

Development Control A Committee Agenda



Date: Wednesday, 14 June 2017

Time: 2.00 pm

Venue: The Council Chamber - City Hall, College Green, Bristol, BS1 5TR

Distribution:

Councillors: Donald Alexander (substitute for Celia Phipps), Tom Brook, Stephen Clarke, Mike Davies, Kye Dudd, Steve Jones, Olly Mead, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright – copy only to Celia Phipps

Copies to: Zoe Willcox (Service Director - Planning), Gary Collins, Kevin Morley, Katy Dryden, Laurence Fallon, Jon Fellingham and Rachael Dando

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Date: Monday, 5 June 2017



Agenda

1. Election of Chair

The Committee is requested to elect the Chair for 2017/18 Municipal Year.

2. Election of Vice-Chair

The Committee is requested to elect the Vice-Chair for 2017/18 Municipal Year.

3. Terms of Reference

The Terms of Reference set out below are unchanged from 2016/17. Any changes made at the next Full Council meeting will be subsequently reported to a future Development Control (A) Committee:

DEVELOPMENT CONTROL COMMITTEES

Terms of Reference

Arrangements

There are two Development Control Committees:

- Development Control Committee “A”
- Development Control Committee “B”

Each Development Control Committee shall have full authority to deal with all development control matters reserved to a Development Control Committee by virtue of this consultation.

Functions

Full Council has delegated to the Development Control Committees all functions relating to town and country planning and development control as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to determine applications for planning permission (section 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)).
2. Power to determine applications to develop land without compliance with conditions previously attached (section 73 of the Town and Country Planning Act 1990).



3. Power to grant planning permission for development already carried out (section 73(A) of the Town and Country Planning Act 1990).
4. Power to decline to determine application for planning permission (section 70A of the Town and Country Planning Act 1990).
5. Duties relating to the making of determinations of planning applications (Sections 69, 76 and 92) of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995) (S.I. 1995/419 and directions made thereunder).
6. Power to determine application for planning permission made by a local authority, alone, or jointly with another person (section 316 of the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995).
8. Power to enter into agreement regulating development or use of land (Section 106 of the Town and Country Planning Act 1990).
9. Power to issue a certificate of existing or proposed lawful use or development (Section 191(4) and 192(2) of the Town and Country Planning Act 1990).
10. Power to serve a completion notice (Section 94(2) of the Town and Country Planning Act 1990).
11. Power to grant consent for the display of advertisements (Section 220 of the Town and Country Planning (Control of Advertisements) Regulations 1992).
12. Power to authorize entry onto land (Section 196A of the Town and Country Planning Act 1990).
13. Power to require the discontinuance of a use of land (Section 102 of the Town and Country Planning Act 1990).
14. Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990).
15. Power to issue a temporary stop notice (Section 171 of the Town and Country Planning Act 1990).
16. Power to issue an enforcement notice (Section 172 of the Town and Country Planning Act 1990).
17. Power to apply for an injunction restraining a breach of planning control (Section 18 7B of the Town and Country Planning Act 1990).
18. Power to determine applications for hazardous substances consent and related powers (Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)).
19. Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject (paragraph 2(6)(a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of the Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act).
20. Power to require proper maintenance of land (section 215(1) of the Town



and Country Planning Act 1990).

21. Power to determine application for listed building consent and related powers (sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c.9).
22. Power to determine applications for conservation area consent (section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act).
23. Duties relating to applications for listed building consent and conservation area consent (sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regs 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 S.I. 1990/1519) and paragraphs 8, 15 and 26 of the Department of Environmental, Transport and the Regions circular 01/01).
24. Power to serve a building preservation notice and related powers (sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
25. Power to issue enforcement notice in relation to demolition of listed building in conservation area (section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
26. Powers to acquire a listed building in need of repair and to serve a repairs notice (section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
27. Power to apply for an injunction in relation to a listed building (section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990).
28. Power to execute urgent works (section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).
29. Power to authorise stopping up or diversion of highway (section 247 of the Town and Country Planning Act 1990).
30. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway (section 257 of the Town and Country Planning Act 1990).
31. Power to extinguish public rights of way over land held for planning purposes (Section 258 of the Town and Country Planning Act 1990).
32. Powers relating to the protection of important hedgerows (the Hedgerows Regulations 1997 (S.I. 1997/1160).
33. Powers relating to the preservation of trees (sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1990 (S.I. 1999/1892)).
34. Powers relating to complaints about high hedges (Part 8 of the Anti-Social Behaviour Act 2003).
35. Power to include modifications in other orders (Section 53A of the Wildlife and Countryside Act 1981).
36. Power to revoke or modify planning permission (Section 97 Town and Country Planning Act 1990).

Code of Conduct

The committee must follow the council's Code of Conduct for Councillors and



Officers dealing with development control and other appropriate planning matters (in part 5 of the constitution).

4. Dates of Meetings 2017/18

The following dates are proposed for the remainder of the 2017/18 Municipal Year (all on Wednesdays):

6pm on 26th July 2017
2pm on 6th September 2017
6pm on 18th October 2017
2pm on 29th November 2017
6pm on 10th January 2018
2pm on 21st February 2018
6pm on 4th April 2018

5. Apologies for Absence and Substitutions

6. Declarations of Interest

To note any interests relevant to the consideration of items on the agenda.

Please note that any declarations of interest made at the meeting which are not on the register of interests should be notified to the Monitoring Officer for inclusion.

7. Minutes of the Previous Meeting held on Wednesday 17th May 2017 6.05 pm

The Committee is requested to agree the minutes of the last meeting held on Wednesday 17th May 2017 as a correct record. **(Pages 8 - 13)**

8. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision. **(Pages 14 - 20)**

9. Enforcement

To note recent enforcement notices. **(Page 21)**

10. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Public Forum items should be emailed to



democratic.services@bristol.gov.uk and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest **by 5pm on Thursday 8th June 2017.**

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12pm on Tuesday 13th June 2017.**

Please note, your time allocated to speak may have to be strictly limited if there are a lot of submissions. This may be as short as one minute.

11. Planning Applications

The following Planning Applications set out below are for consideration by the Committee.

