Development Control Committee B - 17 December 2014

ITEM NO. 4

WARD: Frome Vale **CONTACT OFFICER:** Jaymi Cue

SITE ADDRESS: Stapleton Allotments Stoke Lane Stapleton Bristol

APPLICATION NO: 14/03815/F Full Planning

EXPIRY DATE: 21 October 2014

Erection of new fencing, community building and storage container at Stapleton Allotments. Proposed car parking and alterations to access.

RECOMMENDATION: Grant subject to Condition(s)

AGENT: **Bristol City Council APPLICANT:** South Glos Council

South Gloucestershire Council Brunel House St Georges Road

Offices

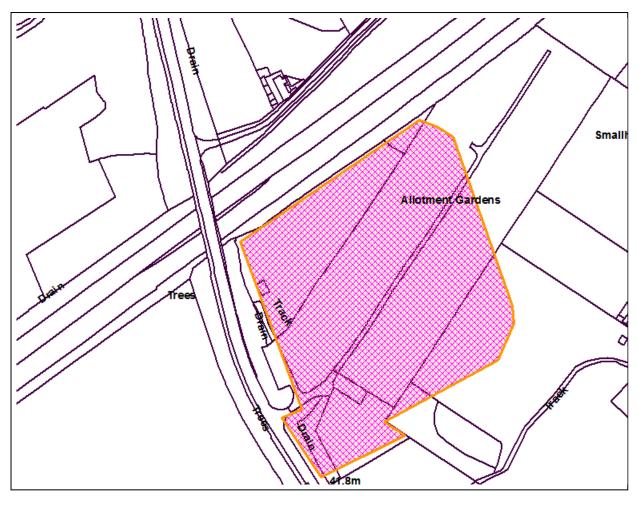
Badminton Road

Yate **Bristol BS37 5AF**

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

LOCATION PLAN:

Bristol BS1 5UY



08/12/14 13:14 Committee report

SUMMARY

The application has been referred to be heard by Committee by Cllr Payne on the grounds that not enough consideration has been given to environmental and wildlife impacts of the development.

The Officer recommendation is for approval of the scheme, subject to the use of conditions.

SITE DESCRIPTION

The application site is Stapleton Allotments, Stoke Lane, Stapleton. The site is within the Stapleton and Frome Valley Conservation Area.

To the north of the site the M32 motorway runs from south-west to north-east and to the west of the site Stoke Lane runs broadly north-south, separating the site from Stoke Park - a Grade II registered park and garden. South of the site, there are a number of smallholdings, which are separated from the suburban residential area of Broomhill by Frenchay Park Road.

RELEVANT HISTORY

Consent given by Department for Communities and Local Government (DCLG - commonly referred to as Secretary of State (SOS)) under the Allotments Act 1925 Section 8 - Appropriation of Allotment Land by Bristol City Council - Frenchay Park Road, Stapleton, Bristol. GRANTED 14th October 2013

14/01187/FB - Construction of North Fringe to Hengrove Package (NFHP) MetroBus: A rapid bus route between Bristol North and East Fringes to South Bristol via Bristol City Centre comprising new roads and alteration to existing highways to prioritise MetroBus, including widening of Bradley Stoke Way, A 4174 Avon Ring Road at Hambrook junction, Stoke Lane/Coldharbour Lane, new footbridge at Church Lane over A 4174, a new bus only junction on the M32, alterations to roads and public spaces at St Augustine's Parade/Baldwin Street/ Colston Avenue, widening of Hartcliffe Way, new MetroBus stop infrastructure, public realm works, associated engineering and earthworks, drainage works and landscaping. GRANTED by Committee on 27 August 2014. Condition 22 of this permission requires the provision of compensatory allotment development including a new building housing a shop, a social area, meeting room and welfare facilities.

APPLICATION

Planning permission is sought for the erection of a new community building associated with the Allotment use, a storage container, car parking, and access road. The current palisade gate will be removed and replaced with a 2.4m high palisade gate to the southern corner of the site. Planning permission is also sought for new 2.4m high palisade fencing to surround the perimeters of the reshaped allotment site, along with a landscaped verge and additional low level planting.

Although not requiring planning permission, for completeness, the application site includes the land to be reconfigured as new allotments. This project involves the relocation of 43 plots, addition of three new plots and plot increase of 1,305. 4 sq. metres (31 plots will be increased in size).

During the course of the application the Description of Development was amended to remove reference to the 'reconfiguration of allotments' as it was considered this gave the impression that this part of the works is being assessed for planning permission.

PRE APPLICATION COMMUNITY INVOLVEMENT

A meeting was held on 25th September 2014 with Officers from BCC including the Allotments Manager, and 8 allotment holders to discuss the application.

RESPONSE TO PUBLICITY AND CONSULTATION

As a result of the consultation exercise for this site 15 representations were made from 11 respondents, in addition to the Cllr referral and a comment from a local MP. A summary of the comments received are as follows:

- o Loss of trees / wildlife / hedgerows / no mention of BTRS (See Key Issue E)
- o The sustainability statement does not include environmental assessments / ecological surveys (See Key Issue E)
- o The fencing will encroach on the openness of the greenbelt (See Key Issues A and B)
- o Risk of contaminated land through run off / existing contaminants (See Key Issues G and I)

Comments relating to the extinguishment / reconfiguration of the allotments permitted via the Secretary of State consent (not forming part of this assessment):

- o Loss of hedgerows
- o The sustainability statement does not refer to the loss of wildflower meadow
- o New plots subject to run off
- o Chemicals used to curtail weed growth
- o New plots are sited on land affected by contamination / poorer quality; this has not been agreed with the SOS
- o New plots are not of an equivalent quality
- o Loss of trees / wildlife
- o Project doesn't take account of the poor drainage on site for new allotment provision
- o No guarantee on the topsoil brought in
- o Survey should be carried out on proposed new plots relating to quality and contamination
- o Concern relating to any chemicals used to kill weeds
- o Would like written confirmation that any topsoil would be as good or better than existing plots
- o Adequate notice needs to be given to relocate plot holders
- o Destruction of hedgerows kept to a minimum
- Lack of transparency regarding proposal for the new allotments sent to SOS, it was not known that the land was of poorer soil quality

Regarding the allotment site provision - whilst this does not form part of this planning application for assessment, a meeting was held between the Allotment Association and the Council in order to clarify a number of these points. A copy of the notes from this meeting are available on file for completeness.

