

WARD: Lawrence Hill **CONTACT OFFICER:** Lewis Cook**SITE ADDRESS:** Plot ND7 Temple Quay North Avon Street Bristol BS2 0PS

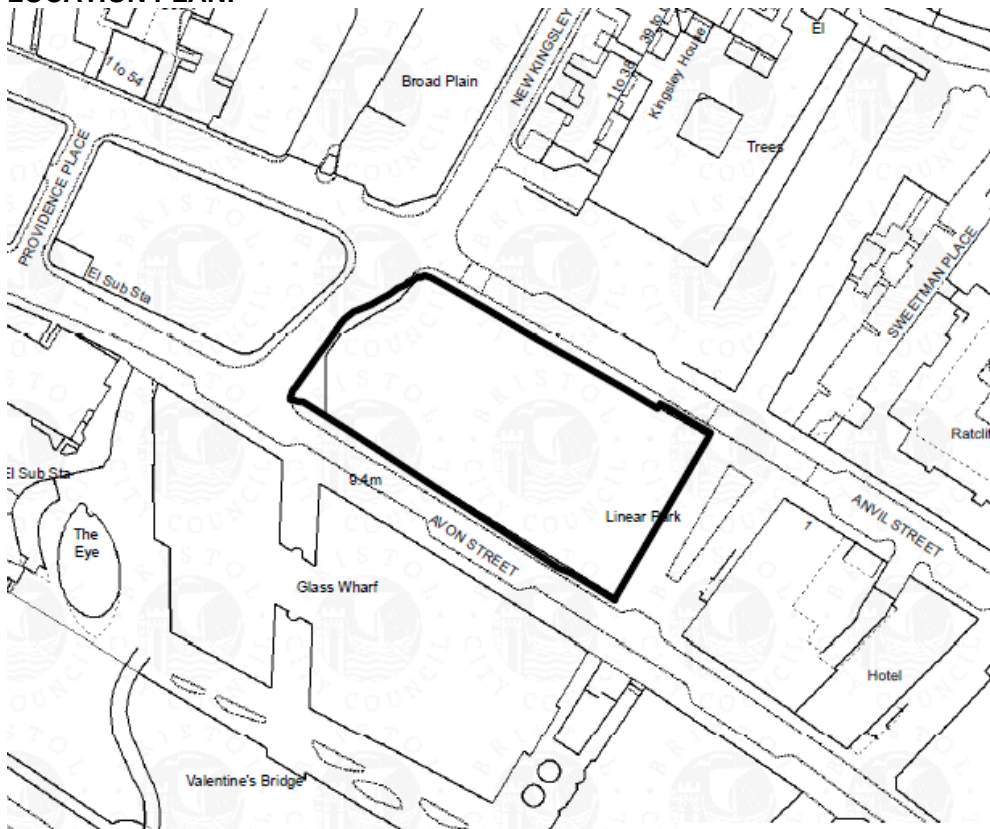
APPLICATION NO: 14/03133/F Full Planning**EXPIRY DATE:** 25 September 2014

Erection of a 7/8 storey building comprising 168 no. residential units, 1114 sqm of flexible commercial floor space (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level, basement car park and associated development, including access, landscaping, bin storage and cycle parking. (Major Application)

RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol BS8 3BA**APPLICANT:** Square Bay Developments LLP
C/o Agent

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

LOCATION PLAN:comtop
v4.0408

Development Control Committee B – 12 November 2014**Application No. 14/03133/F: Plot ND7 Temple Quay North Avon Street Bristol BS2 0PS****SUMMARY**

The application is for a residential led scheme to provide 168 flats and around 1000 square metres of commercial floorspace on a site within the Enterprise Zone. Whilst there was a historic masterplan directing development in the area, this expired in 2013. Hence this application is for full planning permission to develop the site, and must be assessed against the current development plan policies.

In this respect, whilst the application does seek to address the relevant policies it falls short of full compliance in certain areas, notably in respect of affordable housing, sustainability and mix of residential units. However, planning policies do allow for the consideration of viability issues to be set against the relevant policy issues, although those policies offer little guidance on how to prioritise meeting competing policy aims. A viability assessment was submitted as part of the application package which essentially clarifies that a scheme that meets all of the policy objectives would not be viable. Therefore, officers have sought to negotiate a scheme which achieves a reasonable mix of residential accommodation, including the provision of affordable housing; a fabric first approach in terms of sustainability, and a more constrained approach to the public realm works around the site.

The application is therefore being reported to committee to allow Members to review the negotiated solution, which is now recommended for approval subject to a number of conditions and a section 106 agreement.

SITE DESCRIPTION

The application site is located within the Temple Quarter Enterprise Zone, to the east of Bristol City Centre, in an area known as Temple Quay North. It is bounded by Anvil Street to the north, Avon Street to the South and New Kingsley Road to the west. To the east of the site is an area of open space, described as a linear park, that has recently been provided in accordance with the wider master planning of this area. The site is currently vacant.

The area was historically used as an industrial area, although much of the industrial infrastructure was removed towards the end of the 20th century. The site itself appears to have a history of use for car sales and as a police depot, although all of the buildings associated with this use have been removed. Since then the area has been subject to significant redevelopment, which originated from planning permission no 01/01606/P. This established the masterplan for the area (please refer to the supporting documents for the layout of the area), dividing the area into 13 plots (known as ND1 to ND13). Plots ND1 to ND5 were located along the floating harbour, and were designated primarily for office use. Plots ND6 to ND9 were located in the area between Anvil Street and Avon Street, and were designated for a mixture of residential and commercial (again primarily offices). The area to the north of Avon Street was designated primarily for residential uses. This masterplan has been subject to a number of variations since originally approved (see history below). However, so far this has delivered a significant residential and office development to the south of the site (the eye and the Burgess Salmon building), a hotel development to the east of the site (Ibis hotel on ND8) and residential development to the north (ND10 - ND13). An office building is also under construction at ND4, and applications are currently being considered on sites ND5 and ND6. However, the original outline planning permission has now expired.

In the previously adopted local plan (1997) the site was designated as a mixed commercial area. However, the local plan policy that this designation relates to (policy CC2), is not amongst those policies that are still saved and therefore this policy does not hold any weight. The Core Strategy and adopted site allocations do not designate areas in the City Centre, so there is no adopted policy which designates this site. However, in the emerging Bristol Central Area Plan it is proposed

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to designate the site for mixed use, employment led development, as part of the Enterprise Zone (BCAP35).

In addition to this, there is a small area to the east of the site which is identified as being in Flood Zone 2 (medium risk of flooding) in the flood risk maps produced by the Environment Agency.

RELEVANT HISTORY

01/01606/P: Redevelopment to provide a mixed use scheme comprising business (including offices), residential, leisure, retail, financial and professional services, food and drink, and community facilities (Use Classes B1, C3, D2, A1, A2, A3 and D1), public and private open space, a pedestrian/cyclists' bridge over the floating harbour, car parking, roads and footpaths and other associated infrastructure and landscaping - Planning Permission granted: 06/05/2003.

Development of the mainly residential element to the north of the site has been delivered as a result of this outline permission (ND10 to ND13), as well as much of the infrastructure.

05/04336/F: Construction of a building comprising Class B1 office (6,145 sqm) and Class C1 hotel (5,344 sqm) with car parking, associated infrastructure and public realms works to NP3, NS3, and NS4 - Planning Permission granted: 26/01/2006.

This application relates to site ND8, immediately to the south east of this site. The permission grants full planning permission, and does not directly relate to the original outline permission. This permission has been constructed on the site.

07/01858/P: Outline application for redevelopment to provide a mixed use scheme comprising business (including offices), residential, retail, leisure, financial and professional services, food and drink, and leisure uses (Classes B1, C3, D2, A1, A2, A3, A4 and A5), public realm, car parking, roads and footpaths, landscaping and other associated infrastructure - Permission granted: 16/11/2007.

This application relates to the development of the row of units fronting the floating harbour (ND1 to ND5, although this application removed ND1). Whilst in outline, this application included full details of ND2 (The Eye), ND3 (the Burgess Salmon building) and ND4 (which has been varied and is currently under construction).

12/02482/X: Variation of conditions 5, 6, 7, 9, 41 and 47 for planning permission 01/01606/P to allow New Kingsley Road alignment between plots ND6 and ND7 to remain unchanged - Redevelopment to provide a mixed use scheme comprising business (including offices), residential, leisure, retail, food and drink, and community facilities, public and private open space, a pedestrian/cyclists bridge and car parking (Major application) - Permission granted: 01/05/2013.

This permission related only to plots ND6 and ND7, allowing a change to the road layout. The permission expired on 06/05/2013.

It is also material that a reserved matters application for application no. 12/02482/X was submitted, relating only to plot ND6, as follows:

13/02010/M: Reserved matters approval in respect of Application. No. 01/01606/P, as varied by App. No. 12/02482/X. - a 6/7 storey building comprising 76 flats (75 no two bedroom and 1 no. 1 bedroom) with an associated 40 basement car parking spaces, 6 motor cycle spaces, cycle parking, plant room and associated public realm (based upon existing road alignment). (Major Application).

This application is yet to be determined.

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The proposal is for full planning permission for a residential led, mixed use development on the currently vacant site. The building would range in height from seven to eight stories, with commercial accommodation on the ground floor, and residential above. Also proposed is a basement, which would provide accommodation for car parking and services.

The layout comprises an H-Plan configuration, with a new area of public space to the south west of the site, flanked on both sides by the two wings of the building. The scheme also proposed a new area of public realm to the west of the building, along New Kingsley Road. The basement access would be in the south west corner of the site, providing access to 62 car parking spaces, 256 cycle parking space and other plant and storage.

The ground floor plan shows provision for six commercial units, ranging from 116 sq. m. to 466 sq. m. It is intended that these would allow maximum flexibility in terms of uses and layout, with use classes A1, A2, A3, A4, B1a, D1 and D2 referred to in the application. This floor also shows two refuse storage areas, in the north east and south east corners of the site, as well as the access to the main residential core of the site.

As originally submitted, above ground floor the proposal would provide residential flats. In all it is proposed to provide 166 flats.

The proposed development would be largely clad in brick, with metal standing seam cladding on the upper floors. The building would be provided with articulation through varied brick panels, particularly on the north east and south west elevations, and variations to the window patterns and balconies.

Amended plans have been submitted during the course of the application. As originally submitted the development was shown as eight storeys to the north of the site and seven to the south. This has been changed such that the proposal would now provide eight storey wings to the north and the south of the building, with a seven storey element to the centre. This results in the building having a more symmetrical form.

The other result of the change to the floorspace is a change to the composition of the units within the development. Essentially, this has involved the change of seven units to three bedroom flats, all to be provided on the top floor, plus changing two flats per floor to dual aspect. At ground floor level two additional units have been introduced, in the northern corner of the site. As such, the final mix of units is as follows:

- * 48 x 1 bedroom units
- * 110 x 2 bedroom units
- * 10 x 3 bedroom units

PRE APPLICATION COMMUNITY INVOLVEMENT**a) Process**

The community consultation event took the form of two sessions, a key stakeholder event and a presentation to the Easton and Lawrence Hill neighbourhood forum.

The stakeholder event took place in the nearby Ibis Hotel, and of the 69 invitees, 10 attended the meeting, including representatives from Bristol City Council, Bristol Civic Society, Burges Salmon, Capital Properties, Hannah More Primary School, Pegasus Planning and Real Adventure. The attendees were then asked to submit comments or suggestions.

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In relation to the neighbourhood forum, 350 near neighbours were informed of this event, and plans and details made available on the forum's website and the Barratt Homes Sales Office. At the meeting itself more than 35 people attended and both attendees and notified neighbours invited to make comments.

During the consultation period 11 written comments were received. This included comments from Avon and Somerset Police, Bristol Civic Society and Old Market Community Association. In broad terms the issues covered in the consultation responses were as follows:

- * The development should be provided with a CCTV system covering the access points;
- * Residential use was welcomed on the upper floors;
- * The use of the ground floor should be kept as flexible as possible. Whilst local residents wish to see a large convenience store, there was also potential to provide doctors, dentists, nurseries etc;
- * The H-plan block makes good use of available sunlight, and the provision of some open space around the site is welcomed, subject to suitable uses facing the space;
- * More innovative design was sought by some, including more interest at roof level, although views on design were relatively mixed;
- * The roof garden was welcomed;
- * There was some support for developing ND6 and ND7 co-operatively, but they should not be developed as a single block;
- * Concerns were raised about the height of the block in comparison to the neighbouring residential development;
- * Concerns were raised about the lack of family accommodation as part of the development;
- * Concerns were raised about the size of the bin and cycle stores;
- * The public spaces may not be well used, and may attract skate boarders;
- * Queries were raised about the servicing of the commercial units;
- * Concerns were raised about highway safety at the access ramp;
- * Concerns were raised about additional traffic and the impact on existing roads if New Kingsley Road was closed;
- * Concerns were raised about the impact of a high proportion of affordable units being provided on such a site;
- * A request was made to improve junctions in the area;
- * One respondent suggested a perimeter block, with a potential new pedestrian route through the site, should be considered;
- * Concerns were raised about the impact of construction.

b) Outcomes

The applicant has responded to this in the following way:

- * It is intended to apply for a range of uses on the ground floor so that the development is not limited to a certain type of occupier;
- * The affordable housing element will be agreed in negotiations with BCC;
- * The proposed flats accord with BCC space standards, and the proposal includes 3 bed units to add to the mix of units;
- * Highways officers have confirmed that the parking ratio is acceptable, and have confirmed that residents will not qualify for resident parking permits;
- * A lay-by will be provided for servicing the commercial units;
- * The access has been designed to meet the relevant safety standards;
- * The forecast number of vehicle trips is low;
- * The building has been designed to have a carefully proportioned contemporary appearance, which reflects the industrial heritage of the area;
- * The scale, height and massing of the proposed building are in line with the parameters set by the previous outline permission;
- * The public realm has been designed to soften and bring visual interest to the spaces surrounding the new building;

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- * Construction of the development will be managed to ensure any disruption to surrounding occupiers is minimised;
- * Collaboration with the owners of ND6 over the closure of New Kingsley Road was suggested but is not being pursued by the applicant.