(Page 22)

a) 17/00177/F - 31 Charlton Lane

(Pages 23 - 47)

Proposed demolition of existing dwelling and the construction of a 2 no. semi-detached houses to the front and a terrace of 3no. houses to the rear of the site.

b) 15/05673/F and 15/05674/LA - Empire Sports 223 Newfoundland Road

(Pages 48 - 92)

Proposed development for the complete renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. flats. Demolition of the existing infill lean-to building in the middle of the site, and the modification of gated boundary to the existing building to accommodate new entrances to the proposed housing (Major Application)

12. Date of Next Meeting

Subject to the Committee's agreement, the next meeting of Development Control (A) Committee is scheduled for **6pm on Wednesday 26th July 2017.**



Bristol City Council
Minutes of the Development Control A
Committee



17 May 2017 at 2.00 pm

Members Present:-

Councillors: Fabian Breckels (Vice-Chair - acting as Chair), Harriet Bradley, Stephen Clarke, Mike Davies, Kye Dudd, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright

Officers in Attendance:-

Gary Collins, Catherine Tyrer, Paul Chick, Stuart Langer and Laurence Fallon

1. Apologies for Absence and Substitutions

Apologies were received from Councillor Lesley Alexander and Councillor Steve Pearce.

2. Declarations of Interest

Councillor Clive Stevens indicated that he had raised the issue of loss of trees at Grove Road in 2013. However, the issue had been addressed and he did retain an open mind on this application.

Councillor Jo Sergeant declared an interest as Ward Member in respect of Grove Road but indicated that she would be leaving the meeting before this item was considered.

3. Minutes of the previous meeting

Resolved – that the minutes of the above meeting be confirmed as a correct record and signed by the Chair.

4. Appeals

Item 2 – Somerset House. The hearing for this appeal was held on Wednesday 10th May. The Inspector was expected to make a decision within 10 weeks.

Item 14 – Chocolate Factory – This appeal would be determined by written representations.



5. Enforcement

In response to a question from Councillor Harriet Bradley concerning a site at Saint Johns in Brislington East, the Service Manager (Development Management) stated that he would investigate this issue and report back.

6. Public Forum

The Committee received 21 Public Forum statements. The Statements were heard before the application they relate to and were taken fully into consideration by the Committee prior to reaching a decision. (A copy of the Public Forum statements is held on public record by Democratic Services).

7. Planning Applications

The Committee considered the applications set out below.

8. Application Number 16/06311/X - Land off Ladies Mile

Agenda Item 7 (a) – Planning Application Number 16/06311/X – Land Off Ladies Mile

Councillor Mike Davies arrived after the Public Forum session for Ladies Mile had started and so took no part in this item.

Officers made the following points as part of their presentation:

- (1) Details of the layout of the site and the application history were provided;
- (2) The number of days for which permission had been granted was gradually decreasing: 55 days in 2014, 50 days in 2015, and 45 days in 2016, with the current application seeking 40 days in 2017, 35 days in 2018 and 30 days in 2019;
- (3) There had been a very large public response to the proposals (approximately 915) with 456 written comments in support. Late representations had been received from Business West, Avon Wildlife Trust and a joint submission from five organisations: Downs for people; Bristol Civic Society; Open Spaces Society; the Ramblers; and the Redland and Cotham Amenity Society;
- (4) A revised Travel Plan had been prepared in April 2017;
- (5) Issues that needed to be considered included the principle of allowing car parking on the Downs, access and movement, and the impact of tourism on Bristol;
- (6) It was acknowledged that permanent use would be unacceptable;
- (7) Since 2009, the hoped for modal shift had not been achieved. The main zoo clientele were young families who needed to park close to the zoo;
- (8) The number of visitors by bus was disappointing, although the zoo was now offering a new concession of a 33% discount on admission if travelling by bus;
- (9) The zoo estimated that the loss of overspill could cause a downturn on current revenue and was an important visitor attraction for the city;
- (10) The zoo had indicated that this will be the last time they apply for temporary car parking. This, together with the gradual reduction in the number of days requested and a commitment to review travel



plans annually, showed good will on their part;

(11) A bespoke Park and Ride scheme had been introduced in Summer 2014 but had very low usage – less than 25% (about 4 people). In 2015/16, route 901 had been funded to travel from the Portway to the Zoo (including subsidy on Sundays and Bank Holidays);

(12) Other incentives were being considered and analysis of traffic measures also had taken place – however, the turnover of buses to get people to the zoo was not viable. There was not sufficient turnover of people using buses to make current use viable;

In response to Councillors' questions, officers made the following points:

(13) It was noted that Bristol Zoo paid £7,500 per annum to the Downs Committee for the temporary use. Officers stated that the amount of rent paid by the zoo was not a material planning consideration and that the Committee must not blur its responsibilities with those of the Downs Committee. The zoo estimate that they would lose £500,000 in income from visitors who use the temporary car parking;

(14) A day bus ticket for 5 people travelling together in the Inner Zone was £8 with children under 5 being free;

(15) Bristol Zoo was likely to rely on permitted development rights beyond the end of the temporary permission period. Whilst this was a complex area which required legal advice, officers believed that the zoo would potentially benefit from a 28 day allowance but further legal advice was needed to confirm this. This specific matter was not critical for making a decision on the current proposals at this point in time;

(16) Councillors could consider agreeing a resolution which stressed the importance of a decision on any potential renewal of the application before the May 2020 local elections, so that a future decision could be made by the same Committee in the interests of consistency;

(17) Any future decision could be made contingent on public transport but rent could not be conditioned;

(18) Discussions were ongoing between the zoo and various parties concerning transport solutions;

(19) It was not possible to condition any approval of the application with a requirement that this is the last time that an application would be permitted since anyone had the legal right to submit an application at any point in time.

Councillors made the following points:

(20) Parking should not be taking place on the Downs. It was not acceptable that the Downs Committee was earning money by breaking planning law. It was disappointing that it was not possible to require any permission to be granted rent-free with Section 106 funding to be given instead. The Zoo needed to explain why, if they would not put forward another application in 2019, why they needed to have an application now;

(21) Whilst the current situation was not ideal, it was important to maintain a sense of proportion. Whilst the price of tickets was encouragingly reasonable, it still remained difficult to easily get to the zoo by bus for many people. The zoo's commitment to not request a future extension was significant;

(22) The zoo seemed to be getting a very good deal from the current arrangement;

(23) Whilst parking on the Downs was not appropriate in principle, this was a difficult issue. The application would take up less than 1% of the area of the Downs for a month. Many people still needed to get to the zoo by car;

(24) Parking needed to come to an end. This needed to be the final time that this application came forward. Groups such as Destination Bristol should be encouraged to examine the possibility of a tourist Park and Ride Site that served other key city attractions such as SS Great Britain;

(25) Whilst there was great love for these two institutions (the zoo and the Downs), it was difficult



to see how things could improve in 3 years' time;

(26) There needed to be a condition requesting a viable plan for alternative transport provision for 2019.