Comments relating to the Metrobus application (already given permission and not forming part of this assessment):

- o Overbridge is wholly unnecessary, allotments should not be amended to accommodate this
- o Consultation by Metrobus team of Allotment holders only gained 17 responses and this is inadequate
- o The Metrobus destroys green spaces and prime agricultural land
- o Bristol is supposed to be a Green Capital yet building bus infrastructure / destroying green belt land
- o The development of this land for Metrobus cannot be mitigated by a green roof
- o No need for the route to stray East of the M32
- o Alterations to the route involving UWE land should be undertaken
- o J1 of the M32 should be improved and the Metrobus sent via that junction instead
- o Construction of new roads encourages more private traffic
- o Bristol's transport problems do stem from inadequate public transport services, exacerbated by the growth in public transport

- o Land adjacent to the M32 is high quality agricultural land and should not be used for transport purposes
- o Allotments should not turn into roads
- o Bridge will ruin Stoke Park Estate
- No alternatives to the Metrobus have been considered

Ward Members - Objection and referral from Cllr Payne -

I would like this planning application to be considered by an Area Development Control Committee if it is proposed to be recommended for approval. Not enough weight has been given to the environmental and wildlife impact of this development. There is also a conflict with Bristol Core Strategy BCS9 and BCS12. It must also be right that an application as contentious as this should be seen to be decided by a committee of democratically elected members in open session.

MP Kerry McCarthy (summary - full response on file)

- o Concerned about changes to Stapleton Allotments as a result of MetroBus.
- o Does not believe the surrounding community has been properly consulted.
- o Plans will lead to allotment holders losing fertile holding to be relocated to areas where soil quality is dubious at best
- o New sites may be contaminated
- o Concern that the DCLG was not made aware of this information when an application was made (for the extinguishment and reconfiguration of the allotments)
- o Concern that the Metrobus scheme will result in negative impacts on Avon Wildlife Trust's Feed Bristol programme.
- o Urge BCC to reconsider this planning application due to the significant effect it will have on the local community and environment.

OTHER COMMENTS

Allotments Team has commented as follows:-

We support the application, provided that the relocation of plotholders and the provision of new facilities are carried out in accordance with the assurances that have been made, and in accordance with the conditions placed on the project as part of the consent given by the Department of Communities and Local Government for the reconfiguration of the allotments. This includes the provision of drainage and the replacement of any inferior soil or other contamination that may exist on the land earmarked for the new allotment plots.

I have attached the plan that plotholders have been consulted on. I presume that this concurs with the plan that you have in relation to the allotment site.

Any comments regarding the ecology would need to be made by Nature Conservation Officers.

Transport Development Management has commented as follows:-

Access

The proposals involve the stopping up of the existing allotment access to Stoke Lane and the implementation of a new junction approximately 45 metres to the south. This is beneficial given the poor visibility afforded to motorists exiting the current allotment access. The intention is for the new access to be shared between the NFH bus services and the allotments which are the subject of this application.

For this to be acceptable, TDM need to be satisfied that the extent of visibility provided for exiting vehicles is appropriate to the conditions along the main road. At the time of the NFH application, the

applicant was in discussions with engineers in BCC Highway Services concerning a revision to speed limits along Stoke Lane. Currently, this road is subject to a National Speed Limit (60mph) between Lancelot Road and the Frenchay Park Road junction, where it becomes 30mph. The NFH application proposed a continuous 30mph limit along Stoke Lane, although BCC engineers had reservations about the credibility of, and likely compliance with this speed limit given the nature of Stoke Lane in this location, which offers very little in the way of visual or physical discouragement of speeds in excess of 30mph. As a result, it was considered more appropriate to provide a transitional speed limit of 40mph between Lancelot Way and Frenchay Park Road.

Visibility splay to Stoke Lane

The submitted drawing DH0249-09-PL010 Rev B shows an area of visibility based on a90m requirement. This would be appropriate for a 30mph limit in a non-built-up area. However, following the conclusion of the above discussions, TDM require that the applicant demonstrates that a 40mph visibility splay of 2.4m x 120m is achievable in both directions onto Stoke Lane to ensure the safe exit of vehicles from this location.

This will need to be the subject of a condition and the area of visibility adopted as public highway if not already. **Transport Development Management** has commented as follows:-

This will require that any vegetation which would otherwise obstruct visibility is cleared and maintained in such a way as to avoid obstruction in the future as part of BCC's verge maintenance programme.

Visibility splay to bus-only access

In addition to the above it is necessary to ensure that the access from the allotments onto the busonly NFH link is appropriate. We would therefore also require this visibility splay to be shown on drawings to demonstrate the necessary 2.4m x 60m to avoid conflict between vehicles exiting the allotments and buses using the NFH access. These drawings will require to be secured by condition.

Walking / Cycling

As confirmed in the Design and Access Statement, this proposal will benefit from the wider NFH implementation in that pedestrian access from both directions will be greatly improved by the widening of footways on both sides of Stoke Lane and the implementation of controlled crossings, as shown in approved NFH drawing NFH-SK- 11-07b Revision 0. It would however have been useful if the drawings submitted were shown alongside the NFH approved scheme in order to provide some context.

Trip Generation

Traffic generation arising from this proposals is not expected to be significantly greater than current levels, and subject to the appropriate visibility being achieved as required above, TDM do not raise any concerns in this respect.

Maintenance

As referred to earlier, TDM's key requirement relates to the safeguarding of a 2.4m x 120m visibility splay in both directions. This will have implications for the maintenance of verges in order for this sightline to remain unobstructed. However, the full extent of maintenance cannot be confirmed until the submission drawings are revised in line with our requirements.

Transport Development Management has commented as follows:-

Layout / Turning Areas / Servicing / Deliveries / Adoption / Draining / Lighting

The proposed layout, showing provision of space for car parking, 6no. disabled parking bays and cycle stands located in close proximity to the building is acceptable to serve the allotments based on current usage.

Construction Management

Condition 2 of the consent for the NFH scheme (14/01187/F) requires that a Construction Works Programme for the whole route is to be submitted and approved prior to commencement. This is required to show the subdivision of the scheme into defined work phases. In relation to the current application, it is not clear at what stage this proposal will be completed, although it is expected that these works will be delivered in a timely and efficient manner in order to maximise the efficient relocation of allotment land from elsewhere.

The Officer recommends the provision of a number of conditions which are on file.