In response to this the Neighbourhood Planning Network has confirmed that 'the CI in this case has been satisfactory'.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by site notice, advertisement in a local newspaper and by writing to 136 neighbouring properties.

Third Parties

As a result of the consultation three objections have been received from neighbours of the site, raising the following issues:

- * The proposal should be limited to five storeys as a taller building would result in overshadowing and loss of privacy for neighbouring properties (see key issue F);
- * The car park is inadequate for the size of the development, and will exacerbate the current lack of parking in the area (see key issue G);
- * The Council should assess the impact of the development on provision of primary school places, as well as health services (see key issue D).

Bristol Tree Forum: In addition, an objection has been received from the Bristol Tree Forum, on the basis that the proposal does not meet the requirements of policies BCS9, BCAP25 or DM15, and more trees need to be planted.

Bristol Urban Design Forum: The proposal was also presented to the Bristol Urban Design Forum during the course of the application, which made the following comments about the proposals:

Much of the development in this area is rectilinear in form. A change from rectilinear blocks to the 'H' block form would create some beneficial interest and be a counterpoint to the neighbouring blocks. However, the Panel were not yet completely convinced that the open spaces associated with it had been fully resolved.

The mix of unit sizes was appreciated, although it is not thought this will be a scheme in which families are likely to make long term homes. The Panel did think that the overall liveability could be improved by locating the small single bed flats lower down the building and the larger 'family' homes higher up.

With regard to the internal amenity, we believed that substantial improvements could be made to the internal layout. Minor adjustments could allow some natural lighting and ventilation. One drawback of the chosen plan layout is that all flats are single aspect (many with a north-only view). Any review of the layout would benefit from the introduction of some dual aspect flats, possibly at corridor ends.

With regard to the ground floor commercial space, whilst this could well bring life and vibrancy at street level there do appear to be some shortcomings. There is no direct connection from the commercial space to the refuse/reclaim room and some units potentially would have two frontages. We see this as a confusing ambiguity that could lead to the external siting of bins and the obscuring of secondary facades by unsightly blocking up of shop fronts. Also we do not see an

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obvious relationship between the frontages proposed facing Avon and Anvil Streets and the layout of the associated public spaces. The one facing Anvil Street seemed particularly vulnerable to becoming a 'dumping ground'.

At first sight the proposed landscaped area adjacent to New Kingsley Road and plot ND6 appears to have little benefit to either the scheme of the area as a whole. However, New Kingsley Road is of very limited use as a highway in the evolving new layout of the area. Were plot ND6 to provide a similarly sized landscape area, and if the road were suitably de-scaled, then a locally valuable 'green lung' could emerge between plots ND6 and ND7.

The architecture displays a confidence in the manner in which you have incorporated the lower two levels into a single entity and the way in which you have achieved a controlled randomness to the incorporation of balconies to each flat living space. We found the use of brickwork acceptable, given the lack of visual precedence in the immediate area, but we noted the need for refined details of coursing and openings as a necessary part of delivering large brick elevations. Whilst generally liking the architectural approach, the Panel felt that the overall treatment of the block lacked a totally convincing clarity. Perhaps the introduction of daylight/ventilation to the internal corridors will allow a better articulation of the 'wings' and the manner in which they relate to each other. This could also be reflected in the changes to the roof level, which currently appears rather superficial and not a defining aspect of the design.

OTHER COMMENTS

Transport Development Management have commented as follows:

Safe accessibility for pedestrians and cyclists

Of major concern to TDM is the quality and safety of the surrounding environment for pedestrians and cyclists who will access this site in the future. A substantial reliance will be placed upon walking and cycling from this site as a result of the accessible location together with the minimal parking provision, particularly for trips to and from Broadmead, Cabot Circus and Old Market and also towards Temple Meads and Redcliffe via Avon Street and Valentine's bridge.

The highway environment to the immediate west of the site is poor: it provides pedestrians and cyclists with minimal width and protection from vehicular traffic; and results in numerous near misses where vehicles approaching New Kingsley Road from Anvil Street or Old Bread Street commonly overshoot the junction on the assumption that nothing is coming. Crossing distances between footways are long, and pedestrians are often hurried across the road by oncoming traffic, often travelling in excess of the 20mph speed limit introduced in October 2010.

Location of vehicular access

In relation to the above, TDM were seriously concerned with the proposed vehicular access to Avon Street for the following reasons:

- * The positioning of the car park access, around 25 metres from the junction of Avon Street/New Kingsley Road, from which exiting traffic would block the required sightline to the west.
- * The confusion generated by having the access in such close proximity to an existing junction.

In view of highway officer concerns a Stage One Road Safety Audit was undertaken on behalf of the Applicant. However, highway officers challenged the findings of this and requested that speed survey data be submitted for Avon Street to assess the access in greater detail. This confirmed an average speed of 30.9mph for eastbound traffic which supported highway officers' view that the

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access was too close to New Kingsley Road and that the applicant would be required to either relocate the junction or provide appropriate mitigation for the access to be acceptable.

A package of mitigation was therefore required which addressed the following criteria:

- * the introduction of traffic calming in order to reduce speeds along Avon Street and consequently reduce the required sightline distance from the new access.
- * the implementation of improvements to the local environment for non-motorised users, given the increase in footfall and cycle use generated by the development.

Off-site mitigation

The scope of the works has been agreed to comprise the raising of the carriageway to footway level and resurfacing across an area between and including: the T-junction of Avon Street/New Kingsley Road, the New Kingsley Road/Anvil Street/Old Bread Street crossroads and the area outside the proposed access to ND7. The requirement to ramp up to footway level along Avon Street achieves the necessary traffic calming required to justify the vehicular access for ND7 whilst providing greater safety for pedestrians/cyclists crossing Avon Street and the crossroads with Anvil Street/Old Bread Street.

The above improvements will be required to be secured through section 106 and delivered under section 278 of the Highways Act.

Highway Adoption

It is inevitable as part of any works to support this site, adjustments will be required to the current dedication of highway land in this area. As a result, the appropriate procedures will need to be established under the Highway Act to ensure that necessary arrangements are made for the transfer of land to or from the highway authority to the site through stopping-up (dependent upon the scheme that is designed) as appropriate.

The relevant extents of ownership will become clearer following the submission of the relevant drawing.

Car, Cycle, Electric Vehicle and Disabled parking

The application proposes 60 car parking spaces within a basement level car park accessed via a 1:10 gradient ramp, exiting onto Avon Street at a 1:20 ramp. This level of parking is considered acceptable in this location, subject to the above highway improvements given that the site is located in close proximity to transport links as well as city centre retail, employment and leisure facilities.

Given the speculative nature of the development, the flexibility of uses requested by the applicant at ground floor level and the absence of an end occupier it is difficult to be prescriptive at this stage about the exact parking requirements for each use, other than to ensure that the minimum requirements are fulfilled in relation to disabled parking, cycle parking and electric vehicle charging points.

It is suggested at this stage that 5 car parking spaces are retained within the basement for the use of the commercial occupiers, which would provide some flexibility and also retain the option for disabled parking provision to be provided for these uses whilst limiting the extent of commuter parking generated by the development. Whilst the numbers proposed appear reasonable in the context of the standards, the following matters will still require to be confirmed prior to construction, highlighted yellow above:

- * Cycle parking format/design to be demonstrated to ensure spaces shown are capable of accommodating numbers shown.

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- * Provision of cycle parking for the commercial uses within the basement - it would not be acceptable for employees of the ground floor uses to park their cycles outdoors as this will not provide the necessary security and cover for long-stay cycle parking. As the number provided in the basement is 14 spaces greater than the minimum standard for residential, the numbers are sufficient to also accommodate the commercial requirement.
- * With regard to the security of cycle parking, we would also want to see the 132-space cycle store at the rear accessible via lockable entry, as is the case with the 164-space store.
- * Provision of 12 Electric Vehicle Charging Points
- * Confirmation of a Car Club space, to be delivered as part of the s106.
- * An additional disabled space to be provided – ideally next to the proposed space in the north-east corner of the car park. This would not require a layout change.

Car Club

An obligation to deliver a car club has been agreed with the developer and a space will be provided on-site to fulfil this requirement.

Off-site parking/residents' permit prohibition

Notwithstanding the sustainable benefits of this development and the opportunity for residents to join a car club scheme, in view of the low level of parking provided on site, the possibility for overspill parking on surrounding streets is a valid concern. It is therefore required that an advice is attached to any consent, recommending to the highway authority that this is a low-car development and that applications for residents parking permits are declined in the interests of promoting sustainable development whilst maintaining highway safety.

Nevertheless, an investigation of the likelihood of overspill parking occurring from this development has concluded that the closest available on-street parking (which is not subject to daytime restrictions, or residents-only permits) would be either a) the area to the east of Kingsland Road and south of Waterloo Road in the vicinity of the Kingsland Trading Estate, or b) Silverthorne Lane, off Avon Street. In relation to safety, these areas are subject to waiting restrictions to deter any unsafe parking. Notwithstanding this, the shortest walking distance between the site and these locations would be 343 metres and 426 metres respectively. In the event that on-street parking was regularly available, it is not considered that this would create a concern given that a) residents are unlikely to undertake this journey to their car up to twice a day, and b) were they to do so, such parking is likely to be minimal and unlikely to generate a significant highway safety concern, given the existing waiting restrictions which apply in this area.

Off-site parking – evenings and weekends

Highway officers do however note that much of the area lying to the west of Kingsland Road and north of Oxford Street, whilst subject to limited waiting and resident only parking during the daytime (Monday-Friday), does not prohibit parking by others between the hours of 5pm and 9am. These areas are much closer to the ND7 site and highway officers are currently exploring whether this restriction requires to be extended in the light of the current application and other residential uses in this area which contribute towards evening parking congestion.

Servicing/Delivery facilities

A small service lay-by is proposed in the vicinity of the proposed retail unit along Anvil Street. The submitted drawing TPA ref: Figure 6.1 shows that even a relatively small delivery vehicle (a two-axle rigid HGV) will only just make it out of this layby. This will require to be revisited as part of the detailed design process to ensure its adequacy to accommodate large delivery vehicles.

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Travel Plan

A travel plan has been submitted as part of this application. Of the measures proposed within chapter four of the document, BCC would wish to see the following matters progressed in a timely manner to ensure users of the development benefit from the greatest possible opportunity to maximise the sustainability of the site:

- * Secure cycle parking – prior to occupation.
- * Welcome Information pack – to be distributed at the point of sale for each occupant providing travel information, bus/rail routes and timetables, car-share database links and useful contacts. Information pack to also confirm residents' ineligibility for parking permits.
- * Travel Plan co-ordinator (TPC) – to be appointed at the marketing phase of the development.
- * Issuing of cycle equipment to residents as well as businesses within the development.
- * Travel Notice boards within the development to be implemented prior to occupation and regularly updated to include cycle routes, bus timetable, cycle shop and bus fare information.
- * Regular liaison between the TPC and other groups, including public transport operators, cycle user groups and BCC City Transport as part of an annual requirement to monitor the travel habits of all users.
- * Inclusion of sustainable travel information within sales literature and websites associated with the housing developer.
- * Confirmation of targets, monitoring mechanism and back-up measures to be applied where the travel plan is not meeting its targets. A Travel Survey to be undertaken within six months of occupation and annually thereafter.

The above measures will be required over a five-year period following occupation and a budget will need to be set aside by the developer to undertake these requirements as per paragraph 4.5 of the submitted Travel Plan.

Air Quality has commented as follows:-

No objections

City Design Group has commented as follows:-

Ground Floor

- The ramp needs to be relocated.
- The small amount of residential development at ground floor is questioned. It would improve the situation in terms of overlooking but locating the flats directly adjacent to the public space on New Kingsley Road and next to the residential waste store raises concern in terms of resident comfort.
- The public space adj. to Kingsley Road should be the focus of PR contribution with relocation of the ramp allowing more active frontage on the west end.
- The public space at ground facing onto Avon Street needs further work. The relationship with the highway appears awkward with the space being set up from the street and reached either by steps or ramp. . An increase on soft landscaping would also be to the benefit of the residents.
- Greater site coverage at ground floor could achieved with an expanded ground floor featuring a first floor amenity space for residents.
- The commercial waste store should be relocated/reoriented to take less frontage and free up the NE corner for a more attractive treatment.

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Roof

- The value of the roof garden is questioned.

Elevational Treatment

The organisation and symmetry of the elevations is an improvement on the previous scheme. Subject to detailed consideration of materials, detailing and some thought on the patterning of fenestration the CDG raise no objection to the current proposal.

Landscape

The landscape strategy described in the application documents doesn't seem to be grounded in any consideration of the site context. As a result, the treatment of the important open space on New Kingsley Road is out of character with open spaces on neighbouring sites - these tend to have a formal layout.

The space on Avon Street will not be perceived as a public realm because the change of level will mitigate against this.

With regard to tree planting generally, details and specification of tree pits should be provided to ensure a sufficient growing medium.

