residential properties is to be negotiated by a large HGV." Barriers will be ineffectual.
- Proposed noise barriers will create a prison like feel - "The higher boundary fences are totally unreasonable. They will block light making large areas of gardens unusable. To consider such fence the application would have to be further revised so that the fences could be installed a few meters further from the surrounding residents."
 - The construction of even higher fencing will adversely affect the quality of light in our houses and gardens and also our overall quality of life.

Development Control Committee B – 12 November 2014

Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF

Other amenity issues

- The extended delivery hours will make residents' life a misery. The increase in motor traffic in the area will be seriously detrimental to all who live and work in the area
- The junction is going to be a death trap. And to allow the lorries to be making that left, rattling the windows of the houses as they bump over the raised roundabout/
- Increased air pollution in the area. Concern about emissions - which are already above European Union standards.
- Concern about public safety - HGVs blocking the road for ambulances heading to Southmead Hospital
- Residents will have no choice but to keep their windows closed all the time.
- The proposed noise barriers will be ineffectual in preventing noise.
- The approved delivery hours are sufficient.
- The application proposal would give rise to increased traffic - "The traffic in this area, particularly Muller Road is already very busy. If there was more caused by the planned car park and extended hours, it would significantly affect the wellbeing of both local residents and the local environment."
- "Given that the original application was deemed to be 'very finely balanced' by the council themselves, to allow the proposed changes in this application would throw the total application into a state of imbalance in favour of giving Sainsbury's everything they want and against the quality of life and environment of local people."
- As a mother of 3 young children living in what will become one of the most adversely affected properties on the corner to the entrance to this wholly inappropriate development, I urge the Council to refuse the application to vary conditions 11 & 36 which will further blight our lives and lead to an even greater loss of amenity and our right to enjoy a peaceful life in our home.

Other issues raised

- The research employed to justify departure from the WHO recognised limit for night time noise cannot be read by anyone who is not fluent in German. No translation has been provided for this document - "Präventivmedizinische Vorschläge für den nächtlichen Schallschutz" (Officer Note: The Applicant's have confirmed that the work undertaken by Prof Barbara Griefahn (and referenced in German in 24 Acoustics' technical report) has been referenced as a means of determining the effects of a small number of night-time noise events and the associated effect on sleep. This reference was presented for completeness and, in any event, it is relevant to note that the assessment has used a more stringent noise standard (than given in the paper) for assessing night-time events of 45 dB L_{Amax}, fast as referenced in British Standard 8233: 1999).
- No proper consultation has been undertaken.
- Notice that many residents in the surrounding area have already put their houses on the market and I am not surprised as the goal posts for this development keep moving and having previously lived close to the Tesco on Golden Hill I know how that feels. Deliveries affect all homes in the area whatever time of day or night they are. The local roads area already gridlocked and the noise and pollution caused has to be unacceptable.

Development Control Committee B – 12 November 2014

Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF

- "As Horfield residents, we have already been insulted by the council's decision to bypass our overwhelming objection to the new Sainsbury's at the top of Gloucester Road. This is a perfect case and point example of why we don't want yet another big supermarket pushing their weight about in our community. We were promised that should the new supermarket go ahead, all measures would be taken to ensure that local resident's interests and quality of life would be taken into account at every possible step."
- "Two noise assessments yielding different results cannot both be correct! (WYG Nov 2013 and 2014 & 24Acoustics June 2014)."
- "Local residents and by local I mean those who live on the roads affected by this development have been overlooked wholly in the quest for the 'bigger picture'. We will suffer enough with the terms of the already permitted development which was stated to be 'very finely balanced' by the case officer. Please do not harm and blight our lives further by granting even more permissive, sleep disturbing delivery hours and overbearing acoustic barriers in doing so opening the Council to greater pressure from all developers wanting to impose evermore harmful projects on the city at the expense of those of us who live here. This was a finely balanced decision, to accept the variation of conditions removes the finely balanced nature of the initial approval and should not be allowed. It is disgraceful that supporters should even voice an opinion on seriously harmful developments when they do not even live in the city of Bristol let alone anywhere near the site.
- Given that the original application was deemed to be 'very finely balanced' by the council themselves, to allow the proposed changes in this application would throw the total application into a state of imbalance in favour of giving Sainsbury's everything they want and against the quality of life and environment of local people.
- This has gone further than it should have done already. Support smaller local businesses and respect the Memorial WW1 dead. No more concessions please to Sainsbury's. The site was given to the people of Bristol for the sole use of sport - "To co-operate in this proposed act of theft by the present "owners" would be an unforgivable insult to those who gave their lives in WW1"
- Concern about letters of support coming from Bristol Rovers supporters located across the country.
- Permission should never have been granted for a supermarket in the first place.
- I object to the way this application has even been submitted when the appeal is still ongoing.
- Why is the Council prepared to accept a new proposal when it rejected the old proposal?
- The area does not need another supermarket, the site is not suitable for traffic access either via Muller road or Filton Avenue.

COMMENTS MADE IN SUPPORT OF THE APPLICATION

- This tiny change in the planning consent is going to bring one slowly driven truck every two hours on average.
- It will be safer and sensible to deliver when other people are not using the store and cyclists and school children are not about.
- This new plan will cut traffic emissions and reduce air pollution for those who live nearby.

Development Control Committee B – 12 November 2014

Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF

- As a resident of Trubshaw Close, with the stadium in view of our living room window, I write to support the variation in conditions application on all counts. We used to live just behind Tesco, in The Furlong Golden Hill, Henleaze. Despite very little sound absorbing material the noise pollution was minimal to non existent.

- This set of plans is far better than the ones rejected in January 2014.

- The extra noise barriers alongside Trubshaw Close and behind nearby Filton Avenue homes will mean that noise is reduced without any loss of visual amenity for the neighbouring homes.

- It seems that the plan is to make deliveries as painless and hassle free as can be.

- All this does is spread out the hours of trucks entering the site.

- The noisy part of the development is the service yard and this is enclosed.

- "Are we saying that deliveries by 1 lorry at 5.30 and 1 lorry at 11:15 is so serious that all of this is going to be thrown out?"

- All new measures such as the acoustic lining to the access tunnel and the noise barriers mean this is an improvement on the previously accepted plans for the site.

- It will be difficult to tell when a delivery is taking place given the normal level of general background noise.

- "As a transport professional extended hours will reduce congestion during peak hours. Lorries are also very quiet now a days and routinely deliver into major cities with no issues at all"

Other issues

- Investment in Bristol is needed and building the supermarket will bring in many jobs.