Nature Conservation Officer has commented as follows:-

This proposal directly affects a Wildlife Network Site (in line with policy DM19 in the Site Allocations and Development Management Policies these sites will become known as Wildlife Corridors), Allotments East of Stoke Lane. Accordingly the following ecological mitigation and conditions are recommended: Green roof, ensure safety of protected species, landscaping.

Arboricultural Team has commented as follows:-

No objection providing a scheme for suitable on and off site mitigation for trees to be lost as a result of the development is agreed

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

In the interests of not duplicating efforts under the environmental permitting regime (which will agree in detail specifics regarding pollution control etc) if you just put the following as an informative on any permission given. The applicant should also be aware that permitting requirements have the potential to impact on the built form/layout of the development (if stricter controls become required then currently envisaged by the applicant). If the applicant is already in pre-permit discussions with our national permitting teams then hopefully this will avoid any abortive work by ensuring planning and permitting are aligned.

Informative(s):

This development will require an Environmental Permit from the Environment Agency. The applicant is advised to contact the Environment Agency on 03708 506 506 to discuss the issues likely to be raised

RELEVANT POLICIES

National Planning Policy Framework - March 2012

Bristol Core Strategy (Adopted June 2011)

BCS6	Green Belt
BCS7	Centres and Retailing
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
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM7	Town centre uses
DM15	Green infrastructure provision
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development

DM33 Pollution control, air quality and water quality DM34 Contaminated land

KEY ISSUES

(A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN LAND USE TERMS?

Whilst it is important to note the context in which this application has arisen, the application itself is in relation to planning permission being sought for new fencing, a community building, storage container revised car parking and alterations to access; and the application will be assessed on its own merits.

Allotments are not considered within the context of an application for planning permission under the Town and Country Planning Act 1990 and as such, a scheme for the partial extinguishment of allotment use and provision of off-site mitigation was submitted to and considered by the Secretary of State for the Department of Communities and Local Government (DCLG). That application was consented on 14 October 2013, in advance of the full planning application for the NFHP project being submitted. Sites for allotment use cannot be converted to other uses without ministerial consent under Section 8 of the Allotments Act 1925. Under this section of the Act, the Secretary of State must be convinced that arrangements for an alternative site will be made of any allotment holders displaced by the action of the local authority, unless such provision is unnecessary or not reasonably practicable.

The scheme consented under the Allotments Act 1925 proposed to address the loss of land at Stapleton Allotments by reconfiguring the allotments so as to ensure there is no loss of allotments. Off-site mitigation as part of the consented scheme includes proposals for a new building providing a shop, a social area, meeting room and welfare society. Part of the requirement of this consent is that the land provided in lieu of the extinguish allotments will be of equal or better quality. Although not forming part of this planning application, the Allotments Team have confirmed that as part of the project work they are doing this will be the case.

It is noted that three of the objection comments relate to the assertion that the Secretary of State (DCLG) did not possess the correct information in order to make this decision. However, in terms of the current planning application, the decision made by the Secretary of State relating to the approval for the reconfiguration of the allotments is sound and we cannot consider those objections as part of this application.

Green Belt

The site is designated as Green Belt in the Site Allocations and Development Management Plan. The boundaries of the site to the south-east, south, and north-west are allocated as safeguarded transport links for the MetroBus.

The principle of a new building in this location has already been to a large extent considered and found to be acceptable within the SOS consent on 14th October 2014 and the NFHP permission (14/01187/FB) granted by Committee on the 27 August 2014.

However, Core Strategy policy BCS6 states that the Green Belt will be protected from inappropriate development. The National Planning Policy Framework (NPPF) is the source of advice for defining if development is to be regarded as inappropriate in this context and Paragraphs 79 to 92 of the NPPF deal with protecting the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl and to safeguard the countryside by keeping land permanently open.

The NPPF at Paragraph 80 confirms that the Green Belt serves five purposes.

- o To check the unrestricted sprawl of large built-up areas
- o To prevent neighbouring towns merging into one another
- o To assist in safeguarding the countryside from encroachment
- o To preserve the setting and special character of historic towns
- o To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The proposal results in the erection of a small scale, single storey community building directly associated with, and ancillary to, the use of the wider allotment site.

The building results in the allotment facilities being enhanced and this is considered to not to conflict with this purpose.

The guidance within the NPPF (Paragraph 87) goes on to outline that 'inappropriate' development is development that is harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 88 recommends that when considering planning applications, LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Certain forms of development are however deemed not to be 'inappropriate' development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. While the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, it makes a number of exceptions for the following buildings:

- buildings for agriculture and forestry;
- o provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it:
- o the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- o the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- o limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- o limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings),

which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

It is clear that the building would be directly linked with the Allotment Use on site and would represent a building associated with an agricultural use and it is also consider it would fall under the provision of facilities for outdoor recreation. The building is single storey and of a small scale and would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

Whilst an objection comment has been received relating to the provision of fencing affecting the openness of the green belt, the 2.4m high palisade fencing is not considered to materially impact on the openness of the Green Belt when considering what can be achieved under permitted development rights which would allow the provision of a 2m high fence.

As such the fundamental aim of the Green Belt is maintained and this aspect is acceptable.

Community Use

Policy BCS12 of the Core Strategy relates to Community Facilities and the proposed use is considered to fall under such a category. This policy states that community facilities would be located where there is a choice of travel options and should be accessible to members of the community. The site is adjacent to good transport links along Stoke Lane and Frenchay Park Road and the community use is provided specifically for the users of the Allotments themselves which requires its location to be on this particular site. As such, this aspect is acceptable.

Use of part of the building for sale of fresh produce

Policy BCS7 of the Core Strategy relates to centres and retailing and states that the provision of small scale retail facilities will be encouraged where they would provide for local needs and would not be harmful to the viability and diversity of any nearby centres.

The development proposals also include the use of part of the building allocated for the occasional sale of produce from allotment holders on site. As such, it is not considered that this falls under a 'shop use', rather the provision of ancillary facilities associated with the overall allotment use. The use would be directly linked with the use of the allotments and would therefore be small scale in its scale and provision. As such, the proposal is not considered to conflict with the aims of Policy BCS7 and can be accepted.

The Council's Allotments manager was consulted as part of this application and supports the provision of improved facilities at the Allotment site.

(B) WOULD THE PROPOSED DEVELOPMENT HARM THE CHARACTER OR APPEARANCE OF THIS PART OF THE STAPLETON AND FROME VALLEY CONSERVATION AREA?

