

WARD: St George West **CONTACT OFFICER:** Jonathan Coombs
SITE ADDRESS: Air Balloon Tavern 11 Air Balloon Road Bristol BS5 8LB

APPLICATION NO: 14/03076/F Full Planning
EXPIRY DATE: 22 September 2014

Application for planning permission for change of use from public house (Class A4) to provide 9 No. one and two bedroom residential dwellings (Class C3); including rear extension, following demolition of existing side extension; 7 no. car parking spaces; refuse/ recycling and cycle parking spaces

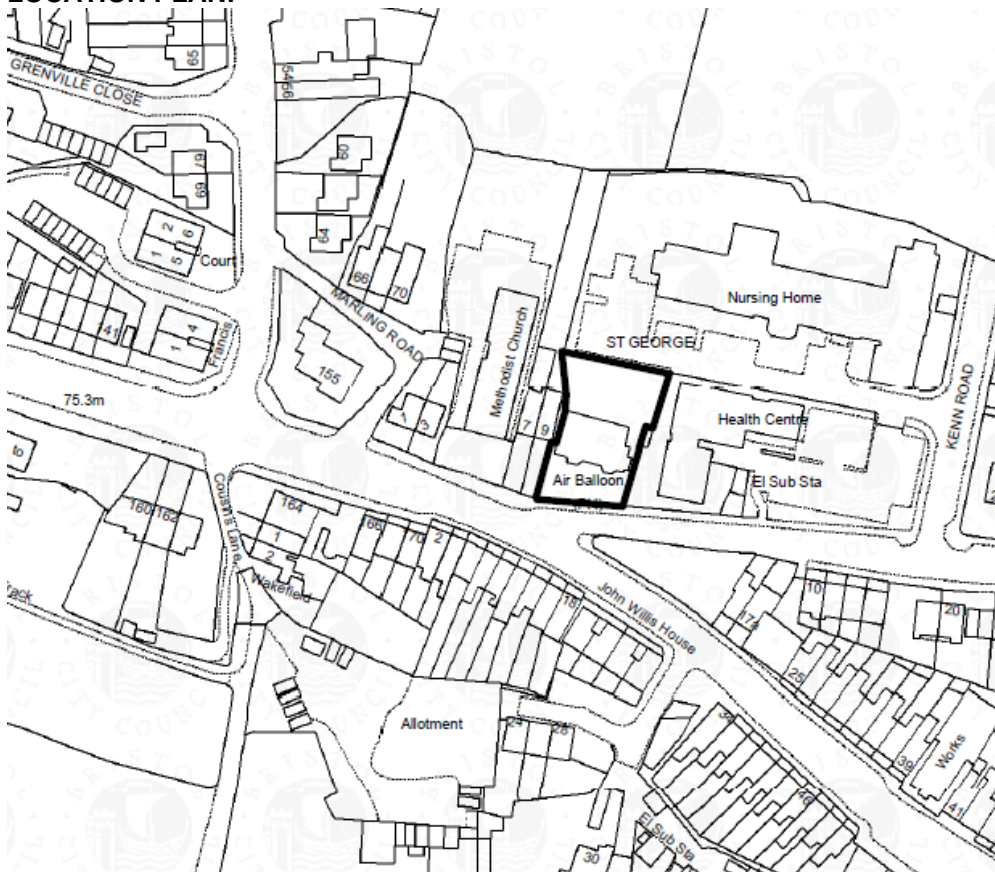
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Rackham Planning
10 Knole Close
Almondsbury
Bristol
South Gloucestershire
BS32 4EJ

APPLICANT: Griffon Homes (Air Balloon) Ltd
C/o Agent

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

LOCATION PLAN:



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REASON FOR REFERRAL

The application comes before members due to being a recommendation for approval and a referral from Councillor Susan Milestone for the St George West ward has been received on the grounds of the loss of a public house. The scheme has also received 31 objections, including from Councillor Milestone, Bristol Pubs Group and Living Easton community group.

SITE DESCRIPTION

The application site consists of a Victorian two storey public house located at the northern side of the junction of the A431 (as it changes from Summerhill Road to Air Balloon Road) and Hillside Road. This is finished in red brick with bath stone surrounds and a clay tile roof. The public house remains occupied and is set in a large rectangular site with end-on parking across its frontage from Hillside Road, alongside access to off-street parking for No. 9 Air Balloon Road, and a garden area to its rear.

The surrounding development consists of a modern two storey medical centre to the east, the vehicular access/frontage of a two storey nursing home to the north accessed from Kenn Road, and No. 9 Air Balloon to the road. The wider area is broadly residential in character with further community uses such as Summerhill Methodist Church and Air Balloon Road Junior and Infant School.

The site has no site specific designations/allocations other than falling within a High Risk Coal Mining Area. Members may wish to note that the site has been designated as an 'Asset of Community Value' under the Localism Act, which falls outside of the planning process, and the weight to be attached to this is assessed within the key issues.

RELEVANT PLANNING HISTORY

Application 14/04489/N for prior approval for proposed demolition of the two storey side extension was refused on the basis that partial demolition requires full planning permission and cannot be granted under the prior approval process (a streamlined application type).

There is no further planning history.

APPLICATION

The proposal seeks to convert the current public house to provide for 9no. flats. This includes the extension of the public house to the rear by approximately 4m, part demolition of the side and making good to provide for vehicular access to a new parking area to the rear. This would create a total of 7no. parking spaces across the front and rear of the site.

Amendments have been received over the lifetime of the application to respond to officer concerns about retaining the front access (to reduce the potential for pedestrian/vehicular conflicts also from a side access) and re-arrange parking and cycle storage to provide for adequate layout and sufficient cycle storage. This has included the removal of two tandem parking spaces.

A further marketing report was submitted clarifying the marketing of the site.

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RESPONSE TO PUBLICITY AND CONSULTATION

Neighbour notifications were issued, resulting in 31 objections, 2 neutral comments and 3 comments in support. In addition a petition setting out a motion seeking to retain the public house has been signed by 17 people.

A Statement of Community Involvement (SCI), while not required for a development of this scale, has been submitted. This sets out that letters were hand delivered to local residents, a dedicated web site was created and a local exhibition was held. Positive comments were received from 21 residents and one negative comment was received, as well as two attendees at the exhibition. The commentary was generally supportive of the principle of new housing upon the site as a quieter use and the proposed design, with concerns raised principally on the amount of off-street parking provision. Concern has been raised on the nature of this consultation in the commentary below.

The commentary received in response to the application consultation can be summarised as principally relating to objections over the loss of the public house, but also to a lesser extent raising concerns over increased on-street parking demand. The commentary is summarised in more detail below with officer commentary in square brackets:

Comments in support as follows:

- Comments in support noted the benefits of a reduction in noise associated with the pub.
- Comments in support advocated that the use of housing was preferable and disputed the value of the public house, as well as noting the availability of alternative public houses within walking distance.

Comments objecting as follows:

- Loss of the public house given number lost and remaining in the area. Also due to the high patronage of the pub and facilities available such as a beer garden.
- The pub remains viable.
- The alternative pubs in the area within the applicant's submission are taken 'as the crow flies' and dismisses the value of the beer garden and function room to the public house.
- Insufficient off-street parking [including from the adjacent health centre].
- Trees should be planted in the parking area [from Bristol Tree Forum].
- Plans to retain facades do not usually happen [The scheme seeks to retain the principle building and extend to the rear, any changes to the façade would require express planning permission.]