Contaminated Land Environmental Protection has commented as follows:-

No objections to the report and proposals for future works which include

- clean cover provision for soft landscaped areas
- hardstanding elsewhere on site
- further investigation into groundwater
- further investigation into location of above and below ground storage tanks
- potential further gas monitoring at the site

There are potential issues with the basement construction and groundwater seepage so as part of the construction planning process provision needs to be made for dealing with groundwater in the excavations and for the basement to have drainage incorporated into the design.

In terms of conditioning the application it will be an amended version of the standard B11 and the usual B12, B13 and C1 conditions at the present time but once the EA provide us with a response I will look at amending the condition accordingly.

Crime Reduction Unit has commented as follows:-

The Design and Access Statement mentions that the 'Principle' of Secure by Design will be followed, but there is no mention of any physical security standard within the development. The following issues need to be considered:

- The basement area is one of the most vulnerable to unauthorised access and theft. Access to these areas should be restricted by way of vertical opening shutters.
- Pedal cycles should be within a secure, lockable structure with access via a proximity card;
- Refuse stores should be fitted with secure door sets;
- All external pedestrian access doors should be certified to PAS24;
- Good lighting will deter intruders and reduce the fear of crime - lighting should be compatible with any CCTV system installed;
- Fittings should be vandal resistant;

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- To aid natural surveillance the building line needs to be as straight as possible;
- All windows should conform to BS7950;
- Escape doors should be made from steel, without visible ironmongery, and connected to the building alarm;
- All outward opening doors should be fitted with hinge bolts;
- Mail delivery boxes should be placed within a secure 'air lock', which must not include a 'tradesman' button;
- The plans suggest that once into the main entrance free access will be available to the rest of the building through the lift. This must be addressed;
- The landscape should be designed to prevent misuse;
- The commercial areas of the building should have a suitable intruder alarm.

Flood Risk Manager has commented as follows:-

The development has placed lower risk commercial use on the ground floor and raised this level and electrical fittings up but flood resilience measures may still need to be incorporated into the lower levels. The EA will need to be provide input.

The FRA mentions a Flood Evacuation Plan will be provided. This will be required as the site is within FZ3 for the 200 year tidal event inclusive of climate change. Nigel Parsons of the CPU will need to approve this.

Can confirmation of the drainage strategy be provided please outlining how surface water will be dealt with on site. It is mentioned that green landscaping will make an improvement but can detail be provided of the overall approach. No flooding of site for a 30 year rainfall event nor of property for a 100 year event plus climate change will need to be demonstrated.

Environment Agency (Sustainable Places) has commented as follows:-

The Environment Agency originally raised an objection to the proposal on the basis that it had not been demonstrated that the basement would be protected from flooding/

However, following submission of details of a proposed flood barrier at the access to the car park the EA have withdrawn their objection, subject to conditions requiring that the development be constructed in accordance with the FRA and that the applicant submits details of the flood barrier for approval. In addition, it is recommended that the applicant prepares a flood warning and evacuation plan for future occupants.

Archaeology Team has commented as follows:-

There has been no preliminary desk-based archaeological assessment of the site, contrary to para 128 of the NPPF and DM policy DM31. A broad-brush overview of the site's history has been put forward by the site's engineers but this is no substitute for detailed analysis of the site's historical development. Without this information it will be difficult to be more precise about the most appropriate response.

The site has clearly been developed from the 18th century onwards - it is unlikely that there was any development of the site before this period. However, from at least 1750 onwards the site seems to have been fully developed, with a mix of residential and probably industrial premises - there was a malthouse on the northern part of the site by 1874 and probably from at least the early 19th century. The probably 18th century residential development is of considerable interest and there may well be surviving remains of the humbler dwellings for which there is often little documentary evidence. Apart from the malthouse, there is no indication of the nature of other industrial premises that may have existed on the site. By the 1970s there was a garage on the

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site, with the potential for contamination and negative impact upon the archaeological features described above.

If no further information is to be supplied, it will be necessary to secure full excavation of the site to mitigate the construction of the proposed basement, which will result in the total destruction of any archaeology on the site. This work will need to be secured by standard conditions (B28, specifying the need for excavation), C17, to ensure the completion of the work to publication, and C18, to ensure that a subsequent watching brief is carried out on development groundworks).

Public Health Bristol has commented as follows:-

As the above development is a 'super major' then a health impact assessment (HIA) will be required, under Core Strategy Policy BCS21 and draft publication Policy DM14 on the health impacts of development (March 2013), which is due to be adopted shortly.

This can be a freestanding document (or can be part of the EIA if that is needed) and should inform the Design and Access Statement.

The National Planning Policy Framework (March 2012) sets out the core planning principle of improving health, social and cultural wellbeing (para 17) and highlights the role of the planning system in creating healthy, inclusive communities (paras 69 - 78). The National Planning Practice Guidance states that HIA can be a useful tool.

RELEVANT POLICIES

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

| | |
|-------|--|
| BCS2 | Bristol City Centre |
| BCS5 | Housing Provision |
| BCS7 | Centres and Retailing |
| BCS8 | Delivering a Thriving Economy |
| BCS9 | Green Infrastructure |
| BCS10 | Transport and Access Improvements |
| BCS11 | Infrastructure and Developer Contributions |
| BCS12 | Community Facilities |
| BCS13 | Climate Change |
| BCS14 | Sustainable Energy |
| BCS15 | Sustainable Design and Construction |
| BCS16 | Flood Risk and Water Management |
| BCS17 | Affordable Housing Provision |
| 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 |
| DM4 | Wheelchair accessible housing |
| DM7 | Town centre uses |
| DM10 | Food and drink uses and the evening economy |
| DM14 | The health impacts of development |
| DM12 | Retaining valuable employment sites |
| DM15 | Green infrastructure provision |

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| | |
|------|---|
| DM16 | Open space for recreation |
| DM23 | Transport development management |
| DM26 | Local character and distinctiveness |
| DM27 | Layout and form |
| DM28 | Public realm |
| DM29 | Design of new buildings |
| DM32 | Recycling and refuse provision in new development |
| DM33 | Pollution control, air quality and water quality |
| DM24 | Transport schemes |
| DM35 | Noise mitigation |

Bristol Central Area Plan (emerging)

| | |
|--------|---|
| BCAP1 | Mixed-use development in Bristol City Centre |
| BCAP3 | Family sized homes |
| BCAP5 | Development and flood risk |
| BCAP6 | Delivery of employment space in Bristol City Centre |
| BCAP7 | Loss of employment space |
| BCAP14 | Location of retail development in Bristol City Centre |
| BCA15 | Small scale retail developments and other related uses in Bristol City Centre |
| BCAP19 | Leisure use frontages in Bristol City Centre |
| BCAP20 | Sustainable design standards |
| BCAP21 | Connection to heat networks |
| BCAP25 | Green infrastructure in city centre development |
| BCAP29 | Car and cycle parking in Bristol City Centre |
| BCAP30 | Pedestrian routes |
| BCAP31 | Active ground floor uses and active frontages in Bristol City Centre |
| BCAP33 | City Centre spaces |
| BCAP34 | Coordinating major development in Bristol City Centre |
| BCAP35 | Bristol Temple Quarter |

KEY ISSUES**(A) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS?**

As referred to above historically the site was included in a masterplan for the area, which was established by planning permission no. 01/01606/P. Whilst this did not direct specific uses to specific plots, it did establish a range of uses for a range of plots. As stated above, the riverside buildings (ND1 to ND5) were designed to be predominantly in office use, and units ND10 to ND13 predominantly residential. The zone in-between was identified for a mixture of uses, comprising approximately 10,000 square metres of residential, 23,000 square metres of office, 1,500 square metres of leisure and 1,300 square metres of retail. However, this permission has now expired as far as it relates to this site, and with it the parameters set by the accompanying masterplan. The materplan still has some relevance insofar as it discusses the relationship between buildings and uses, but the acceptability of the current uses has to be assessed against the current planning policies.

Again, as stated above the site is not currently designated for any specific use in the adopted planning policies, except that it is identified as being within the area covered by the Bristol Central Area Plan. In the absence of an adopted designation for the site, consideration has to be given to the loss of historic land uses from the site, given that planning policies seek to retain important employment land (notably BCS8). Whilst there is a history of employment land in the area, it should be noted that any employment use of this site was removed a number of years ago. The impact on employment uses was also considered in planning application no. 01/01606/P, which established the masterplan for the area. This concluded that the development of the masterplan

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area would provide an overall benefit to employment opportunities in the area, given that it would provide around 2,500 jobs. This was based on the provision of over 60,000 square metres of office floorspace, and given the expiry of the outline permission it is unlikely that all of this floorspace will be delivered. However, with regard to the developments that have been constructed and other current planning applications, it does appear that a substantial proportion of that floorspace will be delivered (over 40,000 square metres). In addition, given the period of time the sites have been vacant there clearly was not significant pressure to build out the development during the lifetime of the outline permission. In this context, the provision of these additional jobs is of significant benefit to the economy in this area.

In addition, the Bristol Central Area Plan has reached an advanced stage of preparation, with the examination starting in October 2014. This identifies the site as being within Bristol Temple Quarter, and therefore policy BCAP35 applies. This establishes the aims for the Temple Quarter Enterprise Zone, as an employment-led mixed use regeneration area. Amongst the specific developments allowed for in the zone include:

- o At least 100,000m² of net additional high quality office and flexible workspace;
- o Up to 2,200 new homes including live/work space;
- o Complementary retail and leisure uses, particularly within and adjacent to Bristol Temple Meads station;
- o New walking and cycle routes to connect the developments to the rest of the city centre and surrounding neighbourhoods;
- o Green infrastructure and public realm enhancements including the improvement of open space to serve the new developments.

Clearly, this allows for considerable flexibility in the delivery of development across the zone, although establishes a minimum provision of office floorspace and a maximum provision for residential accommodation. Ultimately, all of the uses proposed as part of this application (A1, A2, A3, A4, A5, B1(a), C3, D1 and D2) are allowed by this policy. Therefore, the acceptability of this application against this policy falls to be decided on the basis of the mix of uses proposed.

With regards to the provision of **residential** units within the area of the policy, there are a number of extant residential planning permissions in the area, as well as development that has been constructed since the adoption of the Core Strategy. As a result of these a total of 455 residential units have been constructed or committed during the period. The 166 residential units proposed here would therefore contribute to meeting the total residential units proposed, but will still be substantially short of the limits allowed by the policy.

For **office** uses, the policy sets an ambitious target of providing 100,000 square metres of office floorspace. This proposal includes flexible commercial floorspace at ground floor, which could at its maximum provide 1,071 square metres of floorspace. It is unlikely that all of the floorspace will be used for office space, and therefore this development will make a fairly modest contribution to the delivery of the target office space in the zone. The key issues here are does the policy allow for the provision of office floorspace, which it does, and does the limited floorspace proposed prejudice the delivery of the office floorspace across the whole enterprise zone. In this regard the policy is intended to direct development up until 2026. Given that the aim of the policy is to secure employment led development it is unfortunate that this site is not delivering additional commercial floorspace. However, there is clearly scope within the timeframe of the policy, and within the undeveloped space available, to provide for the required floorspace. Therefore, it is considered that the provision of a predominantly residential development on this site should be seen as part of the wider context of redevelopment of this area, and it would not prejudice the delivery of the wider policy aims for the area.

However, policy BCAP31 does encourage the provision of **active ground floor uses** on primary pedestrian routes and other busy streets. This policy lists the active uses as A1-A5 or D1-D2. As a

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result, it would be undesirable to provide office uses across the whole of the ground floor, as this would not provide active uses.

With regards to the other potential uses of the ground floor, retail and other leisure uses are permitted by the policy. However, it should also be noted that the site is within the central area, but not within the Primary or Secondary Shopping frontages. In accordance with the NPPF and policy BCS7 of the Core Strategy, whilst other town centres uses can be located anywhere within the central area, retail uses should be directed to the Primary Shopping Frontages. However, policy DM7 and BCAP14 do allow for small scale retail units outside of those frontages for local needs, and this specifies that a small scale use is below 200 square metres. As stated above, the floorspace dedicated to commercial use in the development is over 1,000 square metres. The policy would not allow for all of this area to be used as retail without consideration of whether there were sequentially preferable sites available for the development, and also for developments of above 500 square metres, the completion of a retail impact assessment. In this case, no evidence has been put forward from the applicant, either regarding the provision of sequentially preferable sites or an impact assessment. As such, whilst A1 uses are acceptable, they would need to be restricted to no more than 200 square metres, to accord with the policy.

The other potential alternative uses are food and drink uses, which need to be considered against policy DM10. This policy permits such uses, subject to the development not harming the character of the area, residential amenity or public safety, either individually or as a result of the concentration of uses. These issues are dealt with specifically in the key issues below. However, in respect of the concentration of uses, it is noted that there are currently no other A3, A4, or A5 uses in the surrounding streets. However, there are a number of vacant units, which could potentially be but to these uses, and other planning permissions relating to this use. Currently, this could amount to around 1,000 square metres in units ND2 to ND4, a maximum of 1,594 square metres in ND6 (although it is unlikely that the all of this floorspace would be provided as part of this development) and a maximum of 122 square metres in ND11. In addition, a maximum of 762 square metres of A3 floorspace is currently proposed in ND5. Whilst this is a substantial amount of floorspace, it does represent a relatively small proportion of the overall floorspace, with much of that space provided on the ground floor of commercial buildings. In addition, the impact of this type of use can be mitigated by the use of conditions limiting hours of use and impact of noise and smells from plant and equipment.