The area of land broadly affected by the proposals forming part of this planning application generally relates to the smallholding land to the south of the existing access, which is currently fenced off and is generally made up of hardstanding and overgrown scrub. This forms part of the wider area of open space including the Allotments and neighbouring smallholding sites. The proposals include the provision of a community building, security fencing, secure metal storage unit, access road, and permeable hardstanding to provide car/ cycle parking. The drawings also include the provision of landscaping.

The building itself is of a simple single storey design with a pitched living green roof and living green walls. There are no windows proposed within the building, which is a result of consultation with the Allotment holders and their concerns relating to security. Whilst this gives some concern relating to the appearance, the reasoning behind this is justified being that the building needs to be functional for

ongoing use and management by those Allotment holders. Further the appearance is softened by the use of living green walls on the exterior of the building which allows it to blend into the surrounding landscape. As such, the height, scale, roof form and massing is appropriate for its use and this location.

The storage container is indicated on the plans to be of a functional design and appearance. It will be sited alongside existing and newly proposed tree planting and vegetation and as such will be largely screened from public view outside of the site. The container will provide much needed secure storage space for the use of the allotment holders and as such its impact on the character and appearance of the Stapleton and Frome Valley Conservation Area is considered to be acceptable.

The palisade fencing proposed to secure the allotment site is 2.4m high (therefore requiring permission) which is a requirement of the Allotment holders relating to security on site. The proposed fencing will be a recessive dark green in colour and has associated hedgerow planting to further soften the appearance. This is considered to be acceptable in this location and would preserve the appearance of this part of Stapleton and Frome Valley Conservation Area. The site would remain fairly open so many of the views across the site would be retained.

The finish of the site would be important. Full details of the landscaping of the site will be conditioned to ensure that both the hard and soft landscaping have a positive impact on the site.

Overall, the proposed development is considered to preserve the character and appearance of the Stapleton and Frome Valley Conservation Area and is acceptable.

(C) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE RESIDENTIAL AMENITY OF THE AREA?

The site is not located nearby any residential properties.

The proposed use of the site for a shop, social club, may be likely to lead to an increase in use of the site, although this use would be managed as it would be associated with the Allotment use. The proposal may also lead to more traffic using the site although this would mainly be during working hours. Given the location, which is in close proximity to the existing road networks including the M32, any additional increase in noise is unlikely to result in harm.

No hours of use have been proposed for the site. This may result on the ongoing operator of the site, which according to the Allotments Manager is likely to be the Allotment Association. As such, it is considered reasonable that a condition requiring a management plan for the ongoing use and operation of the site is conditioned as part of any grant of planning permission.

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

In terms of the access to the site and some of the elements of the layout there are been a few changes to this during the process of this application. The position of the metal store unit has been moved closer to the site boundary with Stoke Lane, which will prevent issues of visibility splay when exiting the site, and also allow the unit to be more sufficiently screened by vegetation.

The City Council's Transport Development Management (TDM) team have no objection to the application, provided a 120m visibility splay for the new access is maintained (to the north of the access) as well as a 60m visibility splay for the access from the allotment car park onto the bus-only route. The specific details of this will be conditioned.

The location of the cycle parking shown on the plans is in an acceptable location, however further details are required to show that the stands are at least 900mm apart and 550mm from the side walls.

TDM have reviewed the latest iteration of the plans and requested that the gravel surfacing is amended to prevent gravel tracking out onto the road network, which has the potential to cause hazard to pedestrians. It has also been agreed with the Allotment holders that the site will not have a refuse collection facility, as users will operate a policy requiring those using the site to take any rubbish home with them. This was considered to be acceptable by TDM in this instance.

TDM also highlighted concern relating to the position of the disabled parking spaces along the north-eastern boundary of the car park site, outlining that these may be difficult to access due to the acute angle on entering the site. It is considered that the required amendments can quite easily be accommodated on site, however a variation condition is recommended to be attached to any consent. Whilst this has been attached, Officers are advised that further plans addressing these issues are likely to be submitted prior to the date of the application being heard at Committee, in which case this condition would no longer be required.

As such, the impact on transport and movement issues is acceptable, subject to the provision of a variation and further details to be sought by condition.

(E) WOULD THE PROPOSAL CAUSE HARM TO ANY WILDLIFE HABITATS OR ECOLOGICAL INTERESTS ON THE SITE?

Policy BCS9 of the local plan relates to Green Infrastructure, this policy aims 'to protect, provide, enhance and extend the green infrastructure assets which contribute to the quality of life in Bristol'. The background to the policy acknowledges that not all open land can be left unchanged.

The background text also refers to green infrastructure including space for local food production within the city and for community use. Policy BCS9 states that individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be allowed for as part of an adopted Development Plan Documents or is necessary on balance, to achieve the policy aims of the Core Strategy.

This proposal directly affects a Wildlife Corridor (as per policy DM19 in the Site Allocations and Development Management Policies 2014). The specific area affected by the car parking, access road and new building / store is broadly on the site of an existing smallholding, which is largely hardstanding. The proposed fencing will surround the reconfigured allotment site as consented by the SOS, much of which is open field.

The City Council's Ecologist has commented on the proposals and recommended a number of mitigation measures. As part of this mitigation, revised plans were submitted showing a green living roof has been supplied to adequately provide mitigation under the requirements of BCS9 and DM19. It is recommended that further details of the green roof and living green wall is requested via condition. Further conditions have been recommended including management of any nesting birds, protection of legally protected species during construction, and details regarding landscaping of the site to include native species.

Subject to these recommendations being followed it is not considered that the proposal will be harmful to wildlife on site.

(F) ARE THERE ANY ISSUES WITH RESPECT OF TREES ADVERSLEY AFFECTED BY THE PROPOSED DEVELOPMENT?

BCS9 is again appropriate in this assessment. There are a number of trees to be lost as part of the proposal, which has been assessed as being acceptable by the City Council's Arboricultural Officer which are to be mitigated by both on site provision and off-site mitigation, details of which are being clarified and will follow this Committee report.

Further details also need to be supplied in respect of tree protection to ensure that any trees to be retained are not damaged during the construction process, details of which can be acquired by condition.

As such, providing conditions are attached with respect of mitigation for loss of trees and tree protection, further details of which will follow, this aspect is acceptable.

(G) ARE THERE ANY ISSUES WITH RESPECT OF LAND CONTAMINATION?