- Question what the alternative is to a supermarket on the site?

- "I wish to support the application. This is a very small amendment to an already approved scheme - which has been backed by many including the Prime Minister! Get on and build the thing that will enable £200m investment in Bristol. Bristol deserves better."

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM26	Local character and distinctiveness
DM27	Layout and form
DM35	Noise Mitigation

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

KEY ISSUES

- (A) WOULD THE INCREASE IN DELIVERY HOURS TOGETHER WITH PROPOSED MITIGATION MEASURES HAVE A DETRIMENTAL IMPACT ON THE AMENITY OF SURROUNDING RESIDENTS?

Policy DM35 states that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation.

In assessing such a scheme of mitigation, account will be taken of:

- The location, design and layout of the proposed development,
- Existing levels of background noise
- Measures to reduce or contain generated noise
- Hours of operation and servicing

It continues that development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

The Council's Pollution Control has been consulted and has made the following comments:

This application seeks to increase the hours for deliveries from the hours permitted by 12/02090/F of 06.00 to 23.00 Monday to Saturday and 09.00 to 20.00 on Sundays for deliveries to be made between 05.00 to 00.01 throughout the week. A previous application was made in 2013 (13/05462/X) to extend the hours to the same times as this application and this application was refused.

All deliveries to the proposed store are to be made within an enclosed delivery area to the east of the site and the noise most likely to affect residents of properties living in the vicinity of the site will be from HGV delivery vehicles driving to and from the delivery area to a new mini roundabout on Filton Avenue.

Both this application and the 2013 application included acoustic reports that made assessments of the noise from deliveries. Both reports assessed the noise from deliveries in accordance with BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas". In simple terms this is a method of comparing the noise from a specific source (measured as an average over a period of time with some corrections taken into account) against the background noise level with the specific source present. In the Pollution Control Team's opinion, whilst this offers a way of assessing noise from deliveries, it is often the sudden noises such as a vehicle driving past, bangs or door slams that give rise to most disturbance. It would therefore be expected for any report on deliveries to also include reference to maximum LAmax levels. The World Health Organisations Guidelines for Community gives guidance levels and states that 'At night, sound pressure levels at the outside façades of the living spaces should not exceed 45 dB LAeq and 60 dB LAmax, so that people may sleep with bedroom windows open'. These levels or equivalent internal levels are the recommended levels the Pollution Control Team would usually like to see adhered to for any new residential development or not exceeded in any existing residential property by any new commercial development.

WYG Report submitted with Application 13/05462/X

The WYG Report submitted with the 2013 application predicts that outside 3 residential properties namely 53 Trubshaw Close, 27 & 33 Filton Avenue that LAmax levels from deliveries would be above LAmax 60 dB. The report does not however make any reference to LAmax levels in its conclusions.

- The report was based on some mitigation measures including:

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

- 1.8 m barrier along the boundary with Filton Avenue properties
- 2.4 m barriers along the boundary with Trubshaw Close properties,
- Switching off of chillers and an anti-vibration resilient layer on the road way.

The report also proposes a condition that noise levels would not exceed LAeq(5 mins) 45 dB or LAmax(5 mins) 60 dB and a proposal for a condition for noise monitoring to be carried out on two nights.

There was concern that the scheme of noise mitigation relied heavily on management control which as we all know can vary from store to store.

It was noted that the acoustic report submitted with the original application (12/02090/F) highlighted the need for mitigation measures such as barrier attenuation in noise sensitive locations to protect residents, including the impact of LA max levels. The earlier scheme made no reference to this. The main mitigation controls that were listed relied on practical management of associated delivery noise rather than approved and soundly evidenced acoustic measures and methodology, therefore the delivery strategy seemed to be limited and unreliable in terms of outcomes at noise sensitive receptors. For this reason an objection was made to the application with the Pollution Control Officer concluding:

"I would object to the application for variation with delivery hours on the basis on insufficient information provided. I cannot accept that increased deliveries at unsociable hours will not cause nuisance to neighbours based on the management controls outlined and the arguably reliable? Quiet

Deliveries Demonstration Scheme."

The current application proposal has responded to this earlier reason for refusal.

The Pollution Control Officer notes that the 24 Acoustic Report submitted in support of this application predicts that with proposed mitigation measures that LAmax levels outside all residential properties will be below LAmax 60 dB. The level at 27 Filton Avenue predicted as 58.2 dB, 33 Filton Avenue being 54.7 dB and 53 Trubshaw Close 49.2 dB.

In addition to the mitigation measures detailed in the WYG report the 24Acoustics report also gives two further mitigation options. The preferred option 2 gives further details of offers the following further mitigation which is not proposed by the WYG report specifically:

- 2.3 m to 2.7 m barrier along the boundary with Filton Avenue (increase of 0.5 to 0.9 m)
- 3.6 m barriers along the boundary with Trubshaw Close properties (increase of 1.2 m)

The report also gives more detailed information on mitigation measures proposed by the WYG report such as that barriers will be absorptive on the sides facing the vehicle. As well as the monitoring conditions proposed in the 2013 application the report also proposes further noise monitoring system located at two receptor locations.

The overall conclusion reached by the Pollution Control Officer was that the 2013 application did not predict noise levels in compliance with recommended LAmax 60 dB outside level from the World Health Organisations Guidelines For Community Noise. These levels are in line with those generally adopted by Bristol City Council. This application does predict LAmax levels in compliance with LAmax 60 dB outside level along with permanent monitoring to show compliance with these levels. It is therefore considered that with relevant wording of a revised Condition No.11 that the application can be supported.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

The advice from the Council's Pollution Control Officer is that he would therefore find it difficult to object to this application especially taking into account the likelihood of being able to successfully defend this at any appeal. They recognise that even at these levels the occupants of some nearby properties, particularly 27 Filton Ave, will still be likely to hear noise from delivery vehicles arriving and departing but guidance and research documents indicate that at the predicted levels this should not unduly disturb sleep.

On the basis of this received advice it is concluded that there are no grounds to resist this application on the grounds of unacceptable levels of noise. There is no support from the Pollution Control Officer that the increase in delivery hours would have a detrimental impact on the amenity of surrounding residents, mindful of the proposed mitigation which will be served by a revised Condition No.11.

(B) IS THE DESIGN OF THE PROPOSED NOISE BARRIERS ACCEPTABLE?

Policy DM26 states that the design of proposals will be expected to contribute towards local character and distinctiveness. Development should respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings.