Other potential uses include community uses, which would be supported by policy BCS12 of the Core Strategy. This requires that community uses are located where there is a choice of travel options. This site is a highly sustainable site, less than 400 metres from Bristol Temple Mead railway station, which is a focus of public transport, including buses and ferries.

Conclusion

Therefore, the principle of the proposed uses is considered to meet the existing and emerging policy aims, and would not prejudice the delivery of the relevant planning policies. However, in order to balance the competing policy aims of achieving active frontage, having commercially led development and improving the viability in order to deliver affordable housing, it is necessary to condition the proportion of each floorspace that can be delivered on the site.

The southern corner of the site has been identified as the most critical for active frontage, and this has the advantage that this unit will have a frontage onto both the existing public realm to the south of the site and to the new public square. A condition will be required to ensure that some 'A' class floorspace is delivered in this location. The agreed floorspace figures would also ensure that at least one other frontage would include an active frontage, as defined by policy BCAP31. It will also ensure a degree of flexibility, to improve the prospects of the ground floor units being occupied. It is also noted that if other occupiers are interested in the occupation of the ground floor there would be the opportunity to apply for a variation of the relevant condition.

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Therefore, in negotiations with the applicant the following floorspace figures have been agreed:

- * A minimum of 316 square metres and maximum of 334 square metres of 'A' class floorspace (with no single unit of A1 exceeding 200 square metres). At least 200 square metres of floorspace to be provided in the southern corner of the site.
- * A maximum of 134 square metres of D2 class floorspace.
- * A maximum of 621 B1(a) class floorspace.
- * D1 class floorspace to be unlimited.

Therefore, it is considered that subject to relevant conditions the proposal will meet the competing policy aims and is considered acceptable in this regard.

(B) IS THE PROPOSED DENSITY AND HOUSING MIX APPROPRIATE?

The efficient use of land is integral to creating sustainable patterns of development and this is central to the focus on sustainable development in the NPPF. Indeed, the NPPF allows Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy BCS20 of the Core Strategy sets a minimum development density of 50 dwellings per hectare. The density of the proposed development is around 386 dwellings per hectare. Whilst this is very high, it does reflect the very sustainable nature of the site. There are no policies that relate to maximum development densities, although high densities can impact on the appearance of the development, and the quality of the residential development created. These issues are addressed in the key issues below.

In addition, Policy BCS17 of the adopted Bristol Core Strategy (2011) requires affordable housing to be provided in residential developments of 15 dwellings or more at a percentage target of 40% in Central Bristol. Such residential developments should provide a mix of affordable housing units and reflect identified needs, site suitability and economic viability. Where scheme viability may be affected, developers are expected to provide full development appraisals to demonstrate an alternative affordable housing provision. Policy BCS18 also requires development to contribute to the mix of housing tenures, types and sizes in an area. The draft Central Area Plan recognises that there are specific issues with delivering family accommodation within the City Centre, and therefore policy BCAP3 specifically requires new developments within the area to include a proportion of family sized homes. It defines family sized homes as houses with two or more bedrooms, or flats with three or more bedrooms.

As such this development should provide 66 affordable housing units in order to be fully policy compliant. The applicant submitted a viability appraisal with their planning application, which claimed that the scheme was unable to provide any affordable housing, whilst remaining viable.

Officers engaged the services of DVS (the property arm of the Valuation Office Agency) to assess the applicant's viability report. Following detailed assessment and discussions with the applicants' viability consultant, DVS conclude that the scheme could provide approximately 12% affordable housing [SUBJECT TO CONFIRMATION], which would comprise a mix of shared ownership and social rent properties.

However, following discussions with the applicant, they have offered to provide 13.7% affordable housing (23 dwellings) but on the basis that all these dwellings are shared ownership. The affordable housing team is prepared to accept this offer.

In some cases, where schemes are delivered in phases, it is appropriate to reassess scheme viability prior to the commencement of the later phases. This enables the Council to assess whether an increased level of affordable housing can be provided, due to changes in market conditions. However as the application comprises a single phase development the RICS Guidance on Financial Viability in Planning advises that viability reviews are not appropriate in such cases.

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With regard to the mix of accommodation proposed, the area around the application site is dominated by flats (around 92% in 2012) and evidence from housing completions between 2003 and 2013 suggest that there were very few three bedroom units constructed in this period. The representation of family accommodation in this area is therefore very low and not sustainable. The 2011 census data does show that there is a high proportion of social rented accommodation, but beyond this the range of housing provided in the area is relatively limited. As such, in order to make a significant contribution to the mix of development in the area it would be necessary to provide a significant proportion of family accommodation on the site and introduce different tenure types.

It is clear that the site lends itself to high density flatted accommodation, given the location and the surrounding character. Therefore, in response to the policy the submitted plans show 10 three bedroom flats at roof level. These are designed to have relatively generous roof terraces, as well as easy access to the roof garden. However, this would only result in around 6 per cent of the total accommodation being family accommodation, which is a lower proportion than has been secured at other significant city centre developments (for example recent phases at harbourside, Paintworks phase 3 and the General Hospital).

The applicant has argued that this site is less appropriate for family accommodation, given the surrounding uses, and this being considered a less aspirational location. They also argue that the provision of additional three bedroom units would impact on the viability of the development. This is particularly relevant given that the viability evidence submitted with the application shows that there is scope to provide some affordable housing, and any part of the development that impacts on the viability of the scheme will therefore impact on the proportion of affordable units that could be provided at the site.

The Council's viability assessor does support some of the concerns raised by the applicant in this regard. The provision of family accommodation on city centre sites is certainly desirable in that it encourages more permanence of residence, and the creation of communities. Therefore, whilst viability does not impact on the principle of securing family units, in this case where it has a direct impact on the provision of affordable housing on site, it is a material consideration. The provision of properties of a different tenure also contributes to the mix of accommodation on the site, and therefore the provision of affordable housing has to be balanced against the desire to achieve family housing on the site.

(C) WOULD THE PROPOSED DEVELOPMENT MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THIS AREA?

Policy BCS21 of the Core Strategy promotes high quality design, requiring development to contribute positively to an area's character, promote accessibility and permeability, promote legibility, clearly define public and private space, deliver a safe, healthy and attractive environment and public realm, deliver public art, safeguard the amenity of existing development and future occupiers, promote diversity through the delivery of mixed developments and create buildings and spaces that are adaptable to change. The adopted development management policies reinforce this requirement, with reference to Local Character and Distinctiveness (DM26), Layout and Form (DM27), Public Realm (DM28) and the Design of New Buildings (DM29). The design policies in the draft Central Area Plan refer to issues that specifically relate to the City Centre. Of particular relevance to this application is BCAP31, which requires active ground floor uses adjacent to the public realm.

The area around the application site has been subject to substantial redevelopment over recent years, and as such the character of the area is of large modern blocks. Those blocks on the waterfront are large scale blocks, with a rather corporate identity, primarily faced in cladding panels and glazing. Those buildings to the north east of the site, whilst large, are more modest in character, with more use of brickwork and render. The buildings on the waterfront, apart from the

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'The Eye', are predominantly 6 to 7 storeys - although it should be noted that these are commercial storeys, which are larger than the residential storeys to the north of the site. The residential parts of the area tend to be 4 to 6 storeys, where they front on to Anvil Street, with the scale reducing in parts away from the road. The buildings in the area tend to be rectilinear in form, with the residential blocks being formed of perimeter blocks, with open space in the centre. This results in the apparent form of the buildings filling the blocks. In addition to this there are also a number of vacant plots in the area.

The original masterplan for the area included the following urban design objectives:

'To create a distinctive and memorable quarter of the city based on an attractive public realm of lively, well-proportioned streets and spaces, a mix of residential, commercial and leisure uses and a critical mass of development and activity. All new buildings and public spaces should be designed to the highest quality thresholds and meet the principles of Sustainable Development.'

In contrast to the rectilinear blocks this proposal is for a building with an 'H' shaped block. This will add variety to the form of the blocks in the area, allowing some public realm to be delivered on the development site. The original outline permission was subject to a regulatory plan, which established the maximum height of the building (26 metres, and the predominant height (21.8 metres). The parapet level is at 26 metres (although the plant area would rise above that), and this represents less than 50% of the building, with the rest of the building at the predominant height or below. As such, the scale of this proposal is broadly in line with the outline permission, and marks a transition between the larger blocks fronting the floating harbour, and the more residential blocks to the north east. It is considered that the proposed building is well articulated, with different material panels and the location of the balconies giving the building interesting variety and depth. The significant use of brick also reflects the residential, rather than commercial, use of the building, and also reflects significant brick buildings in the area, such as the Gardner Haskins building.

There was originally some concern about the roof form of the building, being rather unresolved, and not adding interest to the roofscape. This concern has been resolved with amended plans, which show a more symmetrical form, and greater articulation at roof level.

The success of the building will partly depend on how it interacts with the public realm around the site, and indeed the quality of the public realm. In this regard, policy BCAP 31 is particularly relevant, as this requires active uses at ground floor level, where it fronts on to the public realm. This is well expressed in the architecture of the building, with the apparent double height element at ground floor level. However, there is a concern here that the proposed building fronts the public realm on all sides, and in effect the building does not have a rear side. Therefore, the interaction with the public realm also has to provide capacity for servicing the building. The south east and south west are very successful in this respect. These elevations front on to the existing linear park, and the new south facing square, and are critical to the success of those spaces. In relation to the north east elevation, this will still be largely fronted by commercial uses, but also includes bin stores, and there is a concern that this will function as the rear of the building. However, whilst there is not scope for the break out space for these units that there is on the south west elevation, this would be undesirable given the position directly opposite residential properties. In addition, it is proposed to undertake much needed tree planting along Anvil Street, which is currently a rather harsh environment, with buildings at the back edge of the pavement. This treatment, therefore, is considered to be a reasonable compromise, and whilst it would not provide as much activity it would reduce the amount of noise and disturbance for the residential properties.

The more significant concern relates to the north west elevation. The position of the access ramp limits the amount of activity that can be provided along this elevation. Alternative positions for the ramp have been considered. However, these would be difficult to achieve, given that parts of the surrounding road network have not been adopted, and this was the only location that would

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provide direct access to the adopted highway network when negotiations on the scheme started. In addition, moving the access ramp would impact on the layout of the basement, and would reduce the amount of car parking that could be provided, which has been raised as a concern by neighbours of the site. In amended plans submitted during the course of the application the applicant has sought to address this through the provision of two residential units fronting this area.

In respect of the original masterplan for the area the area to the north west of the site (New Kingsley Road) was not seen as a priority in terms of public realm, with the linear park to the south east of the site, and the area to the north west of ND6 being identified for these purposes. However, since that plan was permitted the Enterprise Zone has been subject to further consideration, particular in terms of infrastructure. In this respect the public realm strategy and emerging spatial strategy has identified this area as a focus for potential public realm works. However, neither of these documents are adopted policy. In addition, this has not been subject to a full transport movement assessment, and it appears that for north/south vehicle movements this would be the preferable route, particularly for bus movements. Focusing vehicle movements elsewhere would be likely to be detrimental to other pedestrian routes, and at least the width of New Kingsley Road provides capacity to allow both pedestrian and vehicle routes.

As originally designed the area of public space included a substantial level of planting. Not only did this run contrary to the character of the area, where hard landscaping dominates, it would also be particularly hard to monitor and maintain, given the lack of uses overlooking the space, or having any significant ownership. As a result of concerns raised amended plans have been submitted, which show a more hard landscaped solution, with feature tree planting, along with the two residential units looking into this space. In addition, the opportunity has been taken to incorporate the traffic calming measures, essentially a raised podium through this area, into these public realm works. This would have the advantage of providing a more unified space in this zone, and providing a more appealing pedestrian environment. Whilst it was originally envisaged that this area could incorporate public art, this would impact on the overall viability of the scheme. However, it is considered that the design of this area would be of benefit to the character and appearance of the area and would not detract from the pre-eminence of other pedestrian routes through the area.

The proposal would also provide another area of public realm to the south west of the site, in the form of a public square surrounded by the building on three sides. Given the large nature of the blocks in the area the public spaces in the area would be impacted by shading for much of the day. The orientation of the building does mean that this area will have reasonable access to direct sunlight, particularly through the summer. Whilst the original layout for this area had a rather cluttered appearance, this has been simplified in amended plans, to show a simplified layout. The success of this space will largely depend on the activity that can be generated within it, and in this regard it is noted that, on the basis of the mix of commercial uses secured, it is likely that at least two frontages would include active uses, and at least one 'A' class use. The removal of clutter also has the benefit of reducing the apparent barriers between the street and the public area. As such, it is considered that this space would be of benefit to the surrounding area, and would add variety to the street scape.

It is noted that an objections has been received to the development on the grounds that the proposal does not include adequate tree planting. It is noted that the site is currently a cleared site with no green infrastructure. However, policies BCS9 and BCAP25 require the inclusion of green infrastructure, including trees, within development sites. In response to this the development does include tree planting within the landscaped areas to the north west and south west of the building. In addition, it is proposed to provide street tree planting along Anvil Street. Having reviewed the services plans surrounding the sites, it appears that the trees shown on the submitted plans are deliverable, although there are concerns about the northern corner of the site, where there are a substantial number of services running beneath the pavement. This limits the amount of tree

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planting that can take place in this location. In addition, as noted above, the area is characterised by hard landscaping. It is clear that the area would benefit from additional green infrastructure, but this does need to respond to the existing context, and it is considered that the proposed planting is an appropriate response to this.

(D) WOULD THE PROPOSED DEVELOPMENT PROVIDE FOR AN ADEQUATE RESIDENTIAL AMENITY FOR THE PROPOSED RESIDENTS AND PROTECT AMENITIES OF ADJOINING OCCUPIERS?