Whilst the overall wider site has generally been associated with agricultural uses historically, a number of objection comments relate to the dumping of wastes on the site of the smallholding land. As such, there is potential for unauthorised deposits which may cause harm and the City Council's Contaminated Land Officer has requested intrusive site investigation which is being carried out at present. As this information is not yet forthcoming, and in view of the sensitive nature of the end use of the site, it is recommend to attached conditions to ensure ground contamination is adequately dealt with. Providing suitable conditions are attached, this aspect is considered to be acceptable.

(H) DOES THE PROPOSAL ADEQUATELY ADDRESS SUSTAINABILITY OBJECTIVES?

Polices BCS13, BCS14 and BCS15 of the Core Strategy (June 2011) relate to sustainability issues and tackling climate change.

The agent has submitted a sustainability statement relating to the proposal, however this relates to the provision of a modular 'Portakabin' style building on site, which has been amended through the application process to a more appropriate style of building for this sensitive location. Due to the ecological mitigation of the building which includes a living green roof and walls, there is no opportunity for the provision of solar PV as originally proposed in the statement. This is considered to be acceptable in this particular situation.

It should be noted that there is information lacking from the application, particularly a clearly defined Energy Strategy to demonstrate the percentage of energy savings based on the residual emissions. However, despite this it is important to be mindful that Policy BCS13 states that Sustainability statements need to be proportional to the scale of the development proposed. Therefore when considering the scale of the development and the proposed use, it is concluded that subject to the application being appropriately conditioned the application is not recommended to be refused on this basis.

(I) DOES THE PROPOSAL ADEQUATELY MITIGATE AGAINST INCREASED FLOOD RISK?

The application is not within an area of high flood risk, however, in accordance with policy BCS16 developments are also expected to incorporate water management measure to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. Throughout the life of the application, a number of changes have been made in relation to the management of sewage treatment on site. Whilst direct discharge into Wessex Water sewer is the preferred option, alternatives were sought due to greater disruption this would bring to the neighbouring Avon Wildlife Trust site due to the siting of the sewer link across their site, with knock on ongoing impacts of ownership / future maintenance. Additionally the cost of this was likely to be extremely high. A cesspit was then considered however the ongoing management costs of this were likely to be prohibitively high for future management of the site (likely to be the Allotment Association) and this was considered an inappropriate solution. As such, it was considered that a more sustainable ongoing solution would be to incorporate a WPL Diamond DMC treatment plant, which offers low ongoing running costs and user maintenance, with three reed beds to act as a back-up system. The EA offer no objection to this arrangement providing an informative is attached to any grant of consent.

The scheme also includes the use of a green living roof on site, which helps towards water attenuation. Much of the site would remain as open ground, with the proposed new car park in place of the existing hardstanding associated with the smallholding. The materials proposed for the use within the car parking area are proposed to be a permeable solution such as geo-grid or similar with gravel surfacing and as such this will represent an improvement on the existing situation in terms of permeable surfacing. The City Council's Flood Risk Officer has been consulted in relation to the application and offers no objection.

CONCLUSION

The proposed development would result in a valuable community building and associated facilities being provided which are ancillary to and directly linked with Stapleton Allotment site. It is not considered that the proposal would be inappropriate development in the green belt or be harmful to the character or appearance of this part of Stapleton and Frome Valley Conservation area. The impact on wildlife and green infrastructure is considered to be acceptable, pending further clarification as to the impact on trees. There is no impact on the amenities of neighbouring properties. Therefore, the proposal is considered to be in accordance with the relevant planning policies, and Officers recommend approval.

COMMUNITY INFRASTRUCTURE LEVY

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

This development is liable for CIL, however the CIL rate for this type of development, as set out in the CIL Charging Schedule, is £nil and therefore no CIL is payable.

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. 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.

3. Land affected by contamination - submission of remediation scheme

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

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

4. 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.

5. Further details before relevant element started

Detailed drawings at an appropriate 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) The detailed technical specification for the living green roof;
- b) The detailed technical specification for the living green walls;
- c) Cycle parking facilities showing appropriate layout;
- d) Further details of visibility splay to show 2.4m x 120m to Stoke Lane in both directions and 2.4m x 60m to bus-only access in both directions before development starts, and the area of visibility adopted as public highway;
- e) The detailed technical specification of the sewage treatment plant;
- f) Further details of the metal storage unit.

Reason: In the interests of visual amenity, highway safety and residential amenity.

6. Submission and approval of landscaping scheme

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme, which shall include the planting of additional trees (number to be confirmed), shall be implemented so that planting can be carried out during the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

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

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. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until a method statement for the protection and retention of existing trees on this site has been submitted to and approved in wring by the Local Planning Authority. All protective measures, including the protective fence(s) shall be erected around the retained trees in the position and to the specification approved prior to any further work being carried out on the site, and thereafter all works shall be carried out in accordance with the approved method statement. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place

before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

9. Legally protected species

No development shall take place until measures to protect badgers from being trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the local planning authority. Measures shall include cover-plating, chain link fencing or the creation of sloping escape ramps for badgers by edge profiling of trenches/excavations or placing a plank in the bottom of open trenches at the end of each working day to allow any trapped badgers to escape. This is to prevent foraging badgers falling into trenches during the construction phase of the development. Open pipework larger than 150 mm outside diameter should be blanked off at the end of each working day.

Reason: To prevent harm to legally protected badgers.

10. Protection of wild birds, nests, eggs and chicks

No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority. The authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected before giving any approval under this condition.

Reason: To ensure that wild birds, building or using their nests are protected.

11. Variations to the scheme

No development shall take place until detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Local Planning Authority for the following:

The car parking area, showing appropriate surfacing and appropriate positioning of disabled car parking spaces.

This part of the development shall be completed only in accordance with the modification thus approved.

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 be completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

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

Reason: The car park arrangement is considered unsatisfactory in the form shown on the drawings submitted to date and this aspect of the scheme should be modified to ensure an acceptable form of development.

Pre occupation condition(s)

12. 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 2 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 3, 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 3.

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.

13. Completion of vehicular access - Shown on approved plans

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

Reason: In the interests of highway safety.

14. 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.

15. Completion and maintenance of cycle provision -

No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans as agreed under Condition 5(c) 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.

16. Management Plan

Prior to the occupation or first use of the community building, a detailed ongoing management and maintenance plan (including maintenance of the living green roof, living green walls, and sewage treatment facility) shall be submitted to and approved in writing by the Local Planning Authority. Once in occupation, the management plan shall be adhered to accordance with the submitted statement received by the Local Planning Authority.