In this case, the submitted plans indicate that the boundary dividing the site from properties in Filton Avenue would be between 2.3 and 2.7m tall and 3.6m along the boundary with Trubshaw Close.

It is noted that there is already a significant boundary along both the boundaries with Filton Avenue and Trubshaw Close. The plans indicated that the Filton Avenue boundary would increase in height by 0.3m and the Trubshaw Close boundary, which is already a significant form when viewed from the existing car park, would remain at the same height.

It is considered that these proposed boundary treatments differ little from the existing boundary treatment. They are therefore regarded as having a neutral impact on local character and distinctiveness.

CONCLUSION

For the reasons set out above it is considered that there are no grounds to resist this variation of condition and increase in the hours available for deliveries to be made to the approved supermarket.

COMMUNITY INFRASTRUCTURE LEVY

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

The original planning permission to which this application relates was granted prior to the implementation of CIL and therefore no CIL is payable.

Development Control Committee B – 12 November 2014

**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue
Bristol BS7 0BF**

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

1. The development hereby permitted shall begin before the expiration of five years from the date of planning permission 12/02090/F - 14 June 2018.

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. Prior to the commencement of development on the site, details of all boundary treatment, including, noise barriers and any means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

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

3. Prior to the commencement of development on the site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:

- a. Site Security
- b. Fuel oil storage, bunding, delivery and use
- c. How both minor and major spillage will be dealt with
- d. Containment of silt/soil contaminated run off.
- e. Disposal of contaminated drainage, including water pumped from excavations
- f. Site induction for workforce highlighting pollution prevention and awareness
- g. Procedures for maintaining good public relations including complaint management, public consultation and liaison
- h. Arrangements for liaison with the Council's Pollution Control Team
- i. Hours of operation.
- j. Procedures for emergency deviation of agreed working hours.
- k. Deliveries to, and removal of plant, equipment, machinery and waste from the site must only take place within the agreed hours of operation.
- l. 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.
- m. Measures for dust control
- n. Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- o. Routes for construction traffic.
- p. Hours of operation.
- q. Method of prevention of mud being carried onto the highway.
- r. Pedestrian and Cyclist protection.
- s. Proposed temporary traffic restrictions, including temporary road and footway closures, bus stop closures and waiting / turning restrictions.
- t. Arrangement for turning vehicles.

The development shall then take place in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

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

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

4. Prior to the commencement of the development of the foodstore or to a timescale agreed in writing by the Local Planning Authority, full details of a Local Employment Partnership shall be submitted to and approved by the Local Planning Authority. The operation of the development shall thereafter be in full accordance with the Local Employment Partnership agreed.

Reason: In the interests of securing local employment within the development.

5. Prior to the commencement of the foodstore, plans detailing the external lighting scheme consistent with the mitigation included in the application submission relevant to the foodstore - Lighting Assessment (April 2012) shall have been submitted to and been approved in writing by the Local Planning Authority.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

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

6. Prior to the commencement of the residential, plans detailing the external lighting scheme consistent with the mitigation included in the application submission relevant to the residential part - Lighting Assessment (April 2012) shall have been submitted to and been approved in writing by the Local Planning Authority.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

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

7. 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 been 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. The development must be completed strictly in accordance with the approved scheme.

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.

8. No development of the foodstore shall take place until details of the means of ventilation for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been 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.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

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

9. No development of the foodstore shall take place until details of all external materials for that part have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character of the area.

10. No development of the residential part shall take place until details of all external materials for that part have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character of the area.

11. No development shall take place until a delivery strategy for the food store is submitted to and approved in writing to the Local Planning Authority. The approved strategy should include the following:

Deliveries (including all vehicle movements entering and leaving the site) to be limited to between 05:00 and 00:01 hours only.

Noise from delivery vehicles during the periods 05:00 – 06:00 and 23:00– 00:01 Monday – Saturday and 05:00 – 09:00 and 20:00 – 00:01 Sundays and Bank Holidays at external free field locations representing façades of nearby dwellings shall not exceed 45 dB LAeq (5 mins) or 60 dB L_{Amax}, fast.

Routes for servicing vehicles

Details of all mitigation measures recommended in the 24Acoustics report R5247-1 Rev 4 Date: 20th October 2014 including full details of all acoustic barriers and treatments
A noise monitoring strategy as specified in the 24Acoustics report R5247-1 Rev 4 Date: 20th October 2014.

The development shall thereafter operate strictly in accordance with the approved details.

Reason: In the interests of protecting the amenity of neighbouring occupiers.”

Reason: In the interests of protecting the amenity of neighbouring occupiers.

12. No development shall take place until an Arboricultural Method Statement, to BS5837: 2012, setting out how damage to trees will be avoided where works pass within or close to the Root Protection Areas (RPAs₀) of retained trees is submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

Reason: In the interests of protecting the existing trees on the site.

13. No development shall take place until details of the enclosed service yard for the foodstore, which demonstrate satisfactory noise attenuation, are submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

Reason: In the interests of protecting the amenity of surrounding residential occupiers.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

14. No development shall commence until a surface and foul water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the approved Flood Risk Assessment (prepared by RMA Environmental Limited and dated 30th April 2012) and include details of the phasing of surface water drainage infrastructure. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water system.

15. Prior to the commencement of development of the foodstore, relevant details of the following shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Avon and Somerset Constabulary:
- a. Details and a scheme of operation of the CCTV system for the foodstore site
 - b. Details of physical measures designed to restrict the size of vehicles accessing the undercroft parking area.
 - c. Details of robust access control procedures and barriers to control vehicle access to the service yard.
 - d. Specification of glazing within or adjacent to the undercroft parking area.

The agreed measures shall be installed (in full accordance with the details approved) and made operational, where relevant, prior to the opening of the new foodstore, unless an alternative timescale is agreed in writing with the Local Planning Authority and shall thereafter be retained in perpetuity unless agreed in writing by the Local Planning Authority.

Reason: In the interests of deterring crime and disorder and minimising the vulnerability of the development hereby approved.

16. Prior to the commencement of development on the site, details of the making good of 33 Filton Avenue shall be submitted to and approved in writing by the Local Planning Authority. The making good should be carried out strictly in accordance with the approved details unless alternative details are subsequently approved by the LPA when the making good shall be carried out in strictly in accordance with such approved details.

Reason: In the interests of the making good of 33 Filton Avenue

17. No development shall take place until details and a method statement for the refurbishment of the Memorial Gate pillars is submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

Reason: In order to ensure that the Grade II listed gates are restored to a sufficient standard.