Policy BCS21 of the Core Strategy requires development to create a high-quality environment for future occupiers and safeguard the amenity of existing development. Amongst the issues to be considered in relation to this are the provisions of sufficient space for everyday activities (BCS18) and the impact of existing sources of noise or other pollution on the new development.

Existing Residents

As stated above, whilst the properties to the south and east of the site are commercial, the building directly to the north west of the site is in residential use. The proposed building would be in close proximity to the neighbouring building, at its closest point around 14 metres away. As a result concerns have been raised by residents of that property regarding impact on amenity, particularly given the scale of the proposed development.

However, it should be noted that the original outline permission envisaged the area as a high density urban quarter, which necessitates a tightly knit urban form. Whilst this development is not submitted in response to the original outline, it is material that the outline permission showed buildings on these plots a similar distance apart. In addition, the outline permitted a residential element to the use of the building and the proposed build would be broadly within the size criteria established by the outline, and would have no greater impact than the outline proposals. Given that this relationship was permitted as part of the outline permission, and the neighbouring residential development was permitted as part of that outline, it would be unreasonable to refuse this development on those grounds.

However, there are a high proportion of single aspect flats in the development, including many where the only outlook would be over the flats to the north east. Notwithstanding this, the corner units, which are in closest proximity to the neighbouring property, would have outlook on three sides, and the balconies would not be on the north elevation of the building. As such, the separation distance between those properties which would be single aspect would be around 20 metres. The proposal does include roof terraces facing the buildings to the north, and these would at their closest point be 14 metres away from the neighbouring properties. However, the cross sections show that these roof terraces will be at least two storeys higher than the top floor of the neighbours, and whilst they would provide views into the nearest residential flats, the relationship would not be a direct one where the degree of disturbance would be significantly harmful. The main views out would therefore be over the top of the building. Therefore, given that the area was originally designed as a high density residential area, it is not considered that the level of overlooking would be unreasonable, and the application should not be rejected on that basis.

Future Residents

In relation to the size of the residential units the policy makes reference to the Homes and Community Agency's Design and Quality Standards. The proposal would provide a mixture of 1 bedroom 2 person flats, 2 bedroom 3 person flats, 2 bedroom 4 person flats and 3 bedroom 5 person flats. The requirements range in size from 45 Square metres to 75 square metres, and all of the proposed flats meet the required standards, with flats up to 84 square metres shown on the plan. However, the layout of the site does lend itself to single aspect flats, which will include a number of flats with a northerly aspect. Overall, 111 of the flats are single aspect, including 36 with

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a predominantly northern aspect (although these units will get some direct sunlight for most of the year as the aspect is north easterly). It is noted that this is an improvement on the original submission, with an addition 13 dual aspect flats added in revised plans.

In terms of noise and other pollution, the nature of the site is that it is adjacent to a number of commercial uses, and will include commercial uses at ground floor. However, the area was intended to operate as a mixed use area, and the original outline permission was assessed on this basis. It is clear that there would be some noise and disturbance relating to the commercial uses but the surrounding uses are not significantly polluting uses, and it was considered that the mixture of commercial and residential uses would provide 24 hour occupation and activity. Whilst planning policies have changed, it is also material that the proportion of residential on this plot has increased from the outline permission. In addition, the Air Quality Officer has confirmed that the air quality in the area would be acceptable for the proposed uses. Therefore, given the nature of the area it is considered that the proposal will provide an acceptable residential environment in terms of noise and pollution.

It is noted that officers have requested a health impact assessment in support of the application. Whilst this is required by policy DM14, this policy was not adopted when the application was first submitted, and this currently does not form part of the Council's validation requirements. Notwithstanding this the applicant has sought to address the requirements of this policy in the design and access statement and sustainability statement. This emphasises the sustainable nature of the site, with good access to services and public transport. There is also a primary school within walking distance of the application site. Although it is noted that there is a general shortage of school places to meet the needs of the expanding population, particularly at primary level, there is a programme of delivery additional school places, which reflects the allocated delivery of dwellings within the adopted development plan policies. However, it appears that the site is not particularly well served for health services (doctors surgeries and dentists). However, the application includes D1 floorspace, which could be used for these purposes, if there is a need for it. Therefore, it is not considered reasonable to refuse the application on this basis.

(E) **WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT AND MOVEMENT ISSUES?**

Development Plan policies are designed to promote schemes that reflect the list of transport user priorities outlined in the Joint Local Transport Plan, which includes pedestrian as the highest priority and private cars as the lowest (BCS10). In addition, policy DM23 requires development to provide safe and adequate access to new developments.

As referred to above the site is considered to be in a sustainable location, with easy access to the city centre and Temple Meads station. As such, it would be possible to live in this location without the use of a private car. As a result of this, and the level of car parking provided as part of the development, it is expected that most trips to the site would be pedestrian or cycle. A Transport Statement has been submitted in support of the application, but this fails to recognise the existing limitations of the pedestrian environment. Of particular concern in this respect are the crossroads junction of Anvil Street, New Kingsley Road and Old Bread Street, and pedestrian accessibility across Avon Street. In addition, it is considered that the original Transport Statement assessed the suitability of the access on the basis of visibility for cars travelling within the speed limit of 20 miles per hour. However, it is apparent that cars often exceed the speed limit in this location, and a survey undertaken by the applicant suggests that the average speed is closer to 25 miles per hour, with cars commonly approaching 30. Therefore, in order for the access to function as originally designed it will require traffic calming in Avon Street as well.

As discussed above, the current environment around the site is a rather harsh environment, and concerns were raised that further highway interventions would contribute to the harshness of the environment. However, the applicant has committed to providing a raised plateau throughout this

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area, which would integrate with the wider public realm works in the area. It is considered that this would reduce traffic speeds on Avon Street, as well as improving the pedestrian and cycling environment in the area.

In respect of car parking, the proposal would provide 60 parking spaces, which is a ratio of 0.36 spaces per dwelling. Whilst this is lower than the parking ratio that would normally be sought, the area is one where there are other transport options. As with other low-car developments within controlled parking areas the developers will be informed that occupants will normally be ineligible for residents parking permits (with other parking opportunities in the vicinity of the site being pay and display). As a result, this will limit the impact of overspill car parking in the area, and prevent any harm to neighbouring residents. In addition, the applicants have committed to making provision for a car club in the vicinity of the site, and are currently in negotiations with car club providers to secure this.

In respect of cycle parking, the applicant is proposing the provision of 278 covered cycle parking spaces, within the basement, plus a further 30 for visitors within the public realm. This provision is in accordance with the relevant policy.

- (F) WOULD THE PROPOSED DEVELOPMENT BE AT RISK FROM FLOODING, HAS A SEQUENTIAL APPROACH BEEN TAKEN TO LOCATING THE DEVELOPMENT, AND WOULD IT INCREASE THE RISK OF FLOODING ELSEWHERE?

Although policy BCAP35 proposes to designate the site for a mixed use development, that policy is not yet adopted, and currently the site is undesignated. It is partly within floodzone 2, as identified by the Environment Agency, impacting only on the southern corner of the site. However, the NPPF and policy BCS16 requires that a sequential approach is taken to the location of development. In the applicant's submission it states that the site is being promoted in the Council's Enterprise Zone development prospectus as suitable for residential development. However, this does not relate back to an adopted policy, so it cannot be concluded from this that the sequential test has been passed.

However, in proposing to designate the site the Central Area Plan has been through a thorough sequential test process. This identifies the site as a major regeneration area within the city, in accordance with BCS2, and BCAP5, and clearly the site is a highly sustainable location, both in terms of its connections with the rest of the city and the region as a whole. As such, not only is the development of the Enterprise Zone required to deliver the housing and commercial floorspace targets set out in the Core Strategy, but it would also offer wider benefits for the development of the economy. As a result of this it has been identified that the search area for completing the sequential test is the rest of the Enterprise Zone. Much of the Enterprise Zone is potentially at risk of flooding, and as a result of this the fact that only a small area of the site is at medium risk of flooding, it can be seen that this site is a sequentially preferable site for More Vulnerable development, such as residential, than many of sites within the zone. In addition, it is also material that the ground floor use within the area liable to flood would be commercial floorspace, and therefore a Less Vulnerable use (the residential part of the ground floor is at the highest part of the site, and therefore sits outside of the identified flood zone 2). In addition, the pedestrian access to the residential units would be located outside of the area liable to flood, and therefore safe dry access would be available to the residential part of the development in the event of a flood event. On the basis of the sequential test prepared to support the Central Area Plan, it is considered that the sequential test has been passed, and the site is appropriate for the type of development proposed.

In respect of the risk of flooding at the site the Central Area Flood Risk Assessment shows the potential flood level for a 1 in 200 year event for a 60 year return period (the probable life span of the development) would be 9.5 metres AOD. As a result it is proposed to set the floor level of the development at 10.1 metres AOD (9.5 metres plus 600mm freeboard), and this will mean that the

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ground floor will be clear of the floodwaters in the case of a 1 in 200 year event. It is noted that whilst the Environmental Agency agree that the floor level of 10.1 metres is appropriate to protect the uses and services from flooding, they did raise concerns in their original submission about the fact that the basement would sit below that level. In response to this the applicant has provided details of a flood barrier that would raise to a level of 10.1 metres and protect the basement in times of flood. Whilst this would render the basement unusable during a flooding event, it would protect the basement, and ensure that otherwise the building could continue to function normally in a flood event.

With regard to the impact on flooding elsewhere, the proposal will result in a small decrease in flood storage. However, given the flood risk posed to the site is from tidal rather than fluvial sources, and the flooding is level based rather than volume based, the loss of flood storage will not result in any additional risk to neighbouring properties. As such, there is no objection to the development on flooding grounds.

(G) WILL THE PROPOSED DEVELOPMENT MAKE AN ADEQUATE CONTRIBUTION TO SUSTAINABILITY, CLIMATE CHANGE AND ENVIRONMENTAL OBJECTIVES?

Policies BCS13, BCS14, BCS15 and BCS16 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement. A sustainability statement has been submitted with this application, which includes a number of measures to improve the environmental performance of the buildings.

However, the Sustainability Statement demonstrates a fabric first approach to improving the performance of the building, by constructing the building to a higher standard than the current building regulations requirement. The report states that a combination of solar shading, produced by the location of the balconies, and the improved thermal performance of the fabric would result in a 22% improvement over building regulations in terms of predicted energy demand. However, policy BCS14 clearly requires that a 20% saving on CO2 emissions is achieved through the use of renewable energy generation, and the current proposal would not achieve this, and indeed does not include provision for any renewable technologies.

However, the policy does allow for exceptions where development is appropriate and necessary, and where it is demonstrated that meeting the required standard would not be feasible or viable. Clearly, the status of the site being within the enterprise zone, and the contribution to meeting the housing targets does make the site a priority for development. In addition, a viability assessment has been submitted in support of the application. Whilst this does not demonstrate that it would not be viable to provide renewable technology at the site, there is a cost involved, and that cost would directly impact on the provision of affordable housing at the site. Again, a balance has to be achieved between competing policy aims, and given that improvements to the fabric would be achieved, it is not considered reasonable to refuse the application on this basis.

With regards to surface water drainage at the site, the Flood Risk Assessment states that given the site is largely impermeable at present, the inclusion of soft landscaping at the site will result in a reduction of surface water run-off. However, notwithstanding this the applicant will still need to demonstrate how the site will be drained. This information can be secured by condition, so it is not considered that the proposal would warrant refusal on these grounds.

Development Control Committee B – 12 November 2014**Application No. 14/03133/F: Plot ND7 Temple Quay North Avon Street Bristol BS2 0PS****(H) WHAT OBLIGATIONS ARE NECESSARY TO MITIGATE THE IMPACT OF THE DEVELOPMENT ON THE EXISTING INFRASTRUCTURE?**

New development may create a need for measures to mitigate its impact, without which there would be a detrimental effect on local amenity and the quality of the environment. Planning obligations are the mechanism by which these measures are secured. The framework for planning obligations is contained within Paragraphs 203 to 205 of the National Planning Policy Framework (March 2012) and the regulations governing their use are contained within part 11 of the Community Infrastructure Levy Regulations 2010 (as amended).

In order to mitigate the impact of this development on local infrastructure, to ensure that it does not have a harmful impact on highway safety and to ensure the delivery of a reasonably proportion of affordable housing the section 106 agreement will include the following:

- * The provision of 15% shared ownership affordable housing on-site
- * Highway works, to include a raised plateau along New Kingsley Road, and access to a car club.

Given contributions to the Community Infrastructure Levy (see below), no further contributions are required.

CONCLUSION

The application involves the development of a residential led development on a currently vacant site within the Temple Quay Enterprise Zone. The site was historically subject to a masterplan for development of the area, but that masterplan, where it refers to this site, has now expired. However, the proposed building has been designed to reflect the principles set out in the masterplan. As such, it is considered that the scale and form of the development are acceptable, and will add interest to the street scape. The mix of uses reflects the policy aspirations of the emerging policies, and would contribute to providing a more active and interesting environment than is currently the position.

The current proposal represents a negotiated solution which reflects the viability evidence that has been submitted in support of the application. This evidence demonstrates that it would not be viable to meet all of policy aspirations for the site in full, particularly in relation to affordable housing. As such, the current scheme does not provide the renewable energy generation that is required by policy, and does not meet policy aspirations in respect of family accommodation or public art. However, the costs involved in achieving these policy requirements would impact directly on the viability of the development, and result in the provision of fewer affordable housing units. The proposed scheme would achieve 15% affordable housing provision, and officers take the view that this is an appropriate balance to achieve on this site. As such, subject to the affordable housing and highway works being secured through a section 106 agreement, the application is being recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £1,113,955.22, however social housing relief may be claimed on those residential dwellings included in the development that are to be managed by a Housing Association for the provision of affordable housing.