Comments from community groups as follows:

- **The Bristol Pubs Group** has objected on the basis of the loss of the public house and consider that the pub is a viable business, with a beer garden, off-street parking, wheelchair access and function room to first floor making this of value within the current pub offer in the area. They consider that local residents concerned with a public house at the site would have known of this situation on choosing to move to the area. They also raised concerns over the SCI extent of consultation and that it indicate choices of development rather than the possibility of retention of the public house. They also consider that the number of pubs within walking distance should be no more than 800m and discount hilly topography.
- **Living Easton** have objected on the basis of the loss of the public house as a community facility. They note that this value is represented by its listing as an Asset of Community Value, and the pubs facilities including beer garden and function room. They also raised concern over the loss of jobs and parking issues in the area.
- **St George Neighbourhood Partnership** have advised that they were not formally consulted on the SCI for clarity, but have not made any further comment on the application. [The consultant appointed to carry out the SCI has disagreed with this advising that the group was contacted by

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e-mail and another member was contacted with details for the website when an automated out-of-office response was received.]

WARD COUNCILLORS

Councillor Sue Milestone objected as follows:

“If this pub is closed it will be to the detriment of residents in the area, my constituents. The building is a community asset and should continue to be run as a community pub.

The area has lost five historic pubs in recent years: Lord Rodney, Bell, Don Jon, Cross & Wheatsheaf. The Bull at Crews Hole is currently closed, as is the Worlds End (although it is named by the developer as being in current use). The Chequers in Kingswood has been granted planning permission for conversion to housing and a Tesco store.

In addition the developer only contacted 140 households inviting them to the recent consultation. I was not invited until mid-afternoon on the day of the consultation, but was unable to attend due to the short notice. I understand there have been some irregularities with the planning application: for example the planning application was listed on the BCC website although it was still in the initial 8 week period. I would appreciate clarification of that point [The documents were uploaded prior to the commencement of formal consultation].

At a recent meeting at the pub, more than enough signatures were gathered to have the pub deemed an asset of community value. The meeting was well-attended by perfectly respectable local residents who understandably want to preserve this historic pub as a social hub. On my two visits the pub has been busy, with a pleasant atmosphere. Whenever I pass by I notice it is well used.

My fellow ward councillor, Ron Stone, confirmed at the meeting that there is no history of trouble at the pub. The present landlord is keen to keep the pub going, and has brought back real ale, live music and recently held a Cider Festival over a weekend, which was well-attended and enjoyed by everyone.

The brewery recently installed a secure garden at the rear of the pub for families, as well as a 'state-of-the-art' cooling system for ales and lagers. Clearly they see the Air Balloon as a going concern.

I am tired of knee-jerk planning decisions favouring housing developments at the expense of some of the most historic buildings in the city. Look at recent losses. What kind of environment are we creating for future generations when we are losing our historic buildings at such an alarming rate? Current government policy favouring housing development should not be a charter for developers to make a quick buck. It is our role as councillors to instil checks and balances to the planning process. Although I recognise the need for more housing, there are many other uses to which the building could put without needing to alter it, for example the Ash Tea Rooms and Bakery on Manchester Road, Stockport (see website). The Greenbank has recently been saved for community use, and is thriving.”

OTHER COMMENTS

Transport Development Management has commented as follows:-

Following my previous comments further information has been submitted which reduces concerns about the proposals.

The tandem parking spaces have been removed.

The removal of the pedestrian entrance to the side of the building is in particular welcomed. This will

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subsequently considerably reduce the conflict concerns internally and will allow drivers to use the central line of the drive, allowing better inter-visibility between cars emerging and pedestrians.

Additional cycle parking has been made available.

The internal layout has been altered to give greater internal circulation which will allow for a large car (such as an Estate) to manoeuvre.

I also welcome the removal of the parking space for number 9 Air Balloon Road for safety reasons as outlined in my previous response. With this space being removed there is scope to deter potential overrun onto the footway by providing a short length of boundary wall to the front of spaces 3 and 4. This would be beneficial to pedestrian safety at this location.

The refuse storage has been relocated.

I therefore do not object to the proposals and recommend approval subject to the following conditions:

B1 Approval of road works necessary stating:

- o "Refurbishment of footway across frontage of site including dropped kerbs for vehicular access points.
- o Return to Bristol City Council any conservation materials not reused"

B15 Further Details of extents of front wall across boundary in front of spaces 3 and 4 before development starts

C5 Implementation/Installation of Refuse Storage and Recycling Facilities - Shown but altered to read "No refuse to be left on the highway at ANY TIME"

C7 Completion of Vehicular Access - Shown

C12 Completion and Maintenance of Car/Vehicle Parking - Shown

C13 Completion and Maintenance of Cycle Provision - Shown

D19 Restriction of Parking Level on site

D20 Protection of Parking and Servicing Provision

Advices

I025, I043, I045

Contaminated Land Environmental Protection has commented as follows:-

Reporting of Unexpected Contamination.

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures 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.

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.

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.

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There has been a previous noise complaint a number of years ago over loud music that did not progress beyond the single event. No complaints have been received since and therefore no comments on the proposals.

The Coal Authority has commented as follows:-

The Coal Authority considers that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

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

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment (July 2014) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

RELEVANT POLICIES

National Planning Policy Framework – March 2012**Bristol Core Strategy (Adopted June 2011)**

BCS5	Housing Provision
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS12	Community Facilities
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM5	Protection of community facilities
DM6	Protection of public houses
DM14	The health impacts of development
DM15	Green infrastructure provision
DM17	Development involving existing green infrastructure
DM23	Transport development management
DM26	Local character and distinctiveness

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DM27	Layout and form
DM28	Public realm
DM30	Alterations to existing buildings
DM32	Recycling and refuse provision in new development
DM34	Contaminated land
DM35	Noise mitigation
DM37	Unstable land

KEY ISSUES

(A) IS THE LOSS OF THE PUBLIC HOUSE TO RESIDENTIAL ACCEPTABLE?

(i) Policy context/material considerations

Para. 70 of the National Planning Policy Framework (NPPF) and Policy BCS12 set out that public houses constitute community facilities. Policy BCS12 sets out that “community facilities should be retained unless it can be demonstrated that there is no longer a need to retain the use or alternative provision is made”.

This policy is reflected in detailed Development Management Policies DM5 on community facilities and DM6 covering public houses.

Policy DM5 states that development will not be allowed unless “The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality...”

This is reflected in greater detail in Policy DM6 specifically on loss of public houses, which states that “Proposals involving the loss of established public houses will not be permitted unless it is demonstrated that:

- i. The public house is no longer economically viable; or
- ii. A diverse range of public house provision exists within the locality.”

Para. 2.6.4 of the supporting text clarifies that “the applicant will need to provide evidence of a range of pubs in the locality that can collectively continue to meet the needs and expectations of the whole community. This will include a good choice of pub environments offering a diverse range of services and community and leisure activities. As a guide the locality should include all other surrounding public houses within a reasonable walking distance.”

It is noted that during the lifetime of the application the premises has become listed as an “Asset of Community Value” (ACV) under the Localism Act. This allows local communities to list properties of community value to provide them with the ‘right to bid’ when the premises is sold. Community Value is identified within the Communities and Local Government (CLG) document ‘*Assets of Community Value – Policy Statement*’ (September 2011) as a use that “furthers the social well-being and interests of the local community”. While the ACV process has no direct planning implications it is noted that the same document states that:

“The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.”

Policy DM5 sets out seven criteria for assessing the importance of community facilities in para. 2.5.4 of the supporting text to the policy. This includes whether the premises has been listed as an ACV.

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For the sake of clarity, in March 2014 the government launched the '*Planning Practice Guidance*' website that compiles planning practice guidance into a searchable online database. There is no reference to ACV within this guidance when searched. The accompanying list of previous planning practice guidance documents cancelled did not include the above CLG document. The above CLG quote therefore remains of relevance.

It is noted that a previous appeal decision against the refusal of planning permission for redevelopment of the Greenbank Hotel, refused on the basis of heritage/design, amenity and lack of details for refuse and cycling storage, did make reference to ACV. In assessing the appeal the Inspector noted that "it is significant that the existing building has now been identified as an Asset of Community Value, confirming its unsuitability for use or redevelopment for housing provision".