18. Prior to the commencement of development, a detailed noise mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include details of noise mitigation measures at the entrance to the site. The development shall continue to operate strictly in accordance with the approved details.

Reason: In the interests of protecting the amenity of surrounding residents.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

19. No development shall take place until an assessment to show that the rating level of any plant & equipment associated with the foodstore, as part of this development, will be at least 5dBA below the background level has been submitted to and been approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

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

20. No development of the residential part shall take place until a plan for the on-going management of all land laid out for the purposes of public recreation has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the on-going management of all land on the site available for public recreation.

21. No development shall take place of the foodstore until construction details of the internal access road(s) to serve the foodstore to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The foodstore hereby permitted shall not be occupied or the use commenced until such road(s) is/are constructed in accordance with the approved plans.

Reason - To ensure the internal access roads to the foodstore are to a satisfactory standard for use by the public and are completed prior to occupation.

22. No development shall take place of the residential part until construction details of the internal access road(s) to serve the residential part to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. No residential unit shall not be occupied or until such road(s) is/are constructed in accordance with the approved plans.

Reason - To ensure the internal access roads to the residential part of the development are to a satisfactory standard for use by the public and are completed prior to occupation.

Pre occupation condition(s)

23. Prior to commencement, an Interim Residential Travel Plan and an Interim Retail Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented. The Interim Travel Plans shall include intermediate, continuing and long -term measures to promote and encourage alternatives to single-occupancy car use and will include travel planning measures, targets, on-going monitoring and mitigation.

The Interim Travel Plans will thereafter be implemented and maintained until the Full Travel Plans are implemented.

Within 6 months of the occupation of the foodstore a Full Retail Travel Plan will be submitted to and approved in writing by the Local Planning Authority.

Within 6 months of the occupation of the first residential dwelling a Full Residential Travel Plan will be submitted to and approved in writing by the Local Planning Authority.

Development Control Committee B – 12 November 2014**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue Bristol BS7 0BF**

The approved Full Travel Plans shall then be implemented within 2 months of their respective approval, monitored and reviewed in accordance to the satisfaction of the Local Planning Authority

Travel Planning measures shall include (but not be limited to) the appointment of Travel Plan Coordinators. personalised travel planning, showers and lockers for staff, cycle training, staff cycle ownership scheme, discounts on cycle equipment, car sharing, taster and discounted bus tickets, promotional events aimed at staff and customers, car club provision and membership.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and to promote the increased use of public transport, walking and cycling, and minimise congestion in the locality of the site

24. Prior to the occupation of the foodstore, a waste and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should set out the details of position of the waste and recycling facilities within the site, the size of the waste and recycling compound and the strategy for the collection and removal of waste including the number and frequency of collection vehicles. The development shall be completed strictly in accordance with the approved details.

Reason: In the interests of both the proper management of the site and in the interests of protecting the amenity of surrounding residents.

25. 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 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 7.

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.

26. Prior to the occupation of the foodstore the access road, footpaths and cycling routes, rear access lanes to Filton Avenue, visitor and staff cycle parking and hard landscape relating to the foodstore part shall be carried out in full accordance with the approved drawings, unless otherwise agreed in writing by the Local Planning Authority and shall be completed and made available for use prior to the opening of the new store, unless an alternative schedule is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

27. Prior to the occupation of the residential part the access road, footpaths and cycling routes, rear access lanes to Filton Avenue, cycle parking and hard landscape relating to the residential part shall be carried out in full accordance with the approved drawings, unless otherwise agreed in writing by the Local Planning Authority and shall be completed and made

Development Control Committee B – 12 November 2014

**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue
Bristol BS7 0BF**

available for use prior to the first occupation of the residential part, unless an alternative schedule is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

28. The planting proposals hereby approved relating to the foodstore part shall be carried out no later than during the first planting season following the date when the foodstore part hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

29. The planting proposals hereby approved relating to the residential part shall be carried out no later than during the first planting season following the date when the residential part hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

30. If the commercial/community floorspace hereby permitted is to be occupied for community use, a strategy for the provision of its use shall be submitted to and approved in writing by the Local Planning Authority prior to its occupation. The floorspace thereafter shall be used in accordance with the approved strategy.

Reason: In the interests of ensuring that any future community use does not replicate existing provision.

31. Prior to the occupation of the foodstore, details shall be submitted of the car park management regime, which shall limit public parking to a maximum of 3 hours. The car park shall thereafter be managed in full accordance with the agreed regime. Unless otherwise agreed in writing by the Local Planning Authority

Reason: in the interests of seeking to promote linked trips between the development and Gloucester Road Town Centre.

32. Prior to the occupation of the foodstore, details of a trolley management strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented strictly in accordance with the approved details.

Reason: In the interests of ensuring that trolleys are not removed from the site.

33. Prior to the occupation of the foodstore, details of the electric car charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

Reason: In the interests of promoting sustainable forms of transport.

Development Control Committee B – 12 November 2014

**Application No. 14/04174/X: The Memorial Stadium Bristol Rovers Football Club Filton Avenue
Bristol BS7 0BF**

Post occupation management

34. The foodstore shall not be open outside the hours of 07.00 hours and 23.00 hours Monday to Saturday and 09.00 hours and 20.00 hours on Sundays and Bank Holidays.

Reason: To safeguard the amenity of surrounding residents.

35. The net retail sales area of the store shall not exceed 4,851 square metres in total of which no more than 3,396 square metres shall be used for the sale of convenience goods and no more than 1,455 square metres shall be used for the sale of comparison goods.

Reason: The acceptability of the proposals depends in part on the split on the sales areas within the supermarket hereby approved.