Councillor Jo Sergeant had left the meeting at 3.10, as previously advised, to go to a prior appointment.

Councillor Harriet Bradley moved, seconded by Councillor Chris Windows and upon being put to the vote it was

Resolved (6 for, 1 against, 0 abstentions) that the application, together with alterations on the amendment sheet, be approved.

It was further moved by Councillor Chris Windows, seconded by Councillor Kye Dudd and upon being put to the vote, it was

Resolved (unanimously) that the Committee has the following expectations:

- (a) regular stakeholder meetings to take place;
- (b) transport plan to be in place as soon as possible;
- (c) any further application to come to Committee before end March 2020
- (d) exploration of a Park and Ride service for various Bristol attractions (with Destination Bristol).

9. Application Number 17/00984/F - 248 Wells Road

Agenda Item 7 (b) – Planning Application Number 17/00984/F – 248 Wells Road

Officers provided site details as part of their presentation for this application. In response to Councillors' questions, they made the following points:

- (1) It was a requirement that the application does not harm the residential amenity or character of the area, contribute to harmful uses in the city or change the housing mix;
- (2) An assessment of the balance of the communities had been made. There were 30 HMOs in Knowle, amounting to 4.5% of the total housing which was not significant;
- (3) Officers did not believe the application could be refused on the basis of the impact of local car parking;
- (4) Officers outlined the various types of future changes of use which would require planning permission;
- (5) Officers advised against conditioning the site to the current applicant rather than the land since the occupants could not be controlled.

Councillors made the following points:

- (6) This seemed a reasonable place for such a development since it was based on a main road with a regular bus service, and had space for adequate waste and recycling storage;
- (7) This was a reasonable area for an HMO use.



It was moved by Councillor Kye Dudd, seconded by Councillor Clive Stevens and, upon being put to the vote, it was

Resolved: (unanimously) that the application is approved.

10. Application Number 16/05169/X - 24 Grove Road

Agenda Item 7(c) Planning Application Number 16/05169/X – 24 Grove Road

Councillor Chris Windows declared an interest in this item since his daughter in law worked at Aspect 360 (the agents for this application) and indicated that he would not participate in this item.

Officers made the following points in respect of this application:

- (1) This application had been brought forward by the applicant to regularise the development and was a variation. It should be treated as a fresh application;
- (2) The existing use was a large dwelling – the biggest change from the original application was floor space and the building area.

In response to Councillors' questions, officers made the following points:

- (3) This was a fresh application and had to be taken on its own merits. However, it was a key material consideration that in April 2014 a particular type of development was approved. Therefore, the comparison of that with the current proposed development is important;
- (4) All trees on the site were covered by TPO's. An application to remove the Yew Tree had been refused and it was officer's intention that it should remain in place. Since the development included a car port and not a garage, it would not disturb the roots of the Yew Tree very much;
- (5) Officers noted Councillors' frustration that the developer had built a property that was different to what had been previously approved and also that, if no action was taken, it could allow developers to think that they could take a similar course of action in future. However, a breach of planning control was not a criminal offence. There was no mechanism to punish applicants in such situations, although applicants were made aware that pursuing this course of action was entirely at their own risk ;
- (6) In the past, compliance officers were only able to address a small percentage of developments taking place and so this problem may not have been picked up in the past, until complaints were made. Since there were no longer any compliance officers, the Planning Enforcement team's response was entirely reactive and primarily reliant on being advised of situations by neighbours;
- (7) Officers recommended approval based on the application they had received. It was acceptable on planning grounds – the concerns officers had held about the trees had been resolved.

Councillors made the following points:

- (8) It was worrying that this could set a precedent for future applications and sent the wrong signal;
- (9) It is not right that there is one law for developers and one law for others – it was important that there should be justice and fairness in such situations;
- (10) Whilst it was frustrating that this had happened, it might be incompetence rather than deliberate. Following the work on the application made by Planning Officers, this was a reasonable scheme;
- (11) There was a concern about the blocking of light to one of the neighbouring properties. The possibility of knocking down this section of the proposed property should be considered. In response,



officers confirmed that under Supplementary Planning Guidance 2, this was not deemed to affect it sufficiently to require this.

Councillor Mark Wright moved, seconded by Councillor Mike Davies and upon being put to the vote, it was

LOST: (2 for, 4 against, 1 abstention) that the application be approved.

Councillor Kye Dudd moved, seconded by Stephen Clarke and upon being put to the vote, it was

Resolved: (4 for, 1 against, 2 abstentions) that the application be refused on the grounds of the larger Plot 2 dwelling constituting overdevelopment, harming the character & appearance of the Conservation Area with the decision to be issued once site notice period expires.

10 Date of Next Meeting

The Committee noted that there were no further meetings for the remainder of the Municipal Year.

Meeting ended at 4.50 pm

CHAIR _____



DEVELOPMENT CONTROL COMMITTEE A

14th June 2017

REPORT OF THE SERVICE DIRECTOR - PLANNING

LIST OF CURRENT APPEALS

Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
1	Eastville	541-551 Fishponds Road Fishponds Bristol BS16 3AF Demolition of existing warehouse and erection of a freestanding two storey restaurant with associated basement, drive-thru, car parking and landscaping. Installation of 2 no. customer order display and canopy. Appeal against refusal Committee	20/04/2017
2	Central	Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU Amended proposal Conversion of the Old BRI Hospital building including two upper storey additions and partial demolition to accommodate 6283sqm Office floorspace (Use Class B1) and 4031sqm Medical School (Use Class D1); and part 6, part 7, part 8, part 12, part 14, part 16, and part 20 storey building to the rear for student accommodation (Sui Generis) comprising 738 student bedspaces; communal areas and refurbishment of Fripps Chapel for communal student facility with ground floor commercial use (Use Class A3); associated landscaping, car parking and cycle parking. Appeal against refusal Committee	21/11/2017