Officers however are of the view that it would not be appropriate to refuse the application solely on the basis of its listing as an ACV. The reference within the above CLG document identifies the primacy of planning policy in determining uses for a site. This appears to be directed at encouraging Local Authorities to consider the incorporation of the ACV process as part of an assessment of community buildings under local policies, which is the case within Policy DM5. The ACV listing is therefore a material consideration and is representative of the value placed on the premises by the local community. The scheme nevertheless requires assessment against the relevant policies and the ACV listing should be assessed against this context.

(ii) Viability for public house use

The applicant has submitted a viability assessment with the application in an effort to address criteria (i) of Policy DM6 listed above. This sets out that marketing of the property was undertaken by surveyors specialising in the licensed premises trade in 2013 at a guide price of £225,000 and bids sought by January 2014. Marketing was undertaken by the firm's website and signage board and was marked as sold by June 2014. The viability appraisal otherwise makes an assessment of the general trade conditions for public houses and for the specific area.

These details are not sufficient for the purposes of criteria (i) of Policy DM6. The supporting text to Policy DM6 in para 2.6.3 sets out that "Viability assessments must include analysis of trade potential, the existing business and evidence of adequate marketing. Regard will be had to the Campaign for Real Ale's public house viability test."

The further submitted marketing details set out that the site was marketed from November 2013 to 14th January 2014. The Council's marketing guidelines for a change of use application suggest a marketing period of between 6-12 months, but this guidance is aimed at employment uses (B1, B2 and B8). This resulted in 8 viewings with only one party interested in maintaining the existing use. The marketing summary advises that this was not pursued due to the strength of competition and the challenge to build economically viable trade. Four offers were received for alternate uses (but not specified), including by the adjacent health centre and heads of terms were issued in February 2014 but no contracts were exchanged and the sale was aborted resulting in the current applicant agreeing a sale subject to planning.

The trade potential analysis within the submission is based in part upon the current rateable value of £11,250 established in April 2010. A number of objectors have noted that investment in the public house has occurred over the past few years contrary to the statement within the assessment that says no recent investment has occurred. This includes the securing of the beer garden and investment in new pump equipment. It is therefore open to question whether this is an accurate reflection of the trade potential for the premises. The CAMRA viability test requires not only 'current' trade (which in this case was based upon a new occupier operating under the same model with associated acquisition/start-up costs) but also potential alternative business models and this has not been fully considered.

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An independent assessment of the marketing viability report has not been commissioned as the additional marketing details were only received on 30th October 2014 and the scheme is considered to address the criterion below.

(iii) Whether a diverse range of alternative public houses within the locality
It is clear from the objections received and ACV designation that the public house is valued by its users and the community. The value of the site in itself does not however warrant refusal alone. Policy DM6 allows for the loss of such facilities if a diverse range of alternative public house provision is within the locality. The effect is to ensure that the community functions offered by the facility remain available to the local community from alternative sources even were the facility to be lost. The supporting text defines the locality as within a reasonable walking distance, which itself is not specified.

The submitted viability appraisal identifies the following public houses within 0.6 miles (approximately 1 km – please note that 800m is approximately 10 minutes walking) of the site:

- Pied Horse, 94 Summerhill Lane
- Lord Raglan, 1 Nags Head Hill
- Horse & Jockey, Nags Head Hill
- Trooper, Bryants Hill
- Mechanics Arms, 123 Clouds Hill Road
- World's End, 157 Clouds Hill Road
- Rose & Crown, 111 Two Mile Hill

In addition the following sites were identified within the submitted viability appraisal within 0.8 miles (approximately 1.3 km – approximately 15 minutes walk) of the site:

- Essex Arms, 237 Two Mile Hill
- Kings Head, 284 Two Mile Hill
- Bank Tavern, 8 John Street
- Swan Inn, Conham Hill
- Black Horse, 174 Church Road
- Fire Engine, 188 Church Road
- Warwick Arms, 212 Charlton Arms
- Three Crowns, Blackswarth Road

As walking distance is not specified within the policy, members of the committee may exercise some discretion on this matter. Officers consider that a distance of 10 minutes walking is reasonable for assessment. It is also noted that the distances provided within the applicant's submission are direct distances and not as per the pedestrian road/path network.

Within this distance along this network are The Pied Horse, The Lord Raglan, The Mechanics Arms and the Horse & Jockey, with the World's End currently being closed. Collectively these facilities provide live music/karaoke, beer garden, sports television and darts/pool facilities, etc.

The Bristol Pubs Group has commented that off-street parking and integrated function space is also part of the offer to the public house. The submitted appraisal identifies that the Pied Horse had a function space at first floor but it is unclear whether this is still in use. No function rooms are however specified within the offers of the nearby public houses or off-street parking, but there are a number of community buildings in the locality that can provide function space also. Given the policy test is for sites within walking distance officers would advise against a refusal on the basis of a lack of off-street parking facilities.

Officers consider that the facilities provided by the application site would remain catered for within the locality. The provision of four public houses within 10 minutes walk and at least two more (Rose & Crown and The Trooper) within 15 minutes walk would constitute a diverse range of public house provision.

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A diverse range of alternative public house provision is therefore available within reasonable walking distance of the site. As such, the proposal would meet Policy DM6 and consequently Policies BCS12 and DM5 on the basis of the scheme resulting in no need to retain the use for community functions and that it would not result in a shortfall of provision within the locality. The proposed loss of the public house is acceptable as a result.

(iv) Provision of new residential use

The site is otherwise within a residential area dominated by terraced housing and the provision of flatted accommodation would provide a windfall housing site in accordance with Policy BCS5, which expects 4,200 units from such windfall sites during the plan period. The proposal would also contribute to the mix and balance of units in the area in accordance with Policy BCS18.

Overall, the proposal adequately addresses this key issue.

(B) DOES THE PROPOSAL ADEQUATELY ADDRESS TRANSPORT ISSUES?

The application proposals would provide 7 parking spaces, following the removal of two 'tandem' spaces that would either have constituted inappropriate parking provision or over-provision for a single flat, as well as the provision of 14 bicycle storage spaces. This has also enabled a change in layout to address manoeuvring concerns raised by BCC Transport that no longer have any objections to the proposals.

The scheme would also rationalise the access arrangements for the parking to the frontage of the property, enabling entry and exit in forward gear. This would constitute a highway safety improvement over the current arrangement. Tracking diagrams have been provided to demonstrate the accessibility of the proposed spaces.

Concerns have been raised over on-street parking impacts. It is clear that the surrounding road network experiences high demand for on-street parking. The scheme would result in the provision of 7no. spaces for 7no. one bed units and 2no. two bedroom units, alongside cycle storage in accordance with the adopted standard. The National Planning Policy Framework also states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

The application site is within walking distance of bus routes operating along the A431 and is therefore accessible by alternatives to the private car. BCC Transport have not objected to the parking provision proposed. Thus, while it is acknowledged that future residents of the proposed scheme will likely use private cars and additional on-street parking demand arising from the scheme is possible, there is no policy basis for issuing a refusal based upon additional inconvenience to existing residents due to competition for parking upon the public highway. Thus, while officers sympathise with the concerns raised, a reason for refusal on such grounds would not be reasonable.

The proposal also provides for suitable refuse storage.

The scheme adequately addresses this key issue.

(C) DOES THE PROPOSAL ADEQUATELY ADDRESS DESIGN?

The scheme would result in the demolition of the current side extension to facilitate vehicular access to the rear, as well as the extension to the rear by 4m. In addition to the core design policies listed above, Policy DM6 on public houses sets out that development on public houses should not harm the identity or character of the public house. The proposed development would retain the principle building of the public house, including its frontage. The scheme would therefore meet this policy.