List of approved plans

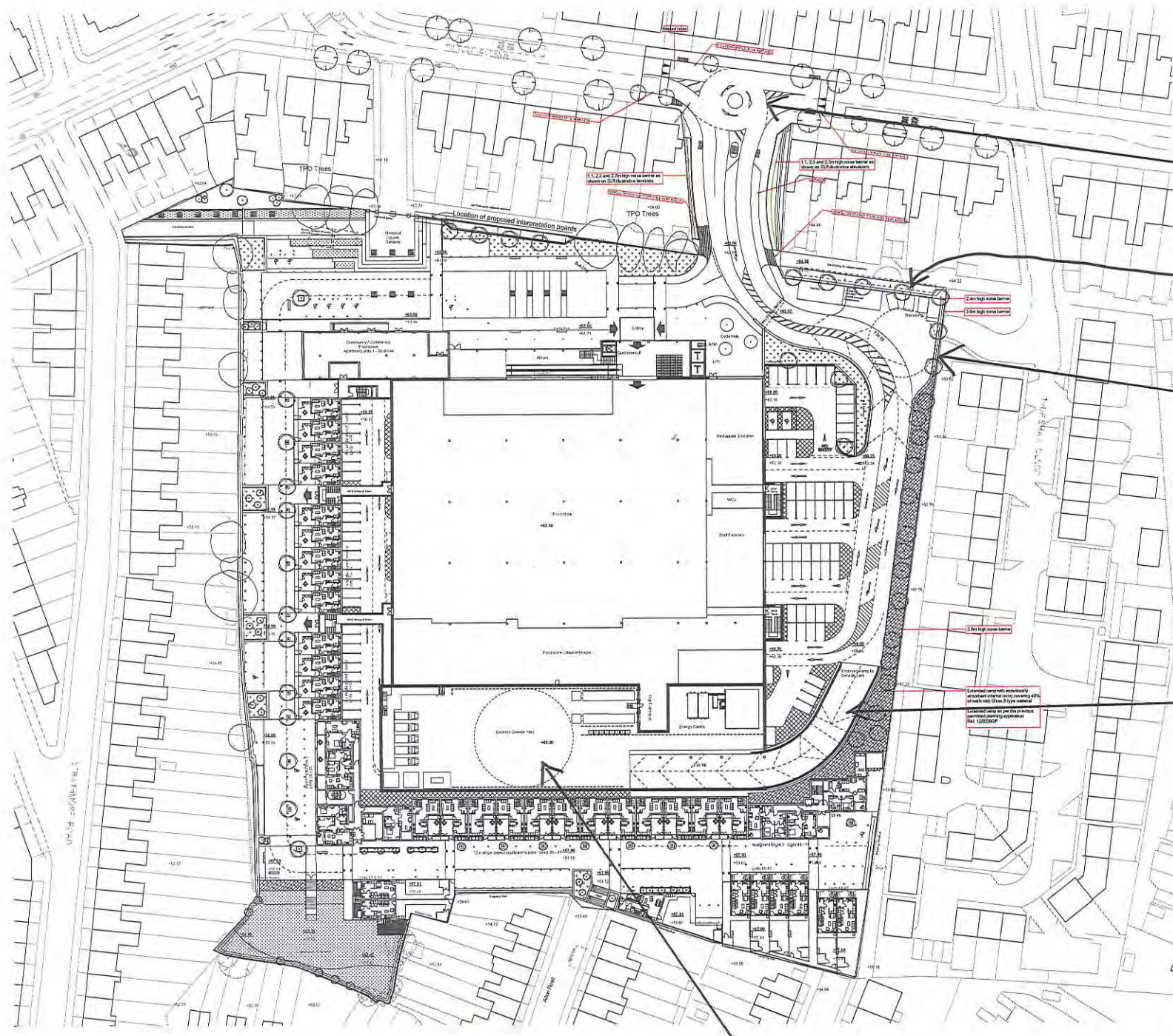
36. Notwithstanding the plans hereby approved, the development shall conform in all aspects with the plans and details shown in the application as listed on planning permission 12/02090/F, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to that decision. In addition, the application shall conform in all aspects with the plans and details shown on the following plans, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision:

(08)111 C Proposed Tenure Distribution plan, received 15 October 2014
 (08)110 C Proposed uses plan, received 15 October 2014
 (08)101 C Proposed roof plan, received 15 October 2014
 (08)301 Proposed store elevations, received 26 August 2014
 (08)112 C Landscape masterplan, received 15 October 2014
 (08)113 C Proposed hard materials plan, received 15 October 2014
 (08)200 Boundary treatments, received 26 August 2014
 (08)300 A Proposed store elevations, received 15 October 2014
 (08)100 B Proposed site masterplan, received 26 August 2014
 (08)303 Illustrative baseline mitigation, received 21 October 2014
 (08)304 Enhanced mitigation, received 21 October 2014
 (08)302 A Existing and proposed boundary treatment, received 26 August 2014

Reason: For the avoidance of doubt.

Advices

1. All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Highway Engineer's specification and terms for the phasing of the development, in accordance with section 38 (Adoption of highway by agreement) or section 219 (the Advance Payments code) of the Highways Act 1980. You must also contact the Engineering Design and Main Drainage Design section of City Transport to discuss the requirements for adopted roads or sewers and in due course submit a separate application in respect of these works. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Telephone 0117 9222100.



RAISED TABLE

2.4M HIGH NOISE BARRIER

3.6M HIGH NOISE BARRIER

EXTENDED RAMP WITH ACOUSTICALLY ABSORBENT INTERNAL LINING COVERING 40% OF WALLS WITH CLASS B TYPE MATERIAL

COVERED DELIVERY YARD

Revision
 A 26.08.14 Site entrance and roundabout amended to match approved scheme. No other amendments.
 B 06.10.14 Site entrance and roundabout amended to match approved scheme. External 2.4m high noise barrier removed near entrance ramp to service yard.
 C 10.10.14 Note on enclosed service ramp amended.