Written representation

Item	Ward	Address, description and appeal type	Date lodged
3	Eastville	351 Fishponds Road Eastville Bristol BS5 6RD Variation of condition 3 (which lists approved plans) of planning permission 15/05979/F (which consented the insertion of a front dormer extension in the roof of each of the 7 properties : 351 -363 Fishponds Road) to increase the size of each dormer. Appeal against refusal Delegated decision	02/02/2017

4	Hengrove & Whitch	1 Cranleigh Road Bristol BS14 9PL Appeal against an enforcement notice for erection of a rear roof dormer extension. Appeal against an enforcement notice	02/02/2017
5	Bishopston & Ashl	318 Gloucester Road Horfield Bristol BS7 8TJ Enforcement notice appeal for the erection of structure to rear of property used in association with the commercial ground floor unit. Appeal against an enforcement notice	13/03/2017
6	Eastville	351 Fishponds Road Eastville Bristol BS5 6RD Enforcement notice appeal for front dormer extension built larger than approved by planning permission 15/05979/F. Appeal against an enforcement notice	13/03/2017
7	Bishopston & Ashl	(Garage Site Next To) 2 Brent Road Bristol BS7 9QZ New one-and-part- two storey coach house. Appeal against refusal Delegated decision	15/03/2017
8	Cotham	58 Ravenswood Road Bristol BS6 6BP Retention of existing single-storey side extension with alterations to the roof. Appeal against refusal Delegated decision	15/03/2017
9	Westbury-on-Trym	12 Southover Close Bristol BS9 3NG Application for planning permission for the demolition of existing dwelling; construction of 4no. semi-detached dwellings and associated works, including site levelling [part-retrospective]. Appeal against refusal Delegated decision	15/03/2017
10	Lawrence Hill	Avonbank Feeder Road Bristol BS2 0TH Proposed installation of low carbon, bio-diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid. Appeal against refusal Committee	24/03/2017

11	Easton	Former Chocolate Factory Greenbank Road Easton Bristol BS5 6EL Mixed use development comprising conversion of existing remaining buildings (labelled Blocks C, D and F) and erection of new buildings to provide: 135 dwellings (91 apartments; 44 houses) (Blocks A, B, D, E, F, G and terraces); 485 sq m Class B1 floorspace (Block D); 726 sq m of commercial floorspace (Use Class B1/A1/A2) (Blocks B and C); 332 sq m of flexible community/business/health/leisure floorspace (Class B1/D1/D2) (Block C); 412 sq m flexible Class A3 or A4 floorspace (Block D); and associated accesses including a new pedestrian/cycle link onto the Railway Path, parking and landscaping. (Major Application) Appeal against non-determination Committee	24/03/2017
12	Hillfields	75 Abingdon Road Bristol BS16 3NZ To erect an attached dwelling. Appeal against refusal Delegated decision	28/03/2017
13	Clifton	85 Queens Road Clifton Bristol BS8 1QS For the extension of opening hours to 0800-2330 hours Monday-Thursday; 0800-midnight Fridays-Saturdays and 0800-2300 hours Sundays and Bank Holidays, external alterations to the shop front to create a new entrance from Queens Road, removal of 4no plant condensers and replace with 3no new plant condensers, installation of green wall and enlarged louvre opening Appeal against refusal	29/03/2017
14	Clifton Down	101 Queens Road Clifton Bristol BS8 1LW Internal alterations to accommodate an additional bedroom (Flat 2) together with associated internal and external alterations. Appeal against refusal Delegated decision	12/04/2017
15	Avonmouth & Lawr	11A High Street Shirehampton Bristol BS11 0DT Demolition of existing domestic garage and erection of detached two storey dwelling. Appeal against refusal Delegated decision	12/04/2017
16	Ashley	(IT Center) 14 Mina Road Bristol BS2 9TB Erection of internally illuminated digital display and associated structure. Appeal against non-determination Delegated decision	21/04/2017

17	Easton	28 York Road Easton Bristol BS5 6BJ Enforcement notice appeal for the erection of a porch to the front. Appeal against an enforcement notice	21/04/2017
18	Avonmouth & Lawr	16 Green Lane Bristol BS11 9JD Conversion of single dwelling house into two self contained one bedroom flats. Appeal against refusal Delegated decision	03/05/2017
19	Brislington West	65 Winchester Road Bristol BS4 3NH Erection of detached dwelling house. Appeal against refusal Delegated decision	03/05/2017
20	Brislington East	26 Capgrave Crescent Bristol BS4 4TW Demolition of existing 16 No. residential garages and construction of 3 No. three bedroom dormer bungalows. Appeal against refusal Delegated decision	03/05/2017
21	Hengrove & Whitch	12 Widcombe Bristol BS14 0AS Proposed driveway and 2no. parking spaces with access onto Bamfield, to front of property. Appeal against refusal Delegated decision	04/05/2017
22	Ashley	Land To Rear Of 173 North Road Bishopston Bristol BS6 5AH Erection of single dwelling house (Revision to consent granted under app.no. 13/03853/F). Appeal against refusal Delegated decision	08/05/2017
23	Central	Southey House 33 Wine Street Bristol BS1 2BQ Change of use of part of the lower ground floor from ancillary storage space (A1 Use Class) to residential (C3 Use Class) with ancillary selfcontained storage space. Appeal against refusal Delegated decision	08/05/2017
24	Horfield	73 Filton Grove Bristol BS7 0AW Removal of existing garage and construction of a 2 bedroom attached dwelling. Appeal against refusal Delegated decision	08/05/2017

25	Horfield	Adjacent 2 Filton Road Bristol Erection of an internally illuminated 48-sheet digital display. Appeal against refusal Delegated decision	17/05/2017
26	Filwood	129 Leinster Avenue Bristol BS4 1NN 1 no detached 2 storey house. Appeal against refusal Delegated decision	23/05/2017