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- (A) That the applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning and Sustainable Development and at the applicant's expense, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the applicant, Bristol City Council and any other interested parties to cover the following matters:
- i) The provision of 23 shared ownership affordable housing on-site
 - ii) The implementation of a scheme of highway / public realm improvements along New Kingsley Road and Avon Street, between and including the crossroads junction of New Kingsley Road /Anvil Street /Old Bread Street and the T-junction of New Kingsley Road/Avon Street and the vehicular access to the development site to be completed prior to first occupation to comprise a raised plateau to incorporate informal crossing facilities for pedestrians and cyclists at each desire line, including on Avon Street in the vicinity of the commercial unit fronting Avon Street. Provision of a new paved footway surface along the Avon Street frontage to match existing.

Obligation to include a sum of money to adjust any Traffic Regulation Orders (TROs) which may be required to be revisited as a result of the above highway works and in relation to the extension of the existing RPS area to the south east.

The implementation of a car club space and vehicle within the basement of the development to be promoted and managed by the site management company thereafter.

- (B) That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).
- (C) That on completion of the Section 106 Agreement, planning permission be granted, subject to the following conditions:

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. Approval of road works necessary

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

1. To be agreed

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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.

3. Noise from plant and equipment

No development shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and 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 occupier.

4. Land affected by contamination - Site characterisation

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

5. Land affected by contamination - submission of remediation scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared,

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submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

7. 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.

8. To ensure implementation of a programme of archaeological works

No development shall take place within the area indicated on plan number until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

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

- * The programme and methodology of site investigation and recording
- * The programme for post investigation assessment
- * Provision to be made for analysis of the site investigation and recording
- * Provision to be made for publication and dissemination of the analysis and records of the site investigation
- * Provision to be made for archive deposition of the analysis and records of the site investigation

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* Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

9. Flood evacuation plan - residential property

No development shall take place until the applicant has submitted to and had approved in writing by the Local Planning Authority a Flood Warning and Evacuation Plan (FEP). This Plan shall include the following information:

During Demolition/Construction Process

- * command & control (decision making process and communications to ensure activation of FEP);
- * training and exercising of personnel on site (H& S records of to whom and when);
- * flood warning procedures (in terms of receipt and transmission of information and to whom);
- * site evacuation procedures and routes; and,
- * provision for identified safe refuges (who goes there and resources to sustain them).

During Occupation of Development

- * occupant awareness of the likely frequency and duration of flood events;
- * safe access to and from the development;
- * subscription details to Environment Agency flood warning system, 'Flood Warning Direct'.

Reason: To limit the risk of flooding by ensuring the provision of a satisfactory means of flood management on the site

10. Further details of before relevant element started

Detailed drawings at the scale of the following 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.

a) To be agreed

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

11. Sample panels before specified elements started

Sample panels of the all external materials demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

12. Construction management plan

No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to, and approved

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in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- * Parking of vehicle of site operatives and visitors
- * routes for construction traffic
- * hours of operation
- * method of prevention of mud being carried onto highway
- * pedestrian and cyclist protection
- * proposed temporary traffic restrictions
- * arrangements for turning vehicles

Reason: In the interests of safe operation of the highway.

Pre occupation condition(s)

13. Land affected by contamination - Reporting of Unexpected Contamination

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

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

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

14. 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, except on the day of collection.

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

15. 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.

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Reason: In the interests of highway safety.

16. 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.

17. 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.

18. To ensure completion of a programme of archaeological works

No building shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

19. To secure the conduct of a watching brief during development groundworks

The applicant/developer shall ensure that all groundworks, including geotechnical works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation approved under condition 8.

Reason: To record remains of archaeological interest before destruction.

20. Details of extract/ventilation system - not shown

No ground floor unit shall be occupied for the purposes of A3 or A4 use 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 approved in writing by the Local Planning Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

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

21. Sound Insulation - vertical

No commencement of use of any commercial units at the ground floor of the development shall take place until a scheme of noise insulation measures for the building including

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between the ground floor and the residential accommodation above has been submitted to and approved in writing by the Council.

The scheme of noise insulation measures shall take into account the recommendations detailed in the Noise Assessment submitted with the application and the provisions of BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenities of future and existing residents and businesses.

22. Phasing

The residential units hereby approved shall not be occupied until the ground floor commercial units are constructed and available for occupation.

Reason: To ensure that the commercial floorspace is constructed in accordance with the approved plans.

23. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2014 by Mott MacDonald and the following mitigation measures detailed within the FRA:

1. Flood-risk mitigation measures detailed in Section 4 on page 7 in the FRA.
2. Finished floor levels are set no lower than 10.1m above Ordnance Datum (AOD).

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants.

24. Flood defence barrier

The development hereby permitted shall not be occupied until the design of the proposed flood barrier has been submitted and is approved in writing by the local planning authority and the barrier has been installed in accordance with the approved details. The barrier must provide effective protection up to a level of 10.1m AOD.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

25. Sustainability

The development hereby approved shall be constructed in accordance with the recommendations of the Sustainability Statement prepared by Pegasus Group (ref. CIR.S.0503).

Reason: To ensure that the development meets the sustainability and climate change goals of the adopted development plan.

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

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

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Reason: In the interests of highway safety.

26. Installation of vehicle crossover - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the vehicular crossover(s) has been installed and the footway has been reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety and accessibility.

27. Reinstatement of redundant accessways - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the existing accesses to the development site has been permanently stopped up and the footway reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety.

Post occupation management

28. Hard and soft landscape works - shown

The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. 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. Hours of use

The uses within Class A1 (Retail), A3 (Restaurants and Cafes), Class A4 (Drinking Establishments), and Class D2 (Assembly and Leisure) hereby permitted shall not be open to customers except between the hours of 08.00 and 00.00 (midnight) daily, with staff access between 07.30 and 00.30 daily, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of existing and future nearby residents.

30. Limitation of Uses - 'A' Class uses

A minimum of 316 square metres and a maximum of 334 square metres of the ground floor commercial floorspace shall be used for the purposes of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) or A4 (drinking establishments), as defined in the Town and Country Planning Use Classes Order 1987 (as amended).

Of this floorspace, no more than 200 square metres shall be used for the purposes of A1 (shops)

Reason: In order to protect the vitality of existing identified centres and to provide a suitable mix of uses at the critical frontage locations.

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31. Limitation of Use - Southern Unit

Notwithstanding the requirements of condition 30, no less than 200 square metres of the unit located in the southern corner of the site, as shown on drawing no. (20)_100 P05, shall be used for the purposes of A1 (shops), A3 (restaurants and cafes) or A4 (drinking establishments), as defined in the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: In order to provide a suitable mix of uses at the critical frontage locations.

32. Limitation of Uses - Business Use

No more than 612 square metres of the ground floor commercial floorspace shall be used for the purposes of B1(a) (offices) use, as defined in the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: In order to provide a suitable mix of uses at the critical frontage locations.

33. Limitation of Uses - Assembly and Leisure

No more than 134 square metres of the ground floor commercial floorspace shall be used for the purposes of D2 (Assembly and Leisure) use, as defined in the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: In order to provide a suitable mix of uses at the critical frontage locations and to reflect the considerations taken into account in the viability assessment.

34. Hours of Use of Outdoor Areas

There shall be no consumption of food or beverages in the outdoor areas of the site in relation to the commercial use of any ground floor unit after 22:00.

Reason: To protect the amenities of adjoining occupiers.

35. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

36. Deliveries

Activities relating to deliveries at the ground floor commercial units shall only take place between 08:00 and 20:00 Monday to Saturday and not at all on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers.

37. Retention of garage/car parking space(s)

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 garage/car parking space(s) hereby permitted shall be retained as such and shall not be

Development Control Committee B – 12 November 2014**Application No. 14/03133/F: Plot ND7 Temple Quay North Avon Street Bristol BS2 0PS**

used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

38. Travel plans - submitted

The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

List of approved plans

39. 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.

- (20)_005 P01 Site location plan, received 8 July 2014
- (20)_010 P03 Proposed site plan, received 3 November 2014
- (20)_099 P02 Proposed basement floor plan, received 3 October 2014
- (20)_100 P05 Proposed Ground Floor Plan, received 3 November 2014
- (20)_101 P03 Proposed 1st & 2nd floor plans, received 3 October 2014
- (20)_102 P03 Proposed 3rd & 4th floor plans, received 3 November 2014
- (20)_103_A P03 Proposed 5th & 6th floor plans, received 3 October 2014
- (20)_104 P03 Proposed 7th & roof plan, received 3 October 2014
- (20)_200 P03 Proposed north & west elevations, received 3 October 2014
- (20)_201 P03 Proposed south & east elevation, received 8 July 2014
- (20)_300 P02 Proposed Courtyard Elevations, received 3 October 2014

Reason: For the avoidance of doubt.

BACKGROUND PAPERS

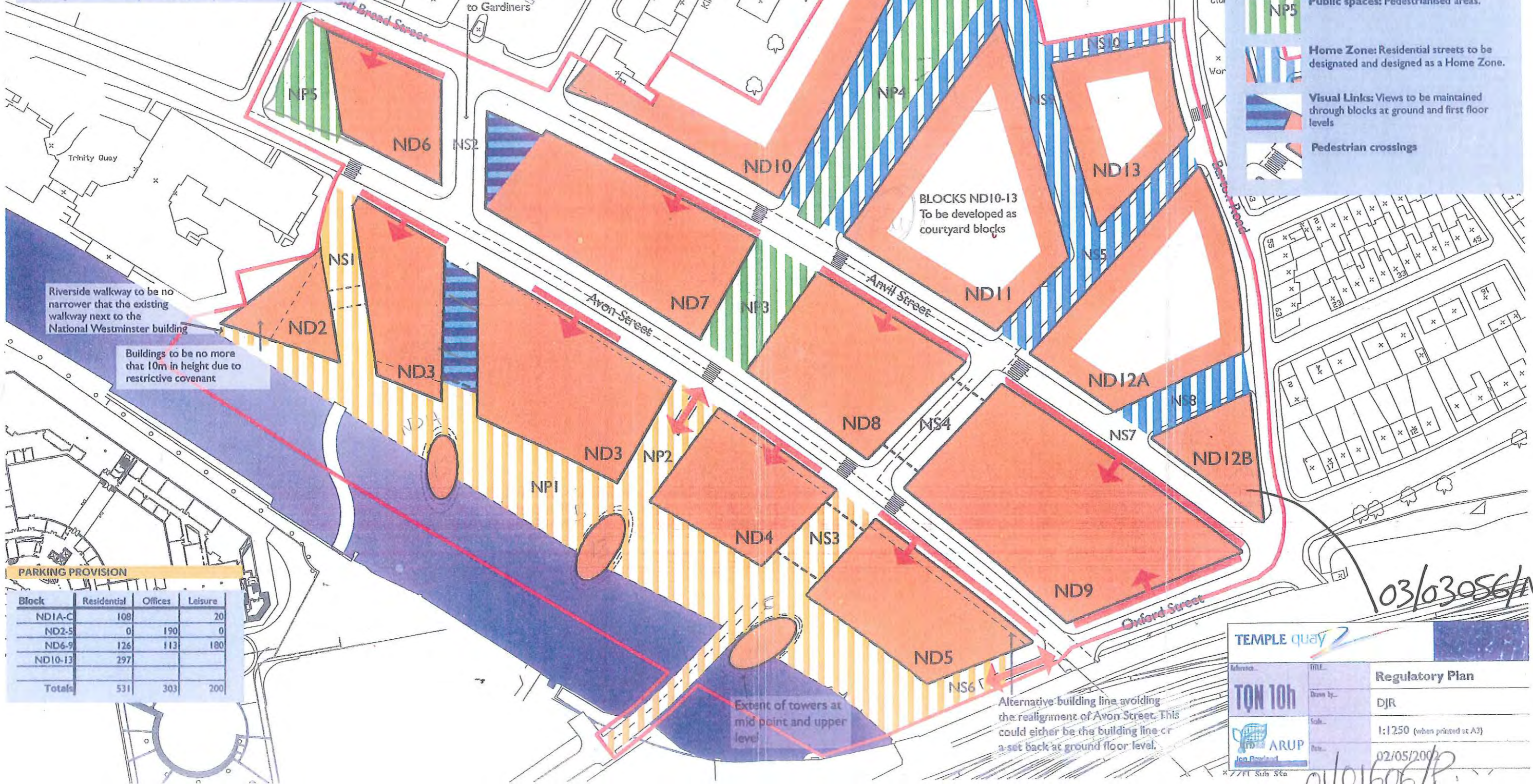
| | |
|--|-----------------|
| Air Quality | 8 August 2014 |
| City Design Group | 1 October 2014 |
| Contaminated Land Environmental Protection | 14 August 2014 |
| Crime Reduction Unit | 28 July 2014 |
| Flood Risk Manager | 21 August 2014 |
| Transport Development Management | 28 August 2014 |
| Environment Agency (Sustainable Places) | 27 August 2014 |
| Archaeology Team | 16 October 2014 |
| Public Health Bristol | 17 July 2014 |