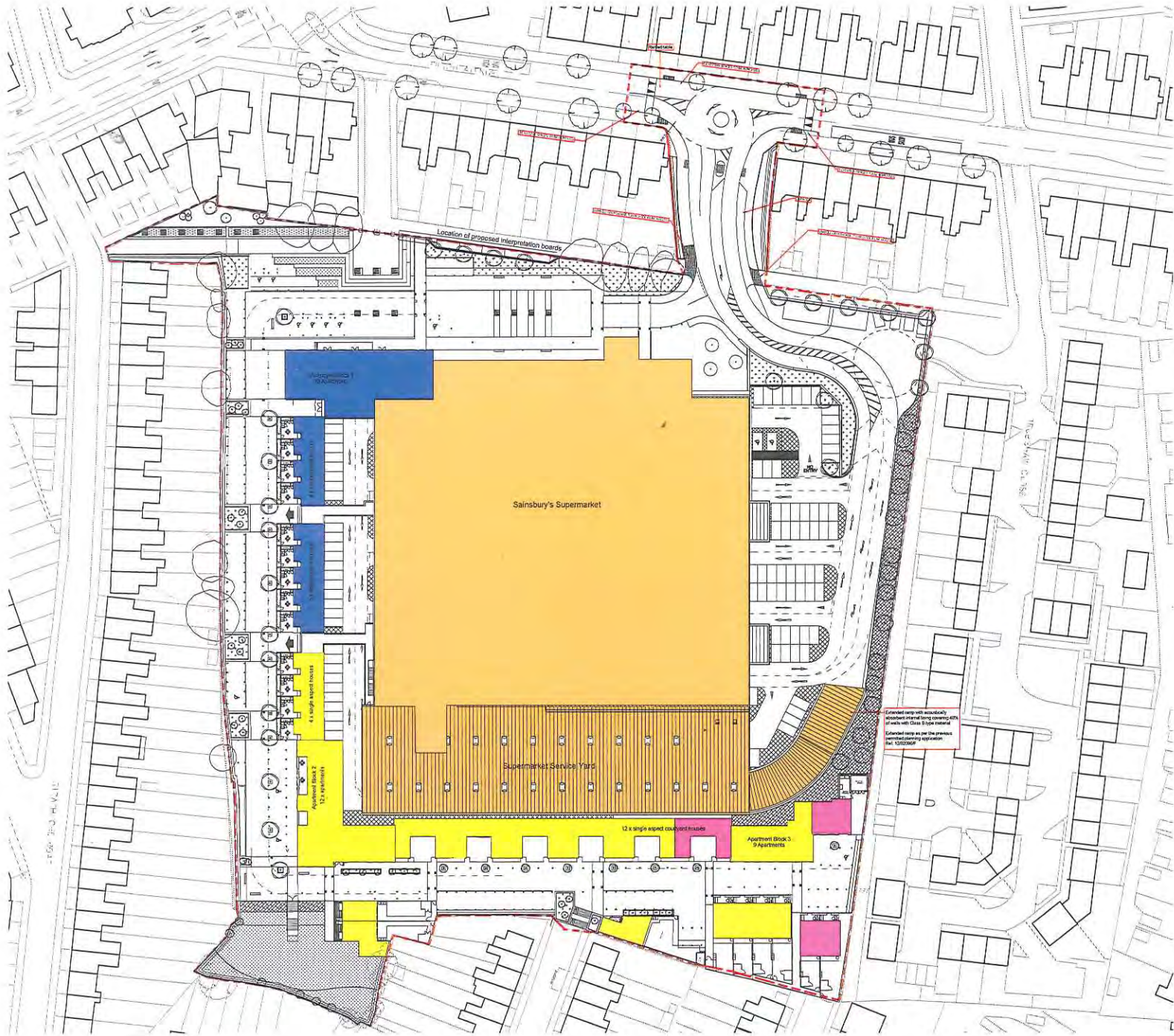
Job Title
Delivery Noise Mitigation

Client
Bristol Rovers 1883 Ltd
 Drawing
Proposed Site Masterplan

Project No. Drawing No. Rev Scale
3855 (08)100 B 1:500 @ A1
 Date 13.08.14 Drawn / Checked gml/g Status Planning



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Tenure types

Private dwellings	60%
Shared Ownership	11%
Social Rented	29%

For additional information refer to the Design & Access Statement

Revision

A	20.09.14	Site entrance and roundabout amended to match approved scheme. No other amendments.
B	06.10.14	Site entrance and roundabout amended to match approved scheme.
C	10.10.14	Note on enclosed service ramp added.

Job Title
Delivery Noise Mitigation

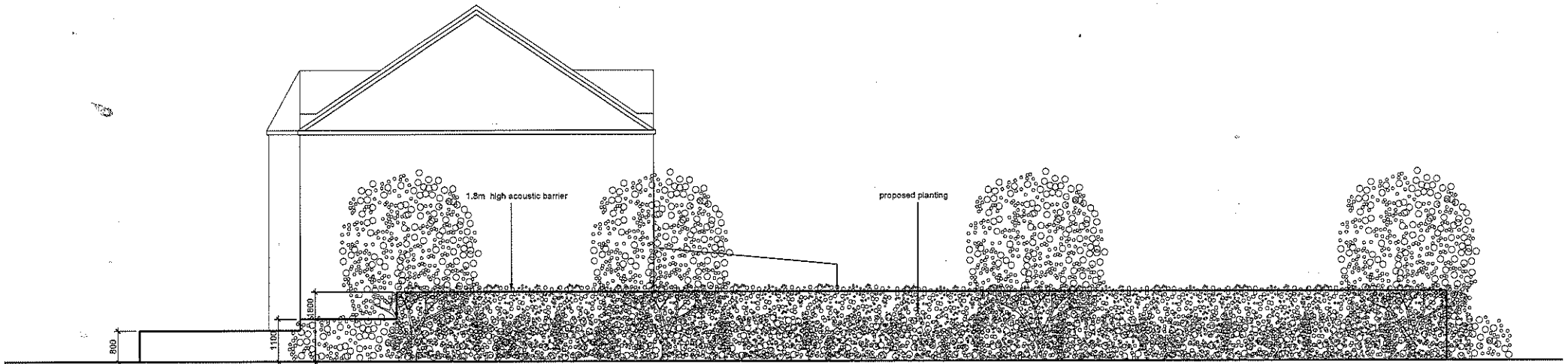
Client
Bristol Rovers 1883 Ltd

Drawing
Proposed

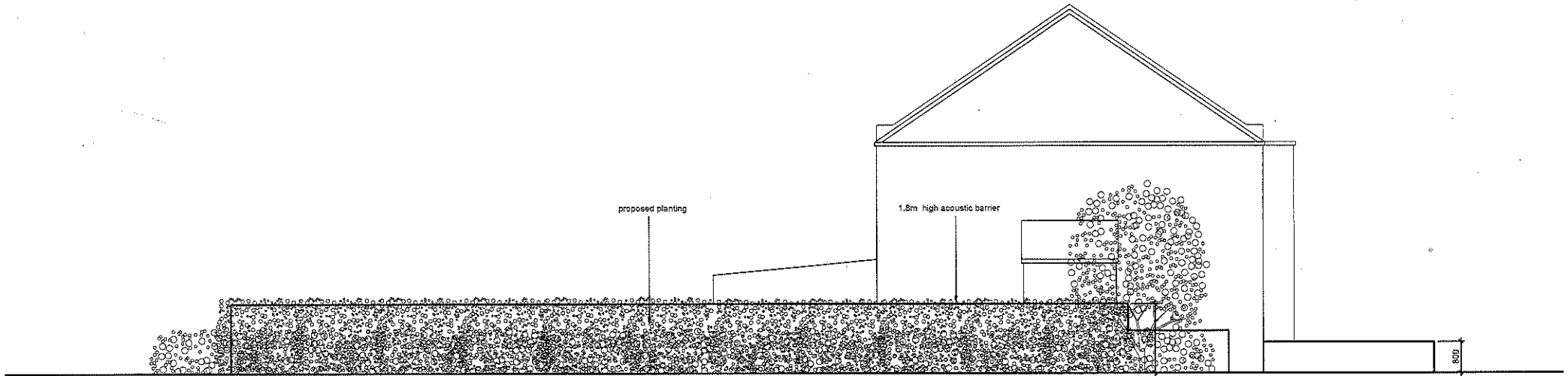
Tenure Distribution Plan
Project No. Drawing No. Rev Scale
3855 (08)111 C 1:1000 @A3