Reason: In order to ensure the appropriate management of the site.

17. 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.

Reason: In the interests of highway safety.

18. 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

19. Occupation of unit

The community building and facilities subject to planning permission shall only be used in conjunction with the main Allotment use of the overall site and not as a separate enterprise.

Reason: To protect the community use of the site.

List of approved plans

20. 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.

PL-001A Location plans, received 26 August 2014

PL-002A Site plan, received 26 August 2014

PL-003 Existing drainage plan, received 26 August 2014

PL-004 Tree layout plan, received 26 August 2014

PL-012 Proposed palisade fencing details, received 26 August 2014

09-PL-2502 Proposed building east elevation, internal layout and proposed site plan, received 17 November 2014

09-PL-2501 Proposed building, north elevation, internal layout and proposed site plan, received 17 November 2014

09-PL-2503 Proposed building, south elevation, internal layout and proposed site plan, received 17 November 2014

09-PL-2504 Proposed building, west elevation, internal layout and proposed site plan, received 17 November 2014
Design and Access Statement, received 26 August 2014
Sustainability Statement, received 26 August 2014

Reason: For the avoidance of doubt.

Advices

1. Environment Agency

This development will require an Environmental Permit from the Environment Agency. The applicant is advised to contact the Environment Agency on 03708 506 506 to discuss the issues likely to be raised.

2. Landscaping

Landscaping of the site should predominantly employ native species of local provenance including berry and fruit-bearing tree, hedgerow and shrub species for birds and nectar-rich flowering plants for invertebrates. There are records of hedgehogs in the vicinity and so hedgerow and shrub planting is particularly recommended.

3. Living green roof

The provision of a living (green/brown) roof on the proposed new building is recommended to provide compensatory habitat for wildlife. Living roofs also contribute towards Sustainable Urban Drainage Systems (SuDS). The following guidance applies. The roof should be covered with local low-nutrient status aggregates (not topsoil) and no nutrients added. Ideally aggregates should be dominated by gravels with 10 - 20% of sands. On top of this there should be varying depths of sterilized sandy loam between 0 - 3cm deep. An overall substrate depth of at least 10 cm of crushed demolition aggregate or pure crushed brick is desirable. The roof should include areas of bare ground and not be entirely seeded (to allow wild plants to colonise) and not employ Sedum (stonecrop) because this has limited benefits for wildlife. The roof should include local substrates, stones, shingle and gravel with troughs and mounds, piles of pure sand 20 - 30 cm deep for solitary bees and wasps to nest in, small logs, coils of rope and log piles of dry dead wood to provide invertebrate niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Deeper areas of substrate which are at least 20 cm deep are valuable to provide refuges for animals during dry spells. An area of wildflower meadow can also be seeded on the roof for pollinating insects. Please see www.livingroofs.org for further information and the following reference: English Nature (2006). Living roofs.

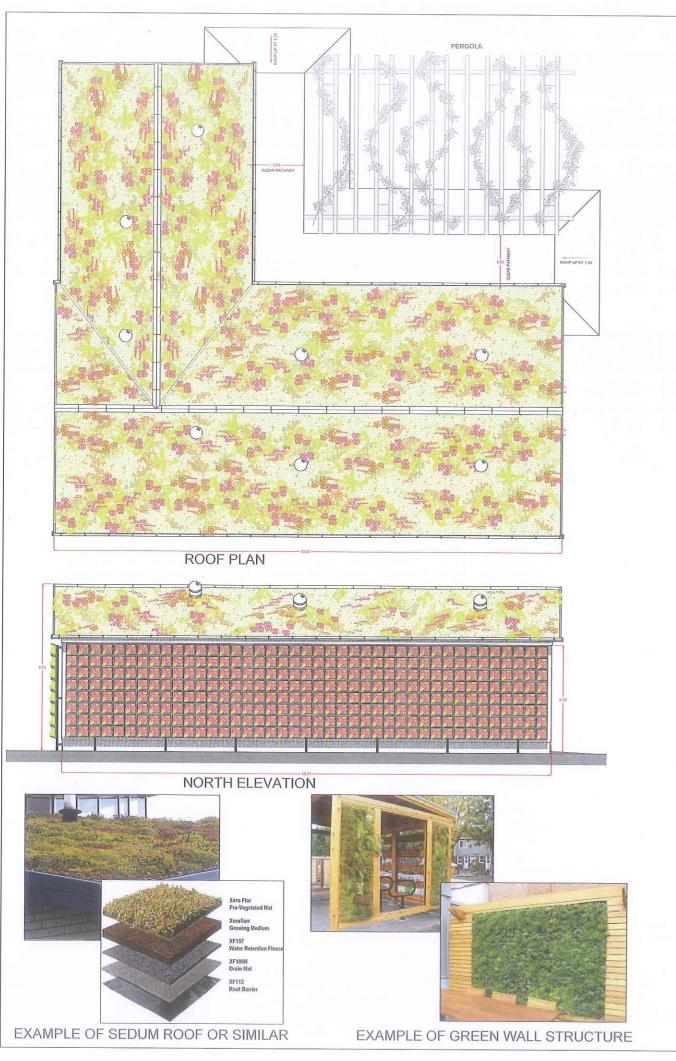
- 4. Alterations to vehicular access: There is a requirement to make alterations to vehicular access(es). Applicants should note the provisions of section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of the Highway Authority (Telephone 0117 9222100). You will be required to pay fees to cover the councils costs in undertaking the approval and inspection of the works.
- 5. Works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking work on the highway you must enter into a formal agreement with the council which would specify the works and the terms and conditions under which they are to be carried out. You should contact City Development, Wilder House, Wilder Street, Bristol, BS2 8PH or telephone 0117 903 6846, allowing sufficient time for the preparation and signing of the agreement. You will be required

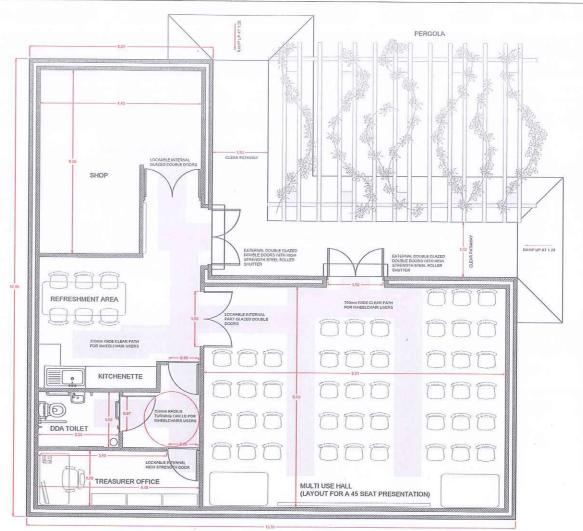
to pay fees to cover the councils cost's in undertaking the following actions:

- 1) Drafting the agreement
- 2) A monitoring fee equivalent to 15% of the planning application fee
- 3) Approving the highway details
- 4) Inspecting the highway works.