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The changes to the rear would be largely immaterial from the public realm, but would continue the hipped roof form of the development with the addition of a flat roof screened from view due to the buildings depth. Solar panels are also proposed to the front roof slope and dormer windows subservient to the roof form to the rear to provide additional height/light to the proposed top floor flat. This arrangement is considered acceptable.

The rear extension would be finished in render with uPVC windows, unlike the plain red brick currently to the rear. These materials are in evidence throughout the area and would reflect this character while creating a clear delineation of the original public house from new build elements.

A new red brick low boundary wall is proposed to screen the front parking area from the side access to deter the potential for conflict and this would help better define the frontage over the current continuous hard standing/parking.

The proposed stores would be appropriate to their location and relatively well screened from public view. An advice note will be added about the potential to install a vehicular access gate under permitted development rights to improve the security of the rear parking area.

The design approach is overall considered acceptable.

(D) DOES THE PROPOSAL ADEQUATELY ADDRESS RESIDENTIAL AMENITY ISSUES?

The proposal would present a 4m two-storey extension broadly in line with the current single storey extension at No. 9 Air Balloon Road. Due to the alignment of the site boundary and to provide maintenance access, this would be stepped from the boundary. The proposal would therefore not result in any unacceptable overbearing impact or loss of daylight. Overshadowing of the first floor rooms would be limited by the building height and orientation such that this is not considered harmful. Overshadowing of the subsequent conservatory to No. 9 Air Balloon Road would occur during the morning but is not considered to result in unacceptable harm given this would retain natural lighting during the early morning and afternoon.

There is no overlooking arising from the development and a condition will be attached to ensure that the proposed flank windows are obscure glazed to avoid overlooking from the adjacent health centre. Space standards for each of the units are met in accordance with Policy BCS18 following revisions to the internal layout on the advice of officers.

Adequate space is set aside for refuse storage. Some limited amenity space is provided, but public open space is available within walking distance of the development.

(E) DOES THE PROPOSAL ADEQUATELY ADDRESS SUSTAINABILITY ISSUES?

The submitted sustainability statement sets out a reduction in carbon generation of 16% above building regulations through efficiency measures and a provision of a 5KWp solar panel installation to achieve a 24.7% reduction in carbon emissions. This meets Policies BCS13-BCS15. Additional surface water run-off can be addressed via a standard condition.

(F) DOES THE PROPOSAL ADEQUATELY ADDRESS LAND CONTAMINATION AND STABILITY ISSUES?

Land contamination can be addressed by the use of standard condition in accordance with the above advice from BCC Contaminated Land. A condition requiring further investigatory works to address the risk from land contamination should be attached to any approval, in accordance with the advice from The Coal Authority.

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The Community Infrastructure Levy is £6,250.00

CONCLUSION

The public house is clearly valued by its users and the community. However, the value attached to the site by itself does not warrant refusal. Adopted policy allows for the loss of such community facilities if the functions offered by the facility remain available to the local community from alternative sources were the facility to be lost. Officers consider that the four alternative public houses, amongst other community uses, within a 10 minute walk of the site achieve this and a reason for refusal on the basis of the loss of the public house is not supported as a result.

The proposal otherwise adequately addresses the other key issues and is accordingly recommended for approval.

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

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Coal Mining Risk Mitigation

Prior to the commencement of works ground investigations shall be carried out in accordance with the proposed mitigation strategy of the approved Coal Mining Risk Assessment by Earth Environmental & Geotechnical. The results of these investigations alongside any proposed mitigation shall be submitted to and approved in writing prior to the commencement of works and the development completed in accordance with the agreed mitigation (where relevant).

Reason: In the interests of the safety of the development and future occupants.

3. Sustainable urban drainage system (SUDS)

No development shall take place until a detailed design of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

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4. Approval of road works necessary

Prior to the commencement of the front car parking area/access works or occupation of the development (whichever is the sooner), details of the following works to the highway shall have been submitted to and approved in writing by the Local Planning Authority:

1. Refurbishment of footway across frontage of site including dropped kerbs for vehicular access points.
2. Return to Bristol City Council any conservation materials (i.e. stone surfacing for dropped kerb) not reused.

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

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

5. Further details before relevant commencement

Prior to the commencement of the front car parking area/access works or occupation of the development (whichever is the sooner) detailed drawings of the extents of the front wall across the boundary in front of parking spaces 3 and 4 shall be submitted to and approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the development.

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

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

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

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

7. Completion of vehicular access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

Development Control Committee B – 12 November 2014**Application No. 14/03076/F: Air Balloon Tavern 11 Air Balloon Road Bristol BS5 8LB**

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

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

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

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

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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

10. Reporting of Unexpected Contamination.

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures 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.

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.

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.

11. Lighting

Manufacturers specifications of and a site plan showing the location of any proposed lighting shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

Reason: In the interests of neighbouring residential amenity.

12. Sustainability

The development shall be carried out in accordance with the approved sustainability statement, including the installation of the approved solar panels prior to the occupation of the development hereby approved.

Reason: In order to reduce the development's carbon generation and energy demand.

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13. Submission and approval of landscaping scheme

Prior to the occupation of the development a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include specification of at least one tree (including location, species and stock size) and specifications of all plants and hard standing materials. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

Post occupation management

14. Restriction of parking level on site

Parking within the development site is to be restricted to the areas allocated on the approved plans and shall not encroach onto areas allocated on the plans for other uses.

Reason: To control the level of parking on the site and to safeguard the uses of other areas.

15. Protection of parking and servicing provision

The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

16. Non opening and obscured glazed window

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the proposed windows to the east elevation marked as obscure glazing shall be obscure glazed to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non-opening and obscure glazed.

Reason: To safeguard the amenities of future occupants from overlooking and loss of privacy.

List of approved plans

17. List of approved plans and drawings

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

Coal Mining Risk Assessment, received 28 July 2014

Energy sustainability statement, received 28 July 2014

SP05 Tracking, received 25 September 2014

499_AIRB_PL_0514_101 Existing elevations & floor plans, received 28 July 2014

Development Control Committee B – 12 November 2014**Application No. 14/03076/F: Air Balloon Tavern 11 Air Balloon Road Bristol BS5 8LB**

499_AIRB_PL_0514_102A Proposed plans & elevations, received 25 September 2014

499_AIRB_PL_0514_103A Bike/bin store, received 25 September 2014

SP06 tracking, received 25 September 2014

SP07 tracking, received 25 September 2014

SP08 tracking, received 25 September 2014

Reason: For the avoidance of doubt.

Advices

1. The installation of a vehicular access gate to the rear car park should be considered in order to improve safety/security for future occupiers.
2. Minor works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking the work on the highway you must enter into a highway agreement under s184 or s278 of the Highways Act 1980 with the council. You will be required to pay fees to cover the council's costs in undertaking the approval and inspection of the works. You should contact the Highways Asset Management Team on 0117 9222100.
3. The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9031212 or email traffic@bristol.gov.uk a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
4. Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority that on the creation of any Restricted / Controlled Parking Zone area which includes the development, that the development should be treated as car free / low-car and the occupiers ineligible for resident permits.