Date 16.08.14 Drawn/Checked gmg/g Status Planning





ELEVATION 33 FILTON ROAD



ELEVATION 27 FILTON ROAD

Revisions		
Letter	Date	Description

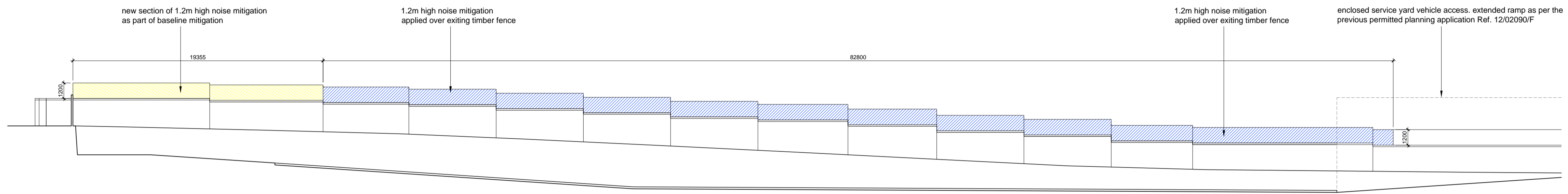
Job Title
Delivery Noise Mitigation

Client
Bristol Rovers Ltd
 Drawing
Illustrative Baseline Mitigation

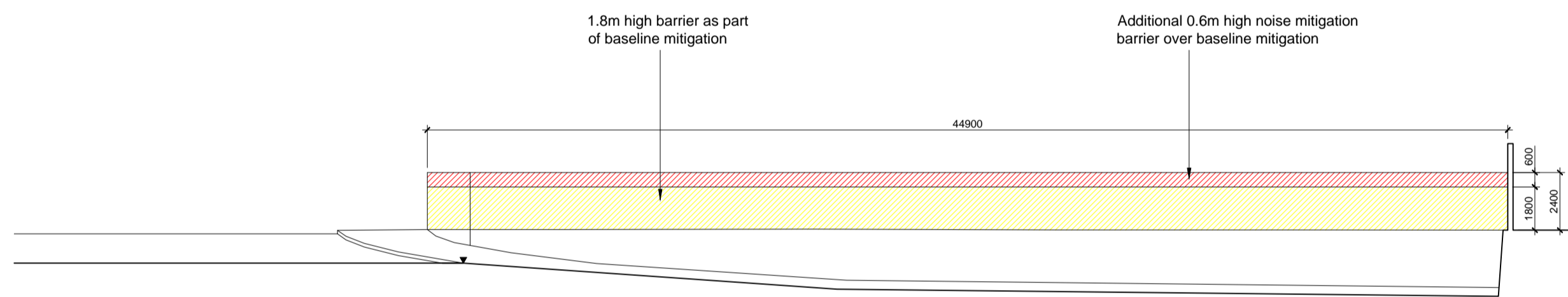
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Date 17.10.14 Drawn/Checked gmr/g Status planning