BACKGROUND PAPERS

Transport Development Management	29 October 2014
Allotments Team	3 October 2014
Nature Conservation Officer	6 October 2014
Arboricultural Team	4 December 2014
Environment Agency (Sustainable Places)	4 December 2014





INTERNAL LAYOUT



LOCATION PLAN @ 1:250

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Notes:

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The proposed option is shown without any windows and the use of skylight tubes that reflect & diffuse sunlight via the roof into the rooms below. in order to maintain an acceptable air quality inside of the building large trickle vents are to be installed into all internal rooms.

With access ramps and low threshold doors the current layout achieves DDA requirements.

With the proposed layout the allotment group will be able to manage & restrict access enabling the building to be open without the requirement for volunteer staff being present leaving access only to the kitchenette & toilet if required.

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The pergola is shown as indicative only and is to be designed, built and installed by others at a later date

Rev By Chkd Apprvd Date

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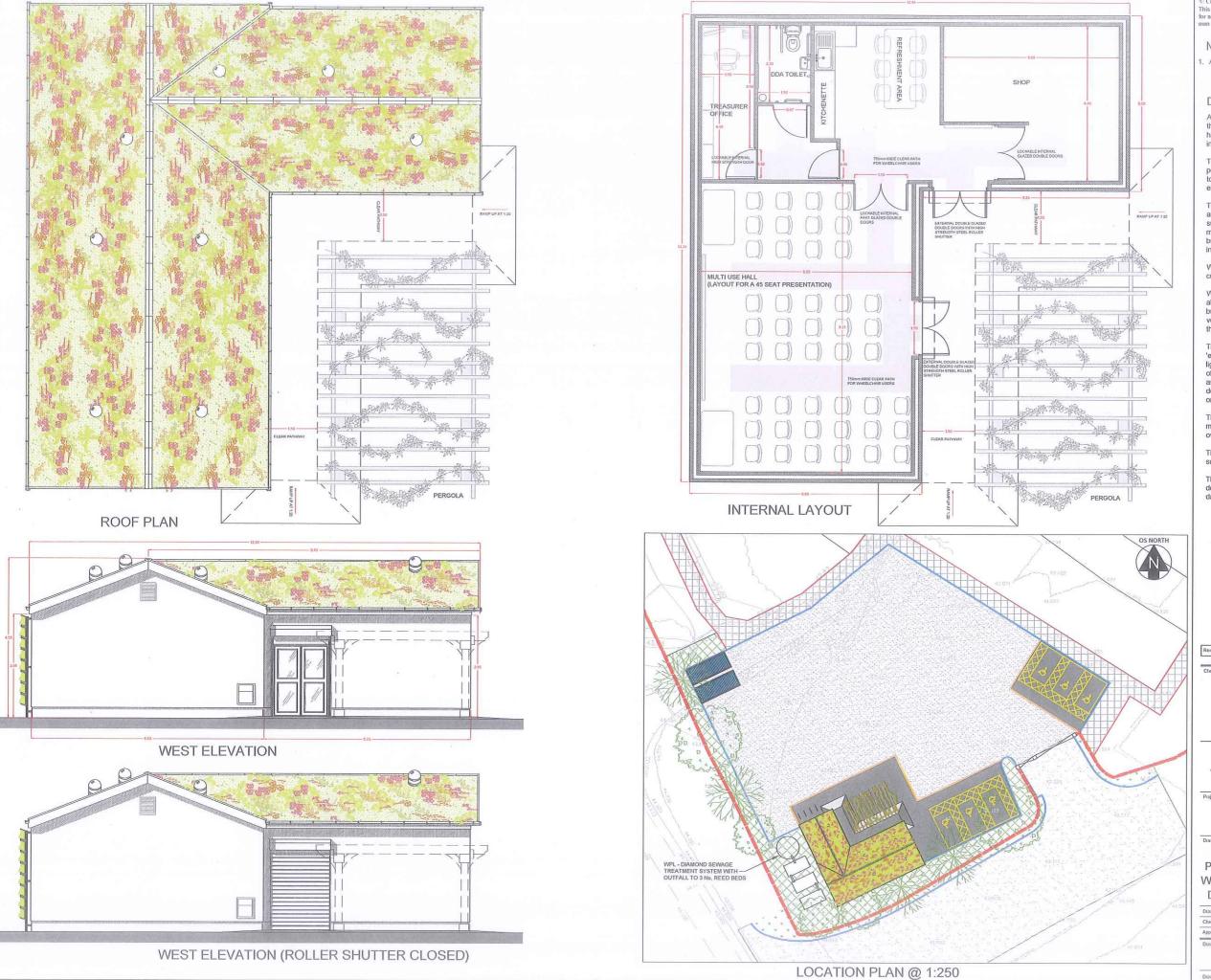
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STAPLETON ALLOTMENT PROPOSED BUILDING DETAILS NORTH ELEVATION, LIVING ROOF DETAILS & INTERNAL LAYOUT