List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
27	Ashley	52 Picton Street Bristol BS6 5QA Enforcement notice appeal for the installation of an external roller shutter and associated shutter housing structure to the front of the property. Appeal against an enforcement notice	Appeal dismissed 11/04/2017
28	Hotwells & Harbour	1 Cathedral Square Bristol BS1 5TP Application for consent to display one halo illuminated sign. Appeal against refusal	Appeal dismissed 31/03/2017
29	Windmill Hill	16 Oxford Street Totterdown Bristol BS3 4RQ Appeal against an enforcement notice for the erection of canopy/porch to front of dwelling. Appeal against an enforcement notice	Appeal dismissed 29/03/2017
30	Redland	Flat 2 54 Gloucester Road Bishopston Bristol BS7 8BH Erection of two storey rear extension to provide a further bedroom. Appeal against refusal	Appeal dismissed 30/03/2017
31	Clifton Down	48-52 Kings Parade Avenue Bristol BS8 2RE Proposed erection of a first floor extension and the creation of a two-bedroom self-contained flat, with alterations at ground floor level including new access and refuse and cycle storage. Appeal against refusal Delegated decision	Appeal dismissed 05/04/2017

32	Clifton Down	Hall Floor Flat 4 Eaton Crescent Bristol BS8 2EJ Replace rear, small balcony over garden with a slightly, larger balcony; enlarge present door opening at rear/garden extension onto this balcony. Appeal against refusal	Appeal dismissed 03/04/2017
33	Westbury-on-Trym	Land To The East Of Wesley College Westbury-on-Trym Bristol Proposed construction of four new residential dwellings with associated access and landscaping. Appeal against refusal Committee	Appeal dismissed 03/05/2017
34	Easton	Shah Jalal Jame Mosque 468 - 470 Stapleton Road Eastville Bristol BS5 6PE The erection of a double sided digital advertising tower with associated logo boxes. Appeal against refusal Committee	Split decision 20/04/2017
35	Clifton	Somerset House 18 Canynge Road Bristol BS8 3JX Demolition of three storey office block. Erection of 8no. residential dwellings in two separate blocks with access and egress to Canynge Road. Block one comprises 1 no. 3 bedroom and 2no. 4 bedroom town houses with two dedicated garage parking spaces per dwelling; block two comprises 5no. 2 bed flats with 8no. parking spaces (including 1 no. disabled). Provision of secure refuse and bicycle spaces and associated hard and soft landscaping. Appeal against non-determination Committee	Appeal dismissed 26/05/2017 Costs not awarded
36	Bishopsworth	160 St Peters Rise Bristol BS13 7NE Proposed two storey side extension and loft conversion with roof extension. Appeal against refusal Delegated decision	Appeal dismissed 04/04/2017
37	Redland	(Telephone Kiosk O/s) 13 The Promenade Bishopston Bristol BS7 8AL Internally illuminated digital panel as integral part of telephone kiosk. Appeal against refusal Delegated decision	Appeal allowed 03/04/2017
38	Central	Telephone Kiosk Outside 2/4 Fairfax Street Bristol Internally illuminated digital panel as integral part of telephone kiosk. Appeal against refusal Delegated decision	Appeal allowed 03/04/2017

39	Central	Telephone Kiosk O/s 1 Lewins Mead Bristol Internally illuminated digital panel as integral part of telephone kiosk. Appeal against refusal Delegated decision	Appeal allowed 03/04/2017
40	Knowle	8 Beckington Road Bristol BS3 5EB Erection of single storey extension to the lower ground floor with balcony above and insertion of patio doors to rear elevation. Appeal against refusal Delegated decision	Appeal allowed 10/04/2017
41	Stoke Bishop	49 The Crescent Sea Mills Bristol BS9 2JT A first floor rear extension. Appeal against refusal Delegated decision	Appeal dismissed 16/05/2017
42	Ashley	119 Richmond Road Montpelier Bristol BS6 5EP Demolition of existing two storey extension and replacement with single storey extension and roof extension to create additional storey. Appeal against refusal Delegated decision	Appeal dismissed 02/06/2017
43	Brislington East	Advertising Board Near Mardon Road Bristol BS4 4AA Replacement of externally illuminated 48-sheet advertising display with 48-sheet digital display. Appeal against refusal Delegated decision	Appeal dismissed 17/05/2017
44	Westbury-on-Trym	23 Holmwood Gardens Bristol BS9 3EB Proposed loft conversion with rear flat roof dormer. Appeal against refusal Delegated decision	Appeal dismissed 17/05/2017
45	Horfield	1 Hazel Grove Bristol BS7 0NG Narrow two storey side extension to extend ground floor hall and include study while extending first floor bedroom and bathroom. Garage to side of extension. Appeal against refusal Delegated decision	Appeal dismissed 02/06/2017

DEVELOPMENT CONTROL COMMITTEE A
14th June 2017

REPORT OF THE SERVICE DIRECTOR - PLANNING

LIST OF ENFORCEMENT NOTICES SERVED

Item	Ward	Address, description and enforcement type	Date issued
1	Lawrence Hill	4 Lawford Street Bristol BS2 0DH Erection of three storey extension to the rear. Enforcement notice	11/05/2017

Development Control Committee A 14 June 2017

Report of the Service Director - Planning

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Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Henbury & Brentry	Grant	17/00177/F - 31 Charlton Lane Bristol BS10 6SL Proposed demolition of existing dwelling and the construction of a 2no. semi-detached houses to the front and a terrace of 3no. houses to the rear of the site.
2	Ashley	Grant	15/05673/F and 15/05674/LA - 223 Newfoundland Road Bristol BS2 9NX Proposed development for the complete renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. flats. Demolition of the existing infill lean-to building in the middle of the site, and the modification of gated boundary to the existing building to accommodate new entrances to the proposed housing (major Application)

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v5.0514

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ITEM NO. 1

WARD: Henbury & Brentry **CONTACT OFFICER:** Kevin Morley
SITE ADDRESS: 31 Charlton Lane Bristol BS10 6SL

APPLICATION NO: 17/00177/F Full Planning

DETERMINATION DEADLINE: 16 June 2017

Proposed demolition of existing dwelling and the construction of a 2no. semi-detached houses to the front and a terrace of 3no. houses to the rear of the site.