MASSING

| Block | Commercial Storeys | Residential Storeys | Predominant Height | Maximum Height |
|-------|--------------------|---------------------|--------------------|----------------|
| ND1A | | 15 | 42.75 | 47.4 |
| ND1B | | 13 | 37.05 | 38.8 |
| ND1C | | 11 | 34.2 | 36 |
| ND2 | 2 | | 10 | 13 |
| ND3 | 7 to 8 | | 30.2 | 34.4 |
| ND4 | 5 to 6 | | 21.8 | 26 |
| ND5 | 5 to 6 | | 21.8 | 26 |
| ND6 | 5 | | 17.6 | 21.8 |
| ND7 | 5 to 6 | 7 | 21.8 | 26 |
| ND8 | 5 to 6 | 7 | 21.8 | 26 |
| ND9 | 5 | 6 | 18 | 25 |
| ND10 | | 4 to 6 | 15 | 18 |
| ND11 | | 4 to 6 | 12 | 18 |
| ND12 | | 3 to 4 | 9 | 12 |
| ND13 | | 3 to 4 | 9 | 12 |

FLOOR AREAS/USES

| Block | Residential | Office | Leisure | Retail | TOTAL |
|---------------|---------------|---------------|--------------|--------------|----------------|
| ND1A-C | 9,395 | 199 | 195 | 194 | 9,983 |
| ND2-5 | 0 | 37,964 | 3,507 | 0 | 41,471 |
| ND6-9 | 10,421 | 22,653 | 1,594 | 1,286 | 35,954 |
| ND10-13 | 25,710 | 0 | 175 | 290 | 26,175 |
| Totals | 45,526 | 60,816 | 5,471 | 1,770 | 113,583 |



- Site edged red.
- Development plots: Areas for development and plot building lines (see areas schedule).
- Links: Dotted line indicate potential links at upper levels. These to ensure a double height clear passage at ground level.
- Parking: Access points to underground car parks.
- Access to basement: Red line indicates elevation from which access is to be taken.
- NPI Waterfront: Pedestrian area accommodating spill out from leisure uses, cycles, services, deliveries and emergency buildings.
- NP5 Public spaces: Pedestrianised areas.
- Home Zone: Residential streets to be designated and designed as a Home Zone.
- Visual Links: Views to be maintained through blocks at ground and first floor levels.
- Pedestrian crossings

PARKING PROVISION

| Block | Residential | Offices | Leisure |
|---------------|-------------|------------|------------|
| ND1A-C | 108 | | 20 |
| ND2-5 | 0 | 190 | 0 |
| ND6-9 | 126 | 113 | 180 |
| ND10-13 | 297 | | |
| Totals | 531 | 303 | 200 |

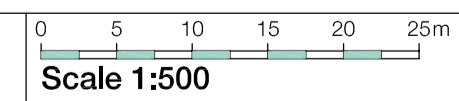
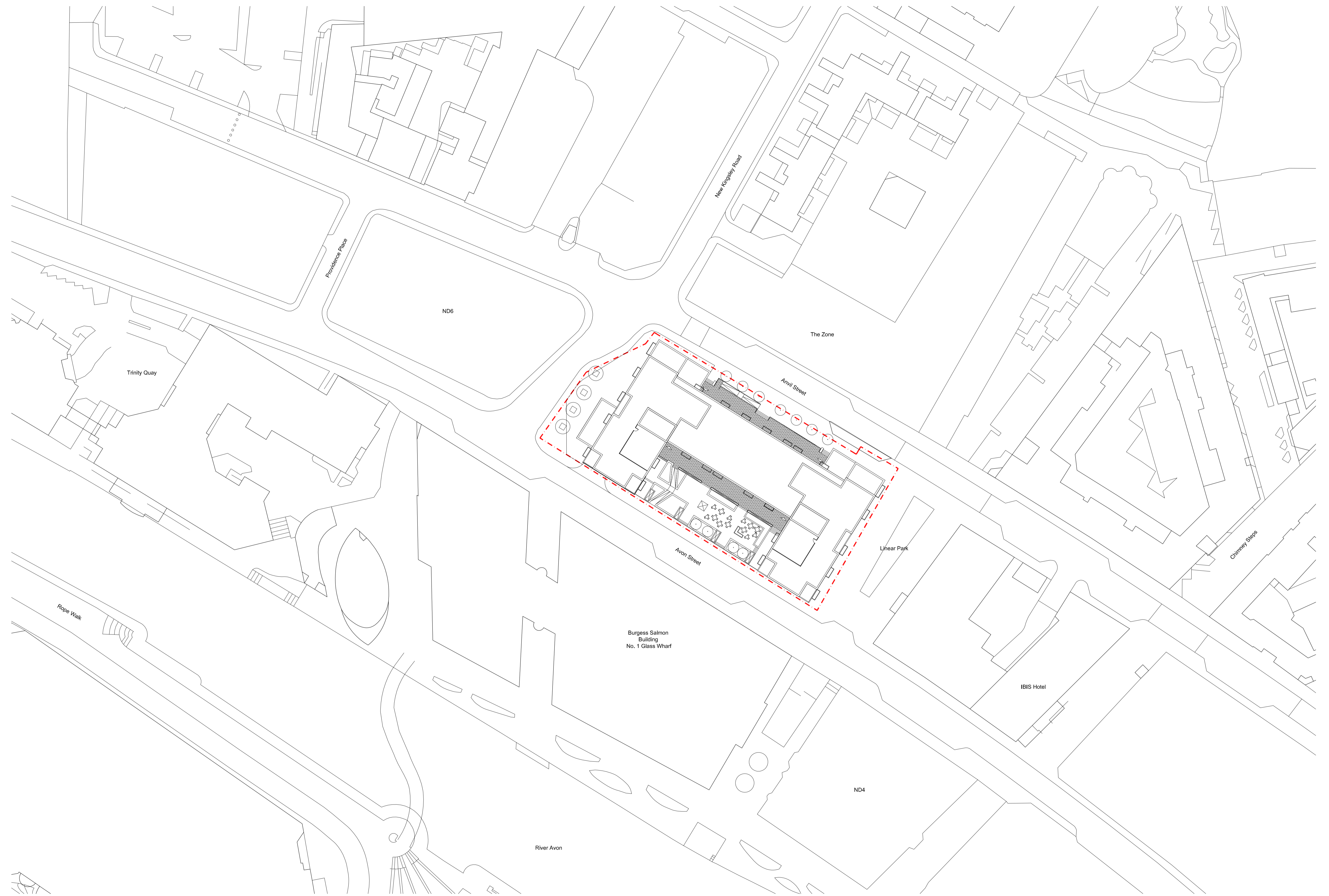
103/03056/M

TEMPLE quay

| | | |
|-----------|-----------------------------|-----------------|
| Author: | TQN 10h | Regulatory Plan |
| Drawn by: | DJR | |
| Scale: | 1:1250 (when printed at A3) | |
| Date: | 02/05/2002 | |

ARUP
Jon Dowling

01/01606/P



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|---|---------------------------|
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| Title: Proposed Site Plan | |
| Scale: 1:500@A1, 1:1000@A3 | Drawn By: AZC |
| Date: June 2014 | Checked By: AZC |
| Drawing No: (20)_010 | Revision: P02 |

cjct
careyjonas
chapmanholcher

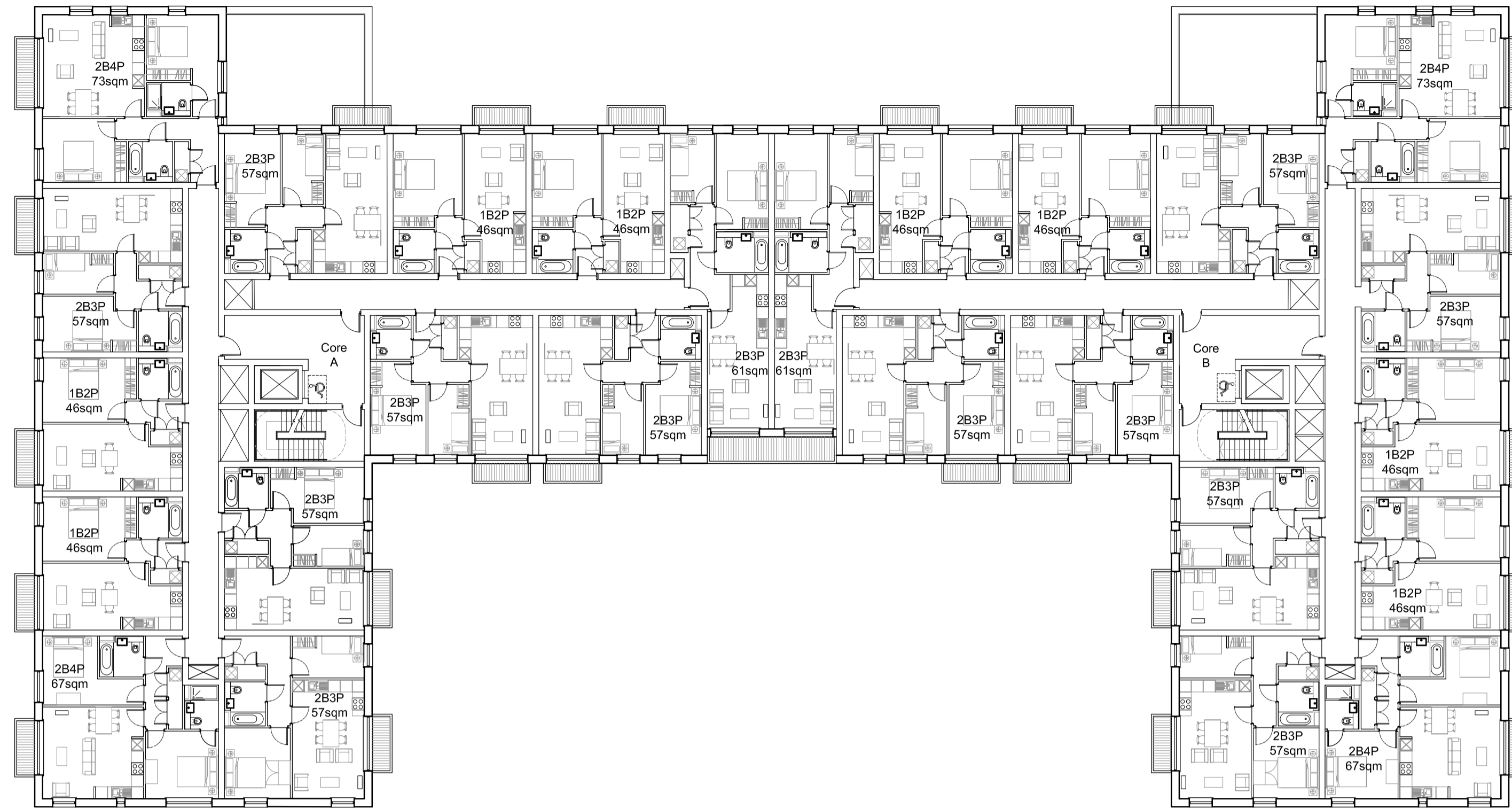
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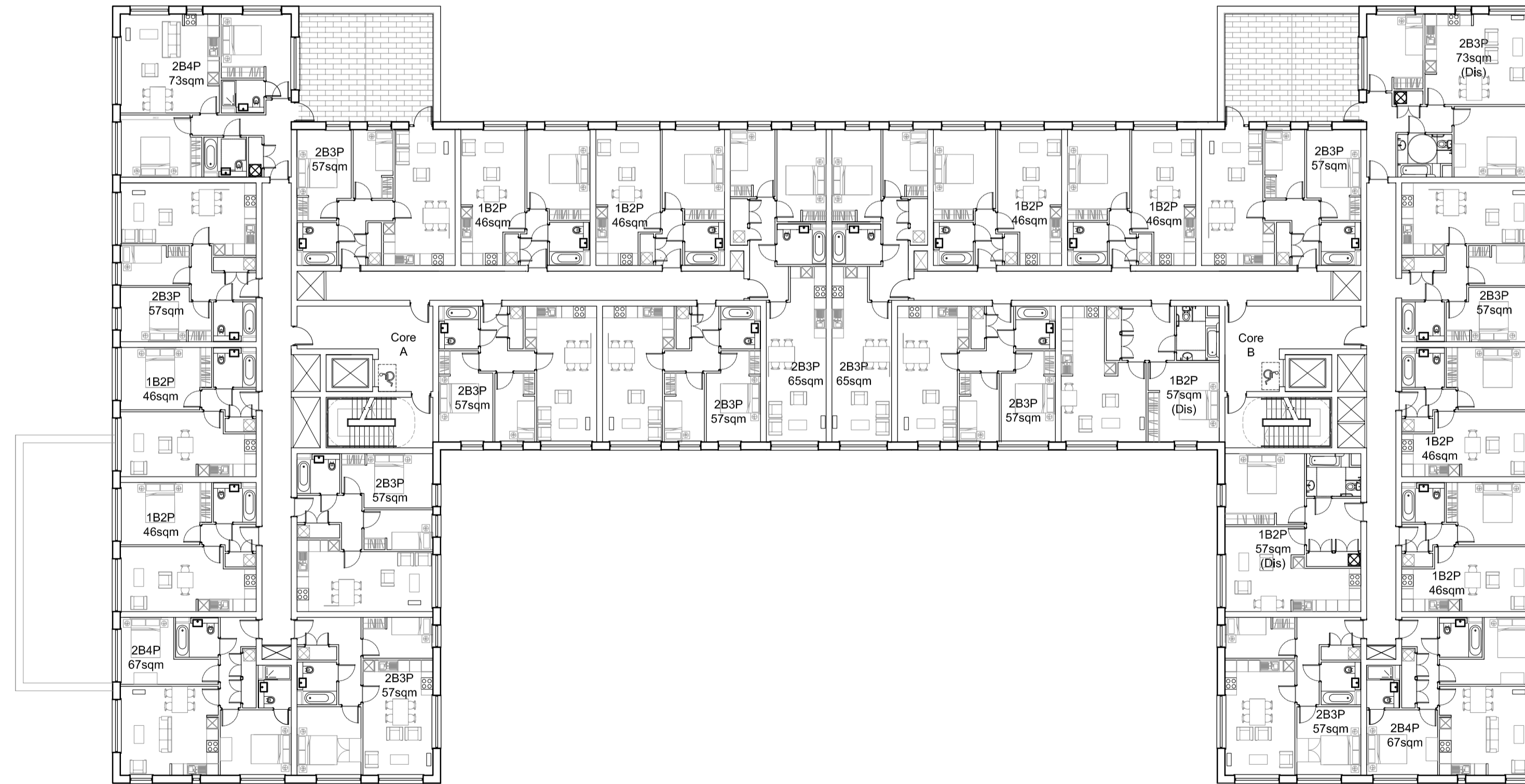
Planning

| | | | | |
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| Location Plan | Rev. Des. | By | Date | Ch. |
| | | | | |

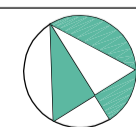
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|------------|-----------------------------|------------|----------------------|------------|
| P02 P01 | Second Issue First Issue | BZD ASB | 02.10.14 20.06.14 | AZC AZC |
|------------|-----------------------------|------------|----------------------|------------|



Proposed 2nd Floor Plan



Proposed 1st Floor Plan



0 2 4 6 8 10m
Scale 1:200

PO3 Third Issue
PO2 Second Issue
PO1 First Issue

Rev. Des.