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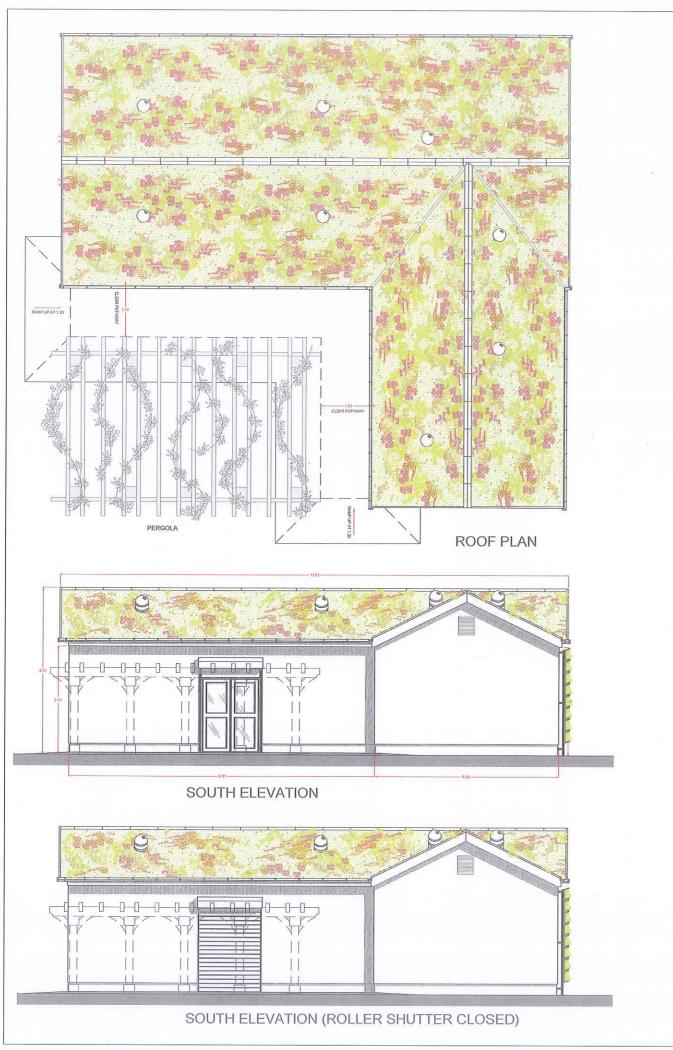
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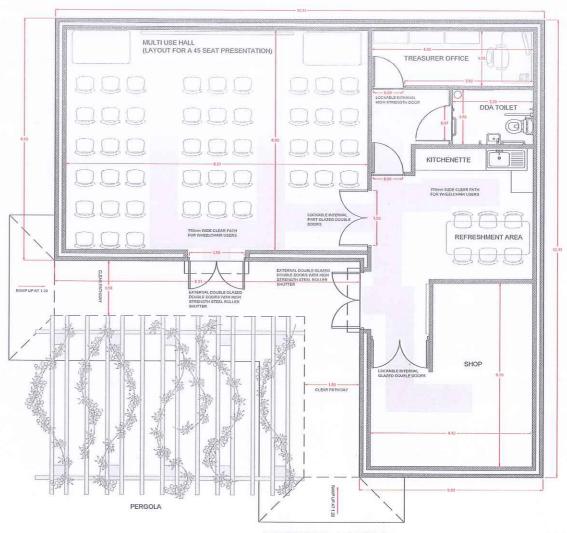
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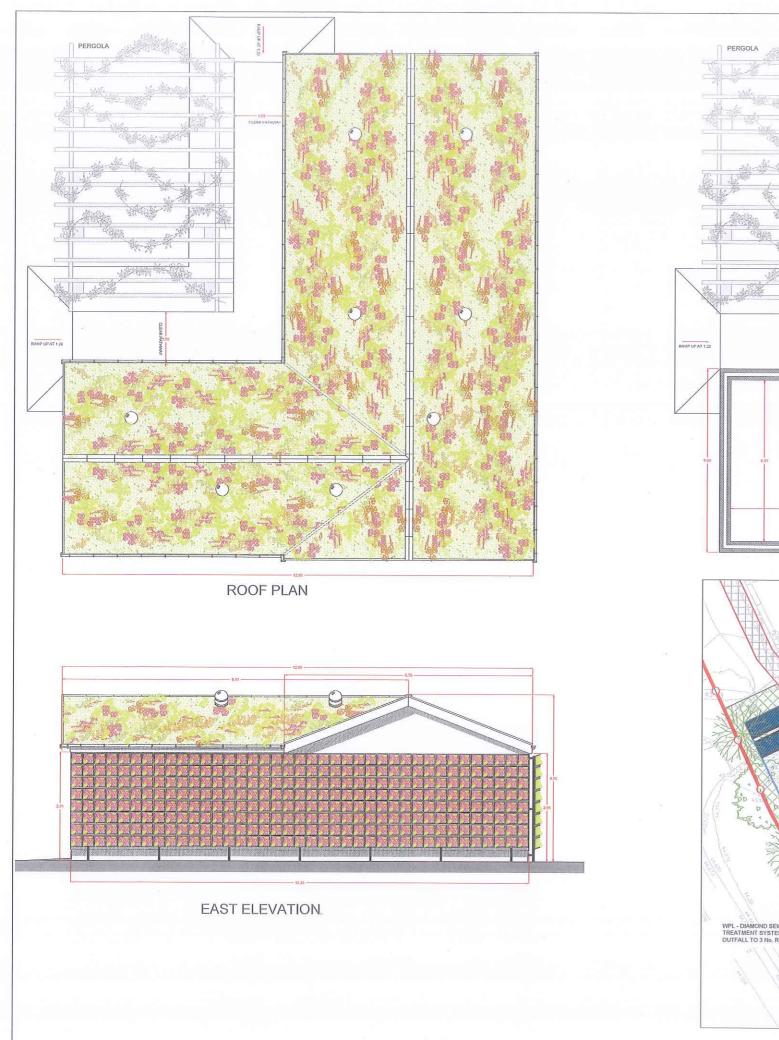
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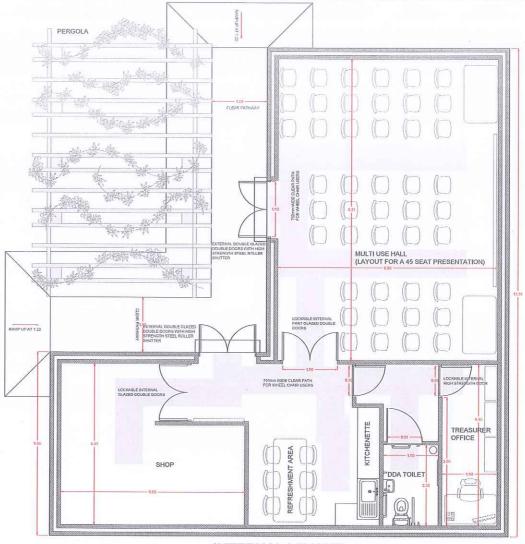
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INTERNAL LAYOUT



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STAPLETON ALLOTMENT PROPOSED BUILDING DETAILS WEST ELEVATION, LIVING ROOF DETAILS & INTERNAL LAYOUT

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