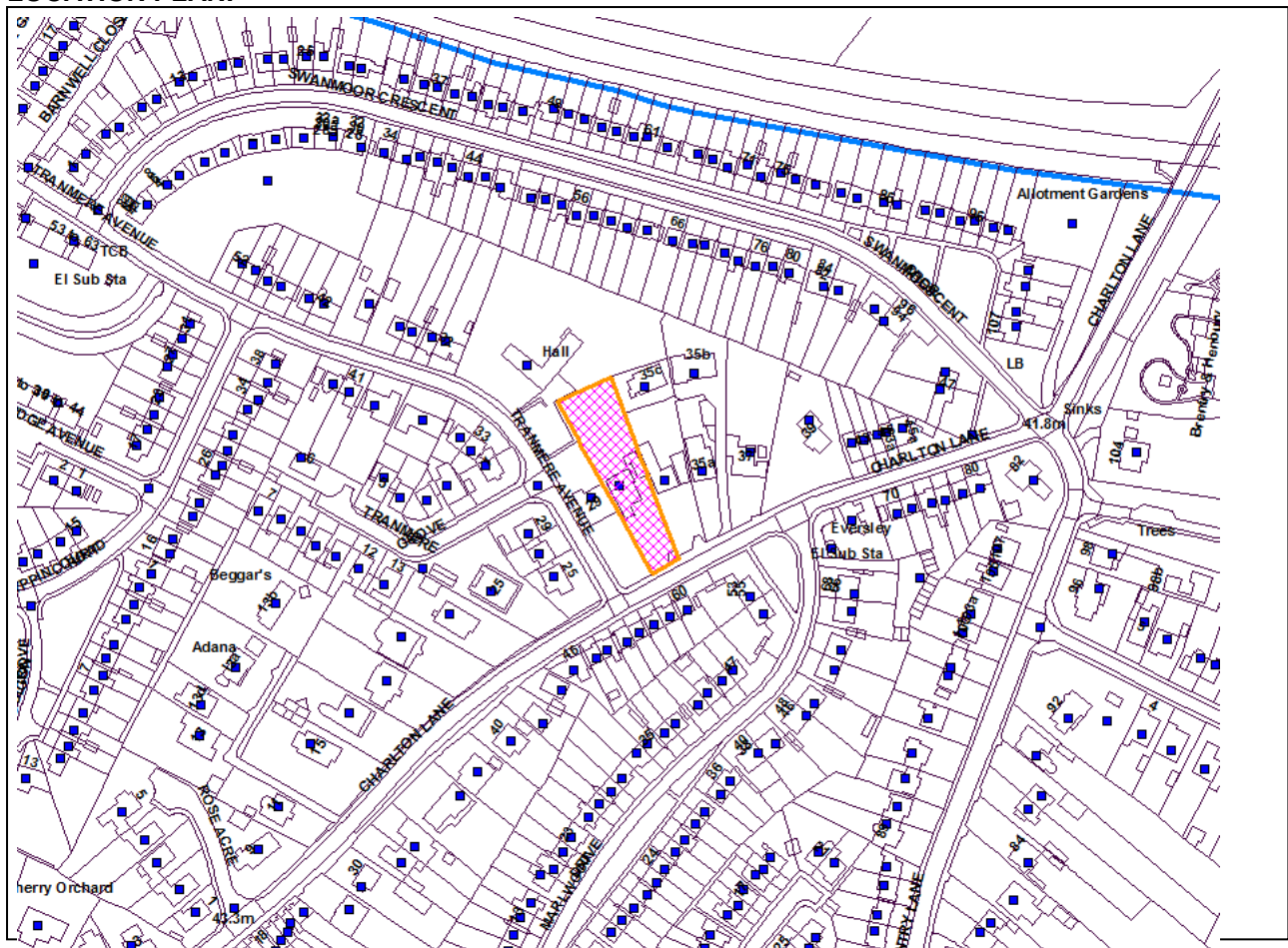
RECOMMENDATION: Grant subject to Condition(s)

AGENT: FirstFox Architecture Limited
 38A Fir Tree Lane
 St George
 Bristol
 BS5 8TZ

APPLICANT: Calt Ventures Ltd
 17 Briercliffe Road
 Bristol
 BS9 2DB

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

LOCATION PLAN:



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Application No. 17/00177/F: 31 Charlton Lane Bristol BS10 6SL

COUNCILLOR REFERRAL

The application has been referred to the Committee by Councillor Mark Weston, who commented as follows on the scheme as originally submitted: -

"Having considered the proposal I am sorry but I must lodge my objections to the proposal. The developer is seeking to change what is a generous site currently containing a single property and is seeking to shoehorn in 6 dwellings.

I fully realise the need for housing however this is excessive in the extreme. The result of which is an overly cramped development with properties with little outside amenity, cramped accommodation and completely out of character for the area in which it sits - namely on a row of detached dwellings.

I believe that this development is flawed on its size, scale, massing and design. As such I believe it should be rejected. If it is recommended for approval then I would like to call it to committee and would further suggest that the planning committee visit the site to see the neighbourhood in which it sits."

Cllr. Weston provided a further comment following receipt of amended plans: -

"I still believe that this is out of character for the row in which the development is proposed."

SUMMARY

The application is for the construction of 5no. two-storey three-bedroom houses on a site currently containing a vacant detached bungalow. The scheme has been reduced in terms of number of houses and further landscaping and private gardens are now proposed. The layout and form of the development is not dissimilar to that found in this suburban area, however the site is adjacent to very low-density detached bungalow developments. Officers consider that the proposals present a scheme that is satisfactory subject to planning conditions, and provides a windfall site of additional housing in suitable location. As such the application is recommended to the Committee for approval.

SITE DESCRIPTION

The site is located within a residential area, which has a mix of housing types, 31 Charlton Lane is a located on a stretch of the road that consists of detached bungalows of varying sizes, with a row of two storey terrace properties opposite. The bungalows have substantial plots which are well screened with a number of mature trees. No.31 itself is now vacant and has become tumbledown. The site is not located within a conservation area and is not allocated/designated within the development plan. A Scout hut with associated grounds and parking is located to the rear of the site.

RELEVANT HISTORY

Planning application ref.08/00749/F for the "erection of detached bungalow on land at rear of existing property" was GRANTED on 07.05.2008 this consent was then renewed (ref.11/01743/R) on 30.06.2011 but was never implemented.

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APPLICATION

The application has been amended from its original submission to reduce the number of proposed houses and parking spaces and to increase the amount of garden space and landscaping. The application proposes the demolition of the existing bungalow and the erection of 5no. two-storey three-bedroom (four person) houses within a row of 3no. at the rear of the site and a pair on the site of the former bungalow. Parking is proposed to the front and rear. Houses benefit from private gardens, cycle parking and bin storage.