BZD 03.10.14 AZC
BZD 20.06.14 AZC
AGB 20.06.14 AZC

By Date Ch.

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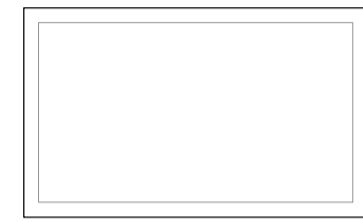
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| Title: Proposed 1st & 2nd Floor Plan | |
| Scale: 1:200 @ A1, 1:400 @ A3 BZD | Drawn By: |
| Date: June 2014 | Checked By: AZC |
| Drawing No: (20)_101 | Revision: P03 |



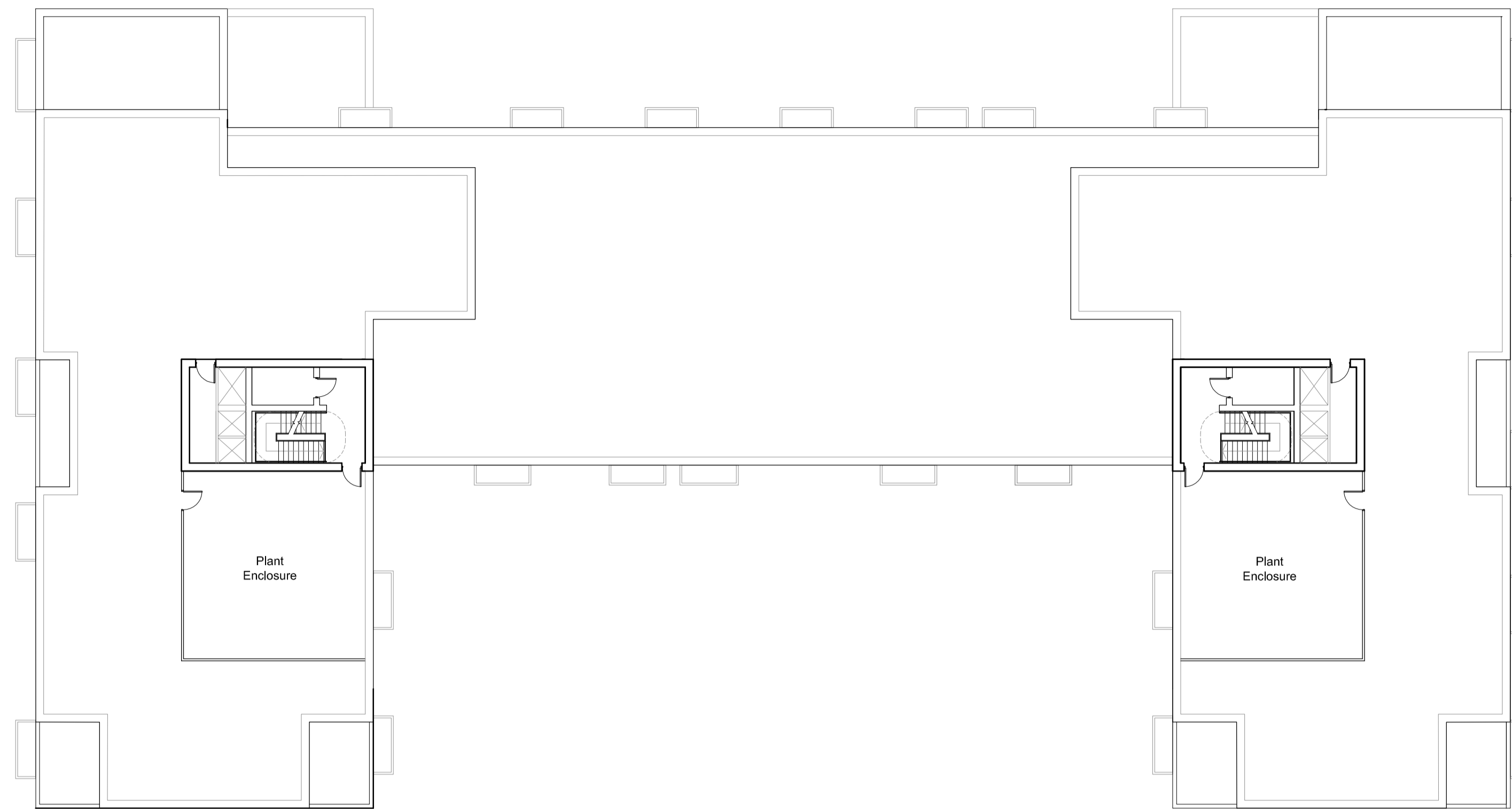
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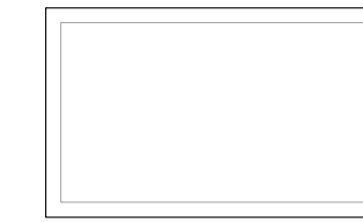
Planning



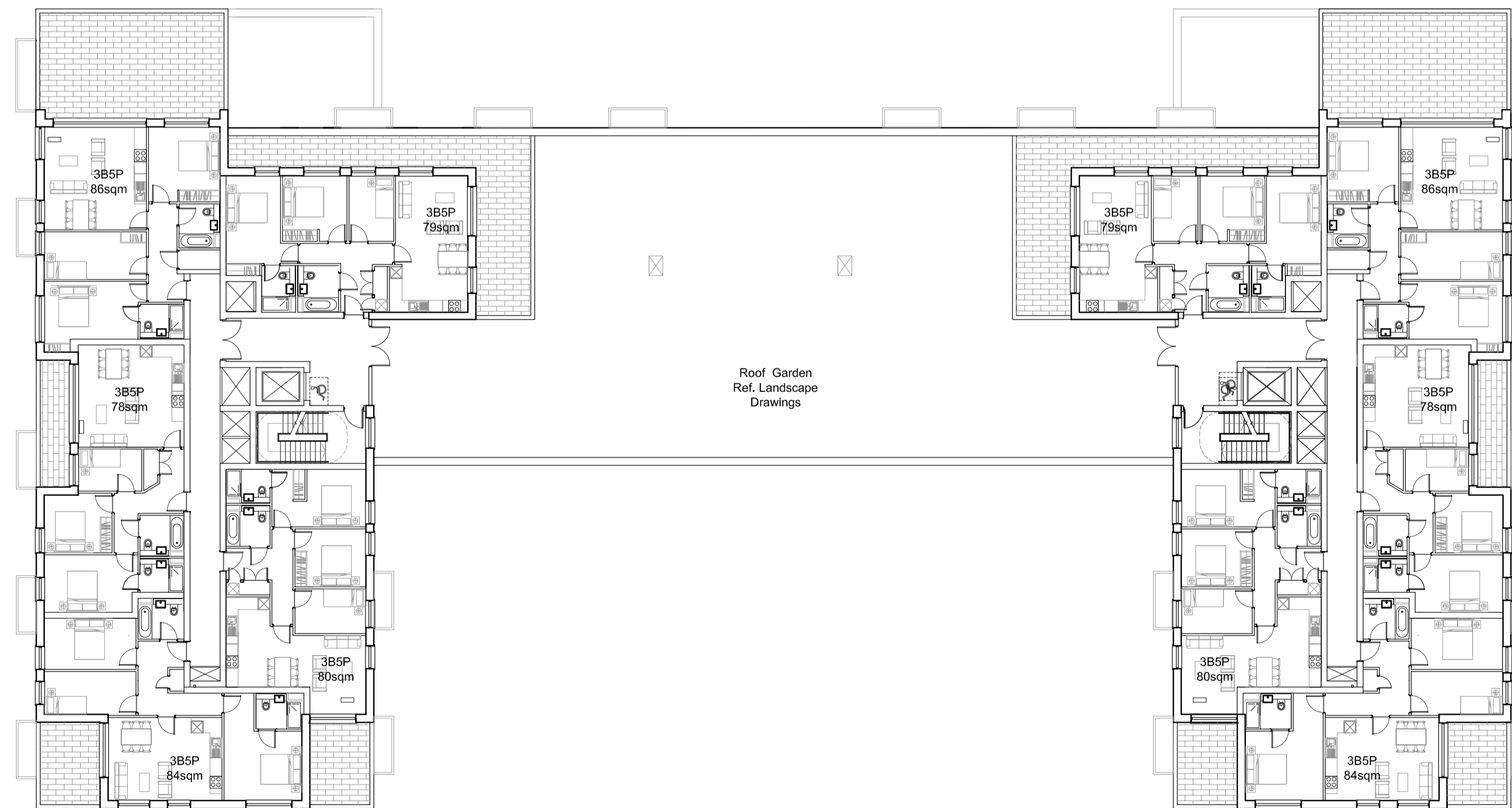
Service's Roof Plan



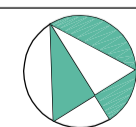
Proposed Roof Plan



Service's Roof Plan



Proposed 7th Floor Plan



0 2 4 6 8 10m
Scale 1:200

P03 Third Issue
P02 Second Issue
P01 First Issue

Rev. Des.

BZD 02.10.14 AZC
BZD 20.06.14 AZC
AGB 20.06.14 AZC

By Date Ch.

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Project: ND7, Temple Quay, Bristol Job No. 27562
Title: Proposed 7th & Roof Plan
Scale: 1:200 @ A1, 1:400 @ A3 BZD Drawn By:
Date: June 2014 Checked By: AZC
Drawing No: (20)_104 Revision: P03



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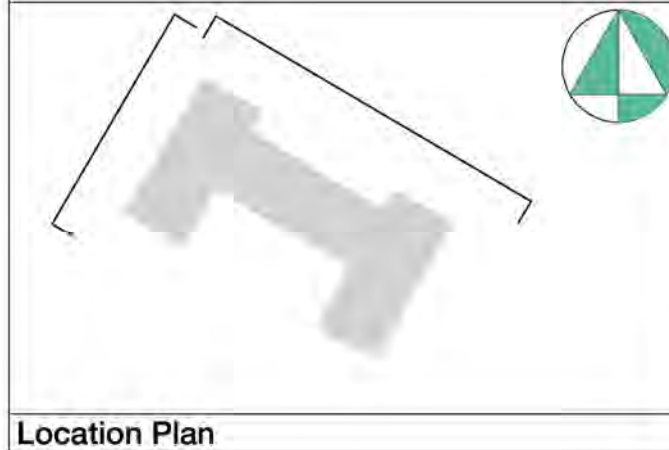
Planning



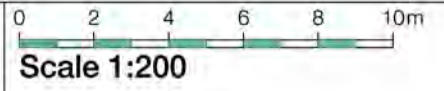
Proposed North Elevation



Proposed West Elevation



| | | | | |
|-------------|--------------|-----------|-------------|------------|
| P03 | Third Issue | BZD | 02.10.14 | AZC |
| P02 | Second Issue | BZD | 20.08.14 | AZC |
| P01 | First Issue | AGB | 20.06.14 | AZC |
| Rev. | Des. | By | Date | Ch. |



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| Materials Legend | |
|------------------|---|
| 1. | Glazing with PG Metal Frames |
| 2. | Powder Coated Metal Panel |
| 3. | Brick (various) |
| 4. | Metal Panel Standing Seam |
| 5. | Stone Cladding |
| 6. | Balconies (Glazed Front/Metal Clad Sides) |
| 7. | Balconies (Metal Clad Front/Glazed Sides) |
| 8. | Glazed Balustrade |
| 9. | Metal Louvres |
| 10. | Metal Grills |
| 11. | Perforated Panels |

| | | | |
|--------------|------------------------------------|-------------|-------|
| Project: | ND7 | Job No.: | 27562 |
| Title: | Proposed North and West Elevations | | |
| Scale: | 1:200 @ A1, 1:400 @ A3 | Drawn By: | BZD |
| Date: | June 2014 | Checked By: | AZC |
| Drawing No.: | (20)_200 | Revised: | P03 |

Project: ND7
Job No.: 27562

Title: Proposed North and West Elevations

Scale: 1:200 @ A1, 1:400 @ A3
Drawn By: BZD

Date: June 2014
Checked By: AZC

Drawing No.: (20)_200
Revised: P03

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