BACKGROUND PAPERS

Transport Development Management
Contaminated Land Environmental Protection
The Coal Authority
Pollution Control

26 September 2014
29 August 2014
27 August 2014
8 September 2014



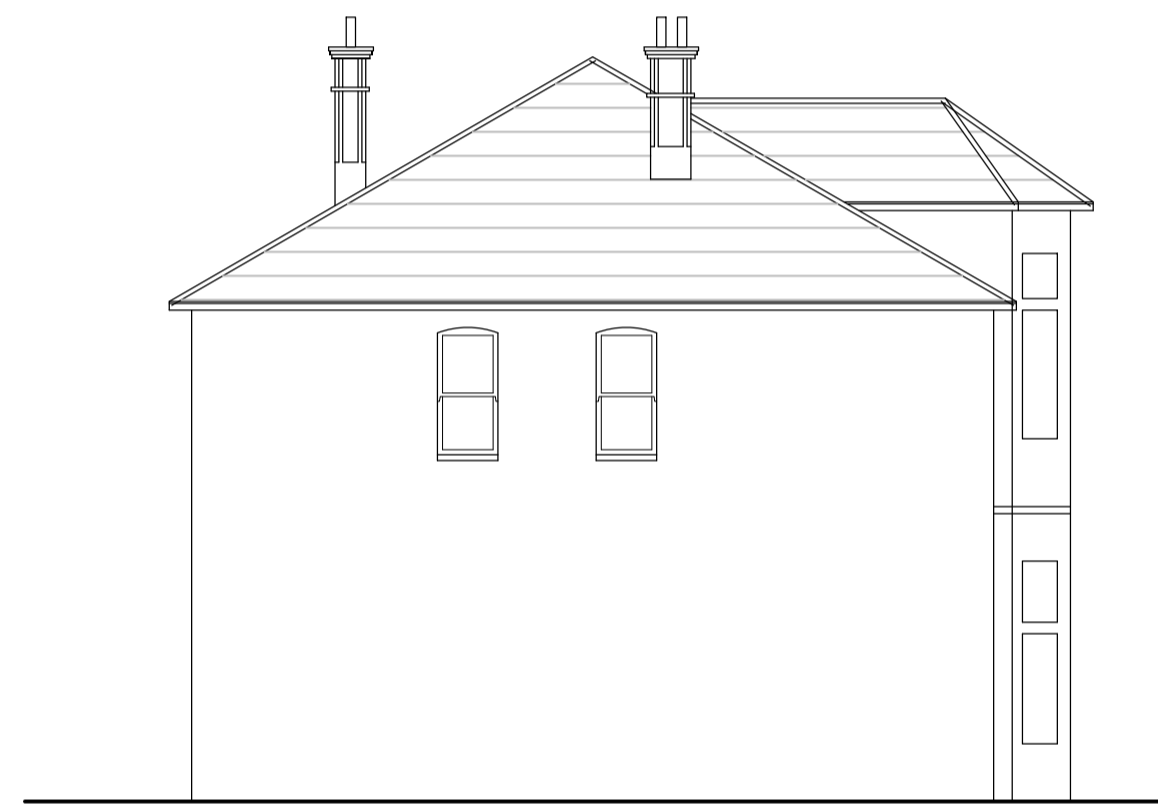
A Southern Elevation
Scale: 1:100



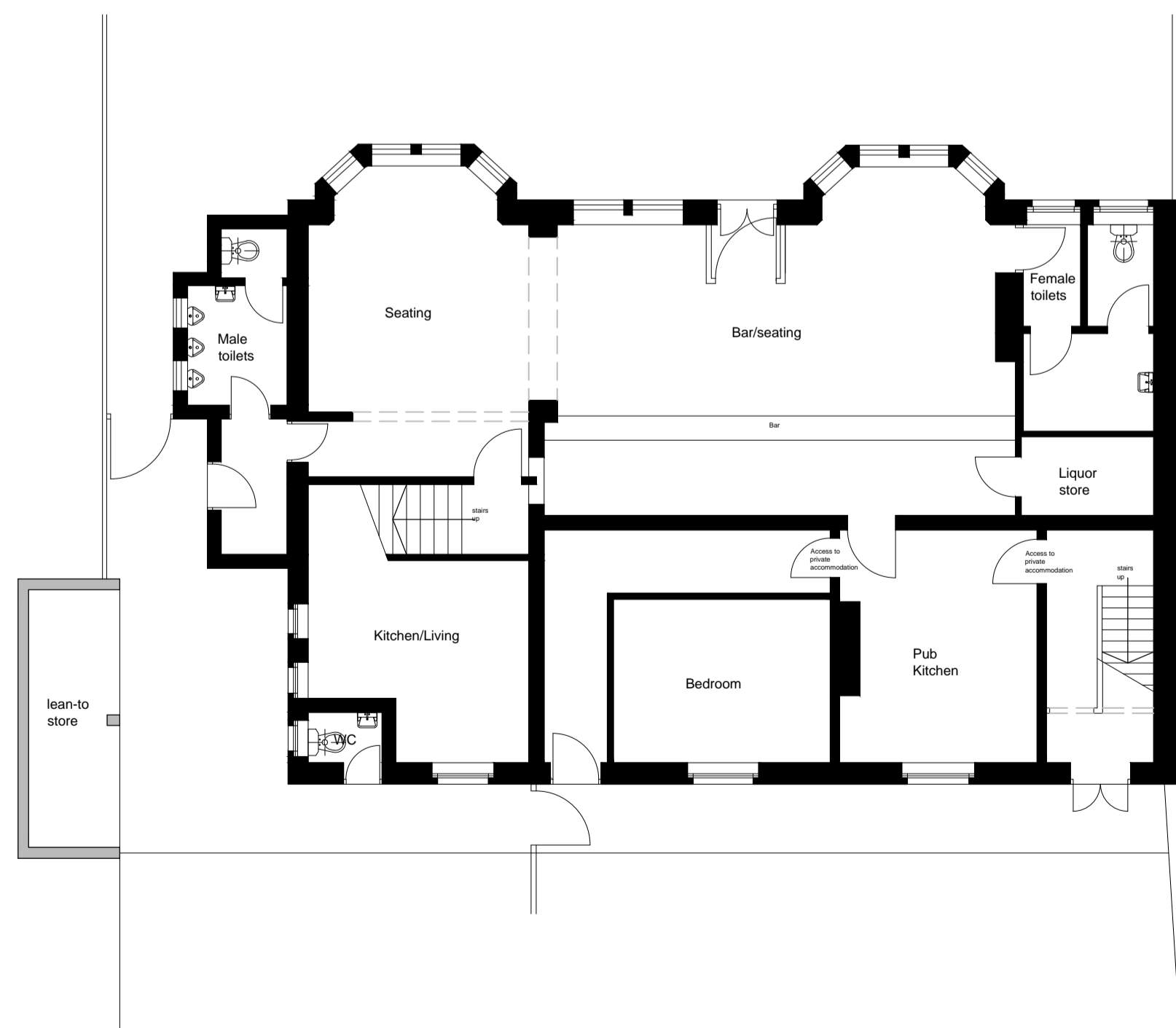
B Eastern Elevation
Scale: 1:100



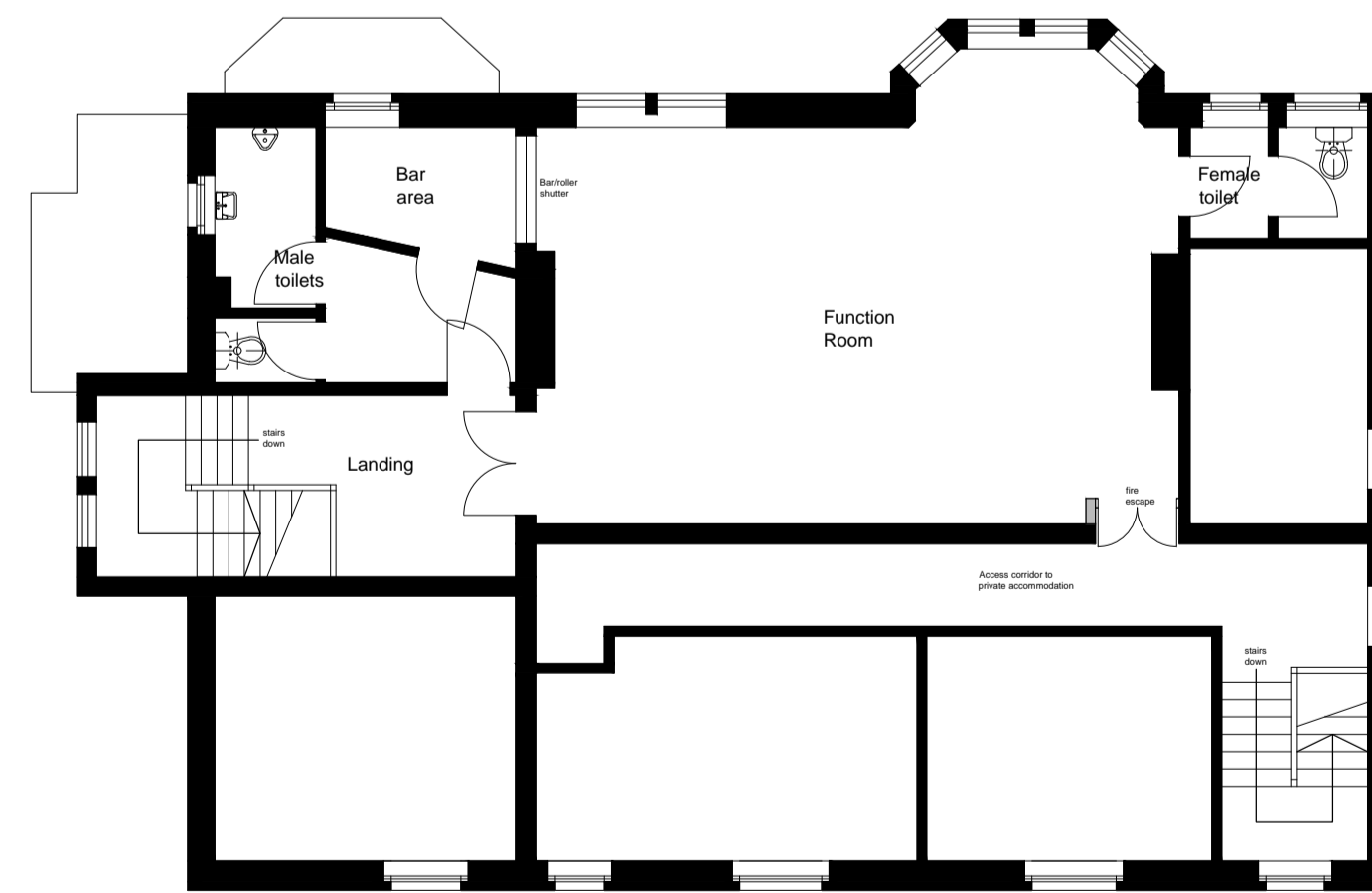
C Northern Elevation
Scale: 1:100



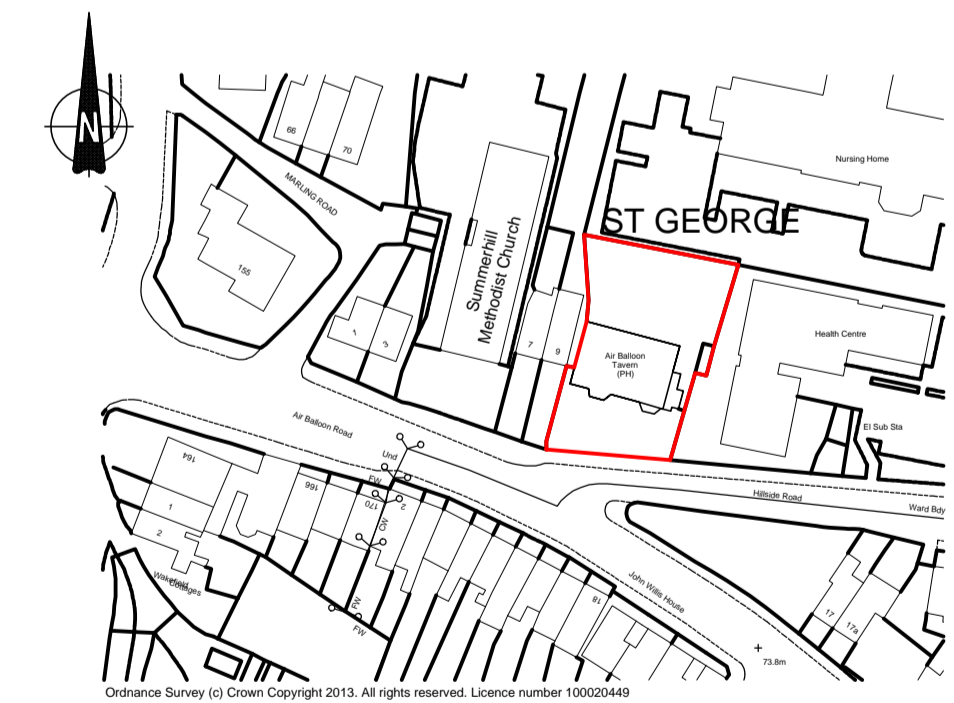
D Western Elevation
Scale: 1:100



1 Ground Floor Plan
Scale: 1:100



2 First Floor Plan
Scale: 1:100



3 Location Plan
Scale: 1:200

Drawing No	499_AIRB_PL_0514_101	File No	499
This drawing is for planning purposes only. Responsibility is not accepted for errors made by others scaling from these plans. All construction information should be taken from figured dimensions only. The drawing is copyright DEXTER Building Design Ltd.			
Dexter Building Design Ltd		20 Howell Road Kingsley Bristol BS8 4UD T: 01175 491029 E: enquiries@dexterdesign.co.uk W: www.dexterdesign.co.uk	
Title: Alteration and conversion of The Airballoon Public House, Kingwood, Bristol			
Client:			
Drawing: Existing plans and elevations			
Date:	Scale:	Sheet:	Drawn:
May 2014	1:100, 1:200	A1	LD

Case Officer Site Photographs

Application No: 14/03076/F Site Address: Air Balloon Tavern
11 Air Balloon Road
Bristol
BS5 8LB