PRE APPLICATION COMMUNITY INVOLVEMENT

The proposed development is classed as 'Minor' development, therefore there is no requirement for the Applicant to demonstrate community engagement prior to submitting the application.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised via press and site notices. Consultation letters were sent to 23no. nearby properties. Further re-consultation letters were issued regarding the amended plans. As a result 9no. objectors made representation and 5no. comments of support, including from the Scout premises, were received. Most objectors reaffirmed their concerns through the re-consultation on the amended plans. Issues raised are summarised as follows:

- Loss of trees
- Out of character
- Over-development
- Impact on residential amenity
- Noise and disturbance
- Traffic and transport - including parking problems
- Construction impacts (dust, traffic etc.)
- Refuse/recycling
- Unsecured site
- Over-subscribed schools
- Impact of sewers

The above points will be covered within the Key Issues of the report, apart from the final three issues, which are not relevant planning matters for considering the merits of the scheme in this instance.

OTHER COMMENTS

Transport Development Management (BCC) commented as follows: -

[Based on the scheme as originally submitted]

Principle

The application proposes the erection of 4 terraced and 2 semi detached dwellings along with associated landscaping works. TDM finds the principal of residential development in this location to be acceptable but requests a number of amendments to details of the plan.

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Access

The applicant must note that the vehicular access carriageway will not be eligible for adoption by Bristol City Council. Therefore, it will be the responsibility of the developer to implement a private management regime to upkeep the carriageway and grassed/planted areas.

Current plans show the entrance to the site from the highway as a junction with a wide radius. TDM requests that this is redesigned in the plans as a vehicle crossover/continuous footway with tightened radius and pedestrian priority over vehicles turning into the site.

Waste Storage

TDM requests that the front bin storage area is amended so that it is directly accessible from the footway. The front hedge should be removed/relocated so that waste collection operatives can access the bin store directly from the footway.

Cycle Parking

Each 2-bed dwelling must be served by at least 2 secure cycle storage parking spaces.

For dwellings 1, 2, 3 and 6 - there is suitable access to cycle storage sheds. However, detailed design must be provided of the shed to ensure it is suitable for use as a cycle storage facility.

For dwellings 4 and 5 - whilst there is a shed provided, there is no means to access it step free from the footway without going through the house. This is unacceptable. Either the cycle storage must be relocated to the front of the properties, or, step-free access to the rear of these dwellings must be provided.

Car Parking

The level of car parking proposed for the site is deemed acceptable with regards to the maximum standard with the Bristol Local Plan - Site Allocations and Development Management Policies (Adopted July 2014).

Construction Management

Due to the restricted accessibility of the site, it will be necessary for the applicant to produce a construction management plan prior to the commencement of works. This would need to be adhered to throughout the construction period.

Recommendation

TDM requires further information regarding the following details before approval can be recommended:

- The detailed design specification of the cycle storage sheds
- The positioning of cycle storage facilities for dwellings 4 and 5.
- The access arrangements to the bin storage area at the front of the site.
- The redesign of the vehicular access to the site as a vehicular crossover (rather than junction).

Urban Design Section (BCC) commented as follows: -

[Verbal comments based on the scheme as originally submitted]

The proposed development is over-development of the site, with too much space dedicated to hard surfacing, access and parking. There is not enough breathing space around the houses to the rear

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and their outlook to the rear of the houses at the front is not appropriate. The houses to the front do not raise objection neither does the general approach to design. A preferred scheme would be a pair of houses to the front and a pair of houses to the rear looking out over the Scout hut grounds (i.e. backs-to-backs), with vehicular access running down the side of the site and to the front of the houses to the rear.

Arboricultural Team (BCC) commented as follows: -

[28.04.2017]

I have conducted a site visit and reviewed the supporting arboricultural documentation. Prior to my site visit a vast majority of the trees on site and the neighbouring scot land were removed. This has to me discounting the current arboricultural documentation as it has very little valid comments regarding the current state of the site.

I measured the stumps of all of felled trees on site. This does not included any stumps that appear to be dead prior to these works taking place or the trees within the Scot hut land. In line with the BTRS 28 replacement trees are required to mitigate the loss or a financial contribution of $28 \times \text{£}765 = \text{£}21,420$ pro rate depending on replacement trees on site.

The only tree of value that remains on site is T3 - Yew in the front garden. This has been highlighted for removal however due to the loss of all other significant trees the site design should be altered to retain the tree.

If the scheme is to be redesigned we would require a new arboricultural report to support the application to include: An arboricultural report in line with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

- Tree survey detailing trees on and off site that have an influence on the proposed development and a detail of stumps of recently removed trees,
- A tree protection plan to identify trees to be retained or removed,
- BTRS calculations for tree replacement on site,
- Calculation of financial contribution for trees that cannot be replaced on site,
- Arboricultural implications assessment and method statement for the protection of trees to be retained, and
- A robust landscape plan containing tree locations, species, planting stock size (Minimum 12-14cm Girth) & a maintenance schedule for watering and aftercare to ensure establishment of newly planted trees.

This information needs to be provided prior to consent.

[Further comments 18.05.2017]

I have reviewed the revised supporting arboricultural report. The project arboriculturist has surveyed the site as they have found it and made reference to trees that previously existed on the topographical survey for 2007. They have also referenced the number of trees surveyed in February 2017 by the previous arboriculturist who only identified a small number of trees. Within the images of this report saw dust from recently removed trees is clearly evident on the ground adjacent to stumps showing the site was cleared prior to the survey being completed.

Further to my comment of 28/4/17 a significant number of trees have been removed from site during the initial planning stage that were not presented in the initial arboricultural report, this report also negated to present the extent of stumps from recently removed trees within the Tree constraints plan or tree protection plan as recommended within BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations. At this time I conducted a site visit and measured all of the

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stumps of trees that had recently been felled. This did not include stumps that appeared to be dead trees or trees outside of the red line of the site; predominately within the scout association land.

In line with the BTRS 28 replacement trees were required to mitigate this loss or a financial contribution of $28 \times £765 = £21,420$ pro rata depending on replacement tree planting on site.