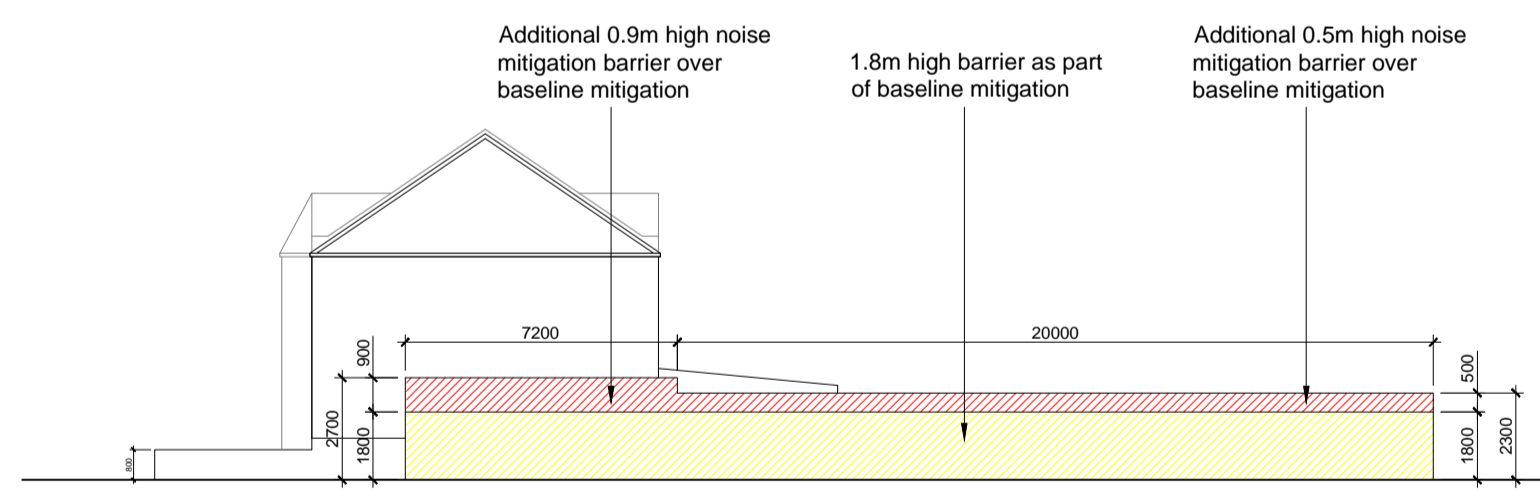




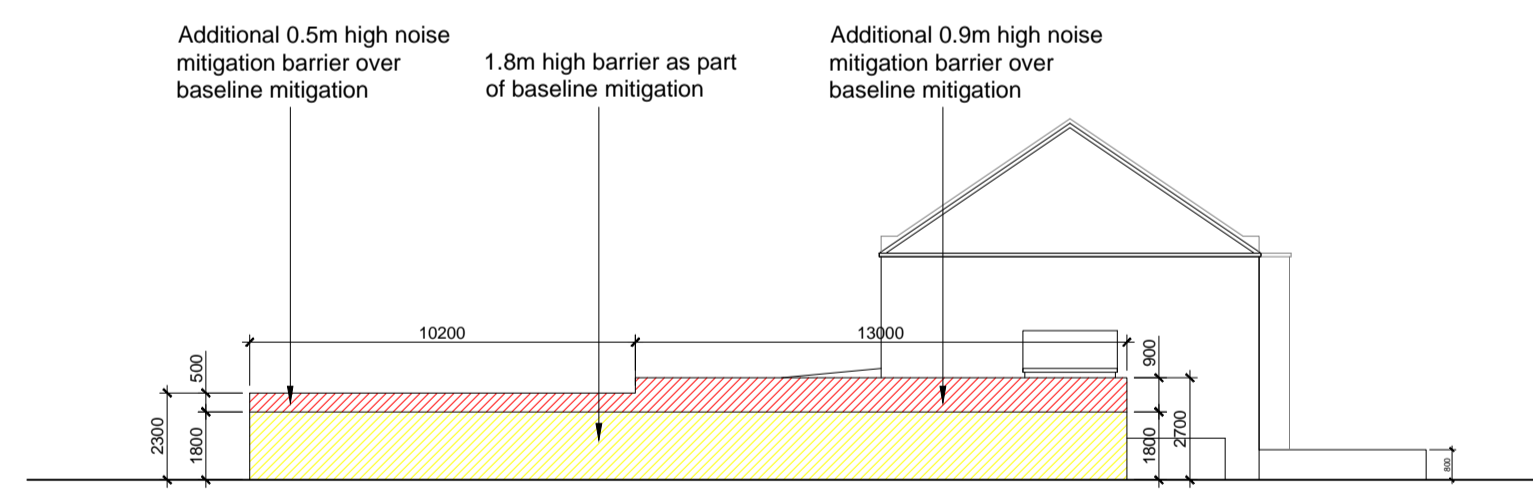
A-A NORTH EAST BOUNDARY ELEVATION



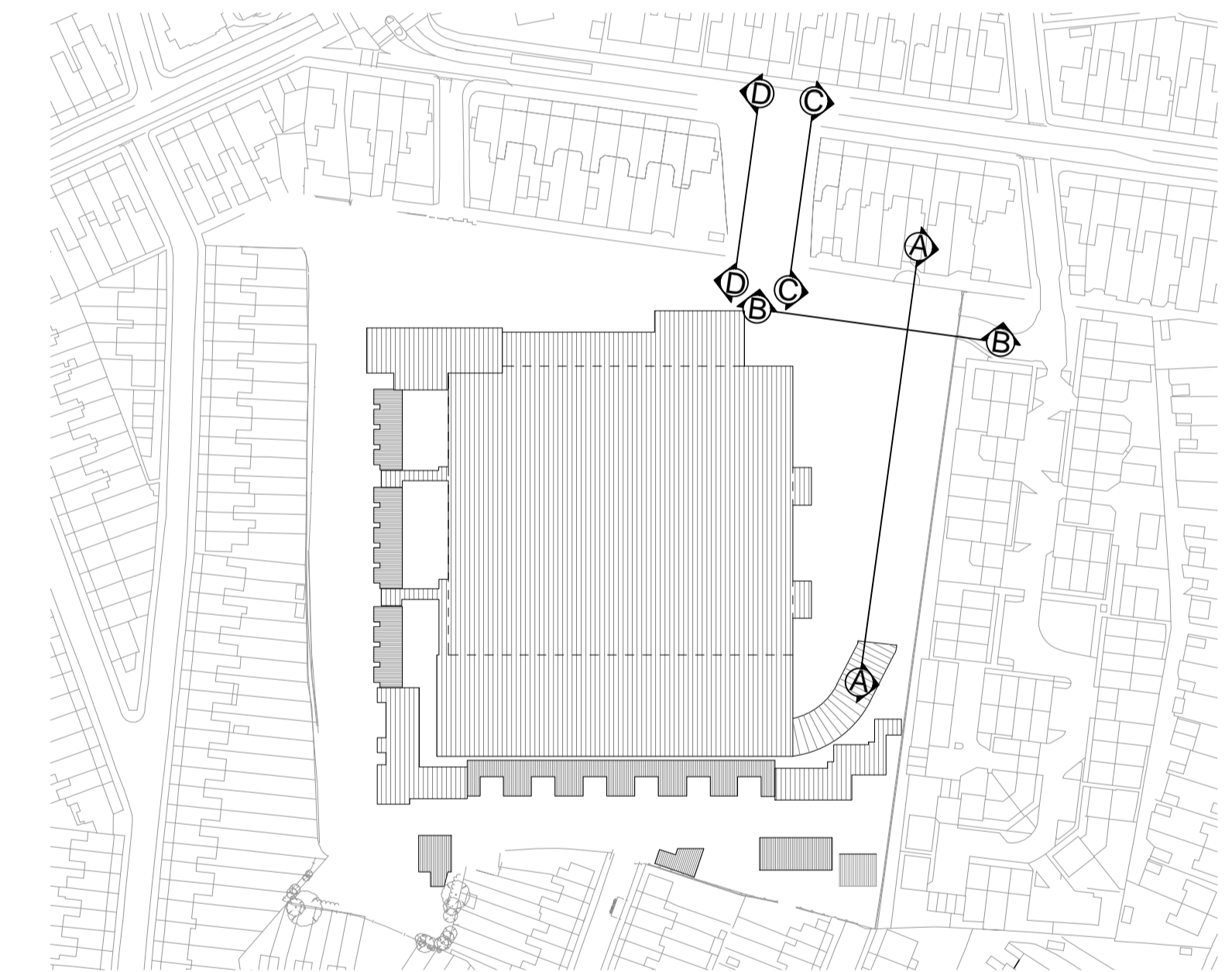
B-B NORTH WEST BOUNDARY ELEVATION



C-C NO.33 FILTON ROAD BOUNDARY ELEVATION



D-D NO.27 FILTON ROAD BOUNDARY ELEVATION



Key Plan NTS.

Revisions

Job Title
Delivery Noise Mitigation

Client
Bristol Rovers 1883 Ltd

Drawing
Noise Mitigation Barriers

Project No. **3855** Drawing No. **(90)01** Rev Scale **1:200 @ A1**

Date **22.10.14** Drawn / Checked **gm/rg** Status **Information**

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