Date of photo: 22nd October 2014



Property as seen from Junction of Hillside Road and Air Balloon Road



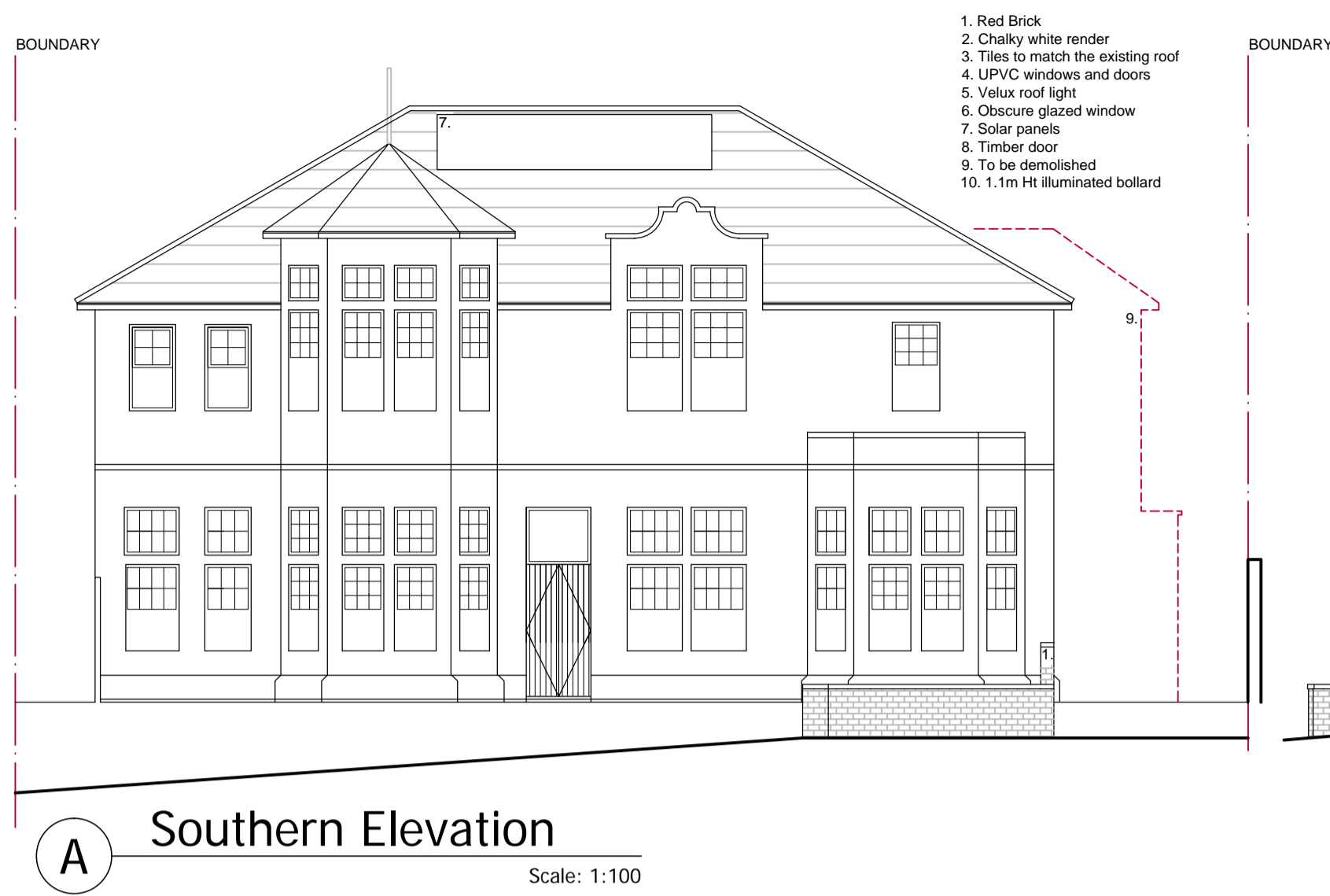
Application site as seen from rear (elderly accommodation access)



View from junction to nearby church and other dropped kerb serving the property



Aerial view of site looking north (© Blom Pictometry 2012) – Health centre can be seen to right and elderly accommodation to the rear



A Southern Elevation
Scale: 1:100



B Eastern Elevation
Scale: 1:100



C Northern Elevation
Scale: 1:100

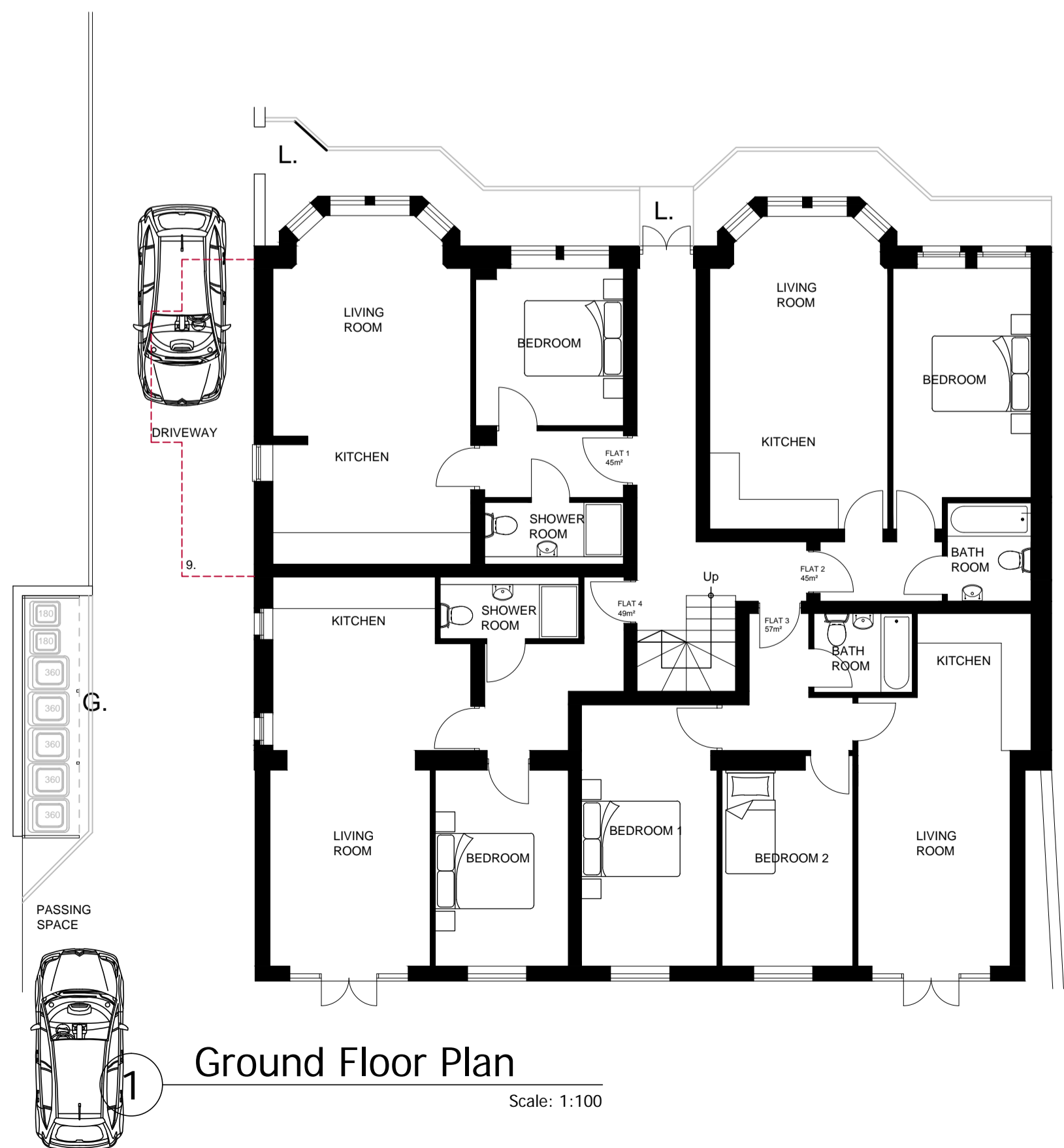


D Western Elevation
Scale: 1:100

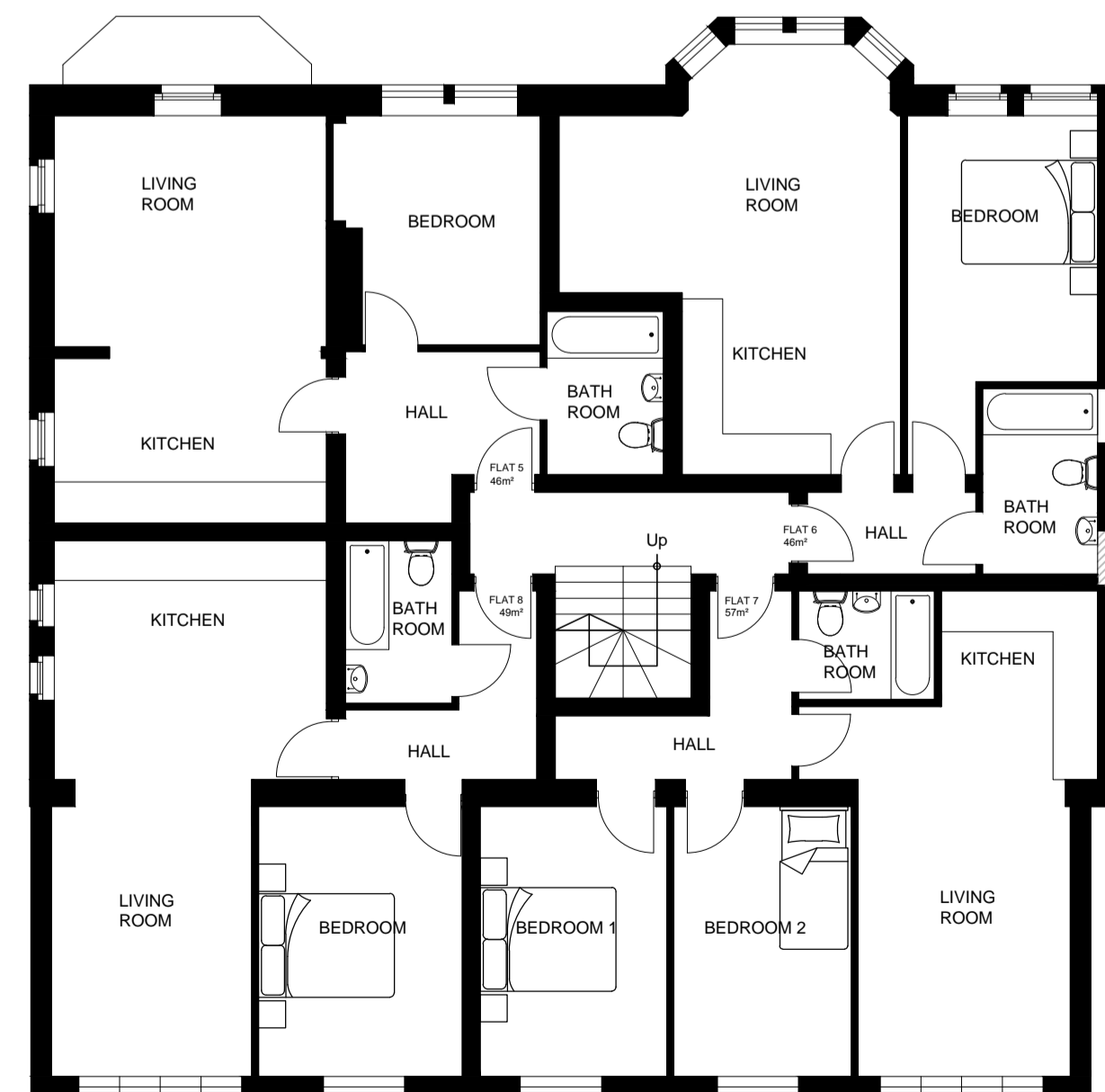


4 Site Plan
Scale: 1:200

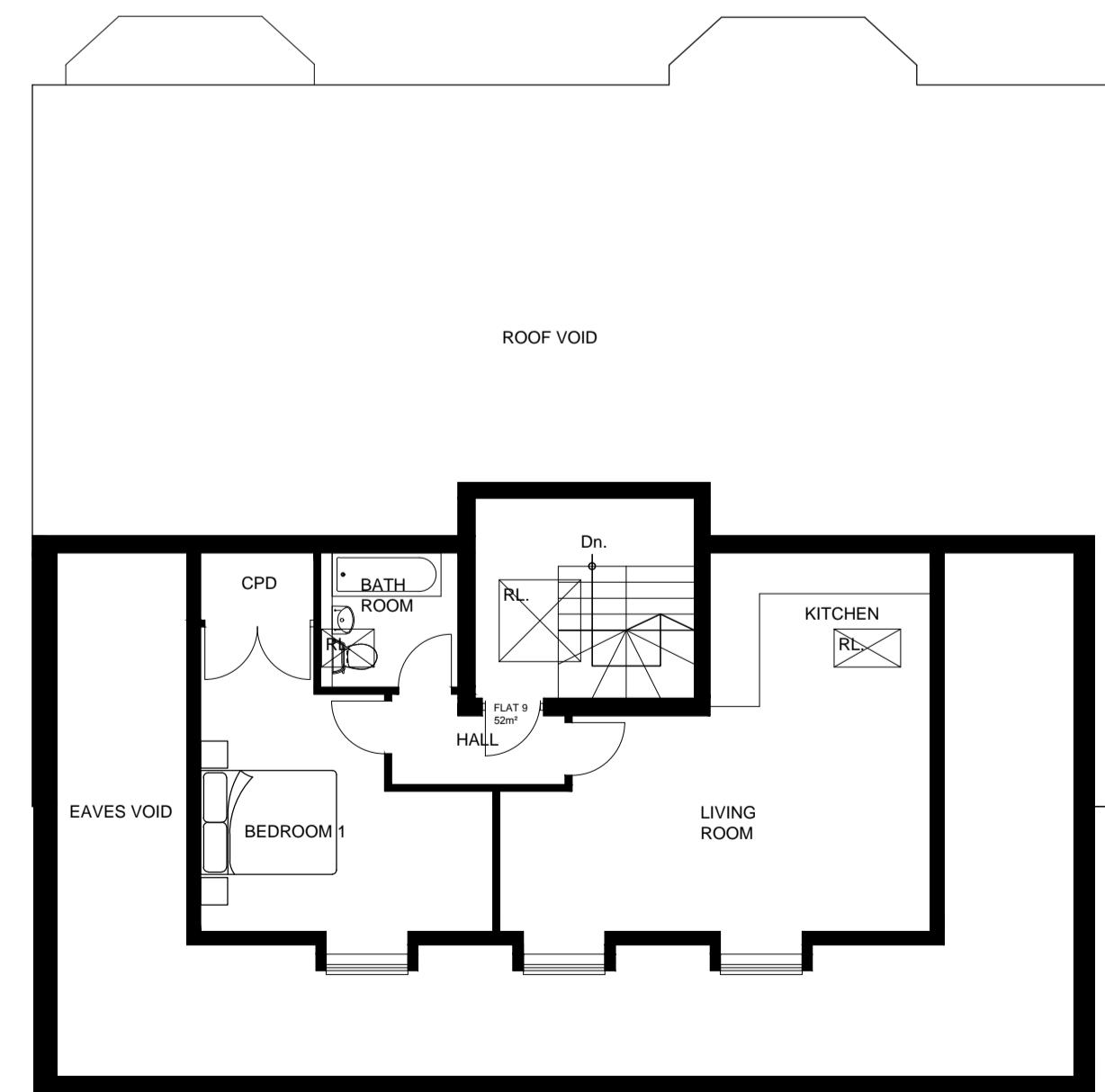
Air Balloon Apartments Accommodation Schedule			
Number	Bedrooms	Area (SqM)	Bed Spaces
1	1	45	2
2	1	45	2
3	2	57	3
4	1	49	2
5	1	46	2
6	1	46	2
7	2	57	3
8	1	49	2
9	1	52	2



1 Ground Floor Plan
Scale: 1:100



2 First Floor Plan
Scale: 1:100



3 Second Floor Plan
Scale: 1:100

Revision C - Beds altered, communal garden added
 Revision D - Schedule altered, path added to garden
 Revision E - Internal layouts altered, schedule amended
 Revision F - Original front door retained (Flat 2)
 Revision G - Building access altered and all flat layouts revised
 Tandem parking spaces removed
 Front forecourt layout amended
 Bin store relocated

Drawing No	499_AIRB_PL_0514_102_A	File No	499
This drawing is for planning purposes only. Responsibility is not accepted for errors made by others scaling from these plans. All construction information should be taken from figured dimensions only. This drawing is copyright DEXTER Building Design Ltd.			
Dexter Building Design Ltd		20 Howell Road Kingswood, Bristol, B38 4UD T: 01174 491293 E: enquiries@dexterdesign.co.uk W: www.dexterdesign.co.uk	
Title: Alteration and conversion of The Air Balloon Inn, Kingswood, Bristol			
Client: Griffin Developments Ltd			
Drawing: Proposed plans and elevations			
Date:	June 2014	Scale:	1:100, 1:200
Sheet:	A1	Drawn:	LD