The revised report has identified the category C trees that were removed in the superseded report to calculate the 6 replacement trees required in line with the BTRS, this has not taken the significant site clearance that has taken place prior to the original tree survey conducted in February 2017.

The First Fox Architecture drawing, Proposed site laying (AL(0)301) identifies 17 replacement trees and hedging. Due to the level of development on site I agree with the number of trees and their location. Some of the species selected are not favourable and the remainder are small trees. This development needs some scale in the tree planting proposed.

T8 & T15 have been identified and *Pyrus salicifolia* 'Pendula' in maturity are grey blobs that provide very little value; these species need to be revised. Suggested planting in these locations could be *Acer Palmatum*, *Koelreuteria paniculata*, *Amelanchier lamarkii*; this is obviously not an exhaustive list however the size, wildlife or seasonal interest is needed.

T2, T3, T5, T6, T11 the repetition of these crab apple varieties monotonous and are fairly old varieties, there are a number of good quality amenity species that produce fruit and have abundant flowers that would potentially better suit these location. Examples *Malus trilobata*, *Malus Hupehensis*, *Malus Rudolph* to name a few.

T7 *Osmanthus X burkwoodii* is a shrub and would not form part of the mitigation in line with the BTRS.

The northern boundary trees T1- T6 could also be replaced in part with larger trees to form a permeable screen from the houses opposite. Due to the scout association land to the north there no shading issues and therefore larger light canopied trees could be planted such as Birch (*Betula* sp), Scots pine (*Pinus sylvestris*) or species with similar size and stature. I would not approve the species within this plan as is

Considering the above 16 replacement trees have been proposed and therefore a financial contribution of $12 \times £765 = £9,180$ should be agreed for offsite planting.

I have no further objections to the content of the revised arboricultural report or the methodologies proposed. Minor tree surgery to balance the asymmetric crown of T3 Yew is reasonable to retain the tree on site.

The tree protection methodology within the report is reasonable. Due to the level of development activity required to demolish the current structure the cellular confinement ground protection will need to be in place pre-commencement along with the protective fencing, Identified on the Hillside Trees, Tree Protection Plan 170515-31CL-Rev A-TPP-LI. Arboricultural supervision is advised during the installation of the cellular confinement system and a site report provided from the project arboriculturist to show the correct installation.

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RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

(A) ARE THE PROPOSALS ACCEPTABLE IN PRINCIPLE?

The proposed development site is an existing residential property and its associated gardens. As such, the key policy consideration is DM21 Development of Private Gardens, which states that "development involving the loss of gardens will not be permitted unless:

- 1) The proposal would represent a more efficient use of land at a location where higher densities are appropriate; or
- 2) The development would result in a significant improvement to the urban design of an area; or
- 3) The proposal is an extension to an existing single dwelling and would retain an adequate area of functional garden.

In all cases, any development of garden land should not result in harm to the character and appearance of an area."

For the purposes of this policy, criterion 1) relates to areas that are accessible to established local centres, i.e. within 5-10mins walking distance (400-800m). The site is approximately 420m walk from the edge of the Crow Lane district centre, therefore a location considered appropriate for high densities. Given this and the residential context of the site; the proposals are considered acceptable in principle.

(B) DO THE PROPSALS RAISE ANY RESIDENTIAL AMENITY ISSUES?

The proposed houses provide adequate internal and external space and outlook for the residential amenities of future occupiers. Furthermore, although the two blocks of houses have opposing elevations, the separation distance is approximately 21m, which is acceptable.

Similarly the separation distance from Plot 3 to the rear of No.29 Charlton Lane is approx. 20m, which is again considered satisfactory. Due to a large single-storey extension to the rear of No.33, on the opposite side of the application site, the separation distance is shorter at 13m to ground floor windows. Irrespective of boundaries, the upper floor windows of Plot 5 would be in close proximity. However, the Applicant is proposing two evergreen trees as an intervening feature, which will mitigate this possible impact. As such the neighbouring occupiers would not be directly overlooked to warrant refuse in this instance.

The proposed houses are located in a positions and in orientation that mean, in terms of over-shadowing/loss of light, Plots 1 and 2 have a similar impact as the existing bungalow and Plots 3-5 are to the north of neighbours on Charlton Lane and to the west of No.35C, therefore minimising impact from shadow fall to an acceptable level.

Furthermore, given the separation distances involved and the existing outlook of neighbouring occupiers; the proposed houses, with their shallow-pitched roofs would not create an overbearing

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impact on neighbour's outlook. They will be noticeable on oblique angles, but given the suburban nature of the area and the existing back-land development at Nos.35B and 35C, this impact raises no objection from officers.

The intensification of the number of units on the site will undoubtedly create more activity and general noise and disturbance. However, this activity is residential in nature and therefore acceptable in this location. However, the introduction of vehicle parking to the rear will mean that cars are found in what was previously a rear garden. There are examples at Nos.35B and 35C where this already occurs and officers have previously supported residential development to the rear of No.31 (see history). The proposals include robust planting and boundaries to either side of the rear parking area, which is considered to minimise potential nuisance from car lights and noise. However, no details of any external lighting have been provided, so if permission is forthcoming, this would need to be conditioned for further consideration.

Subject to the removal of normal permitted development rights relating to extensions, outbuildings and additional windows, further consideration of external lighting, and the implementation of the boundary planting; the proposals do not raise any unacceptable residential amenity issues.

(C) ARE THE PROPOSALS VISUALLY ACCEPTABLE?

The site is located in an area of suburban housing. On this side of Charlton Lane, large detached bungalows and some backland housing is found. On the other side of the road, two-storey houses in terraced rows and semi-detached pairs can be found. Looking at the immediate area around the site, it is clear that the area supports a large stock of estate-style two-storey housing in predominantly terrace rows, where densities are found to be higher than the immediate area of detached bungalows. Clearly, development plan policy advocates an efficient use of land, in this case the proposals are around 37 dwellings per hectare, and the need for additional housing is a significant material consideration. Therefore, no objection is raised to the principle of introducing a terrace of houses to the rear, given their limited visibility from the public realm. Similarly a pair of houses to the front would not be at odds with the wider character of the street.

Plots 1 and 2, which sit on the site of the existing bungalow are two-storey in height, but only marginally higher at ridge height than the two adjoining bungalows at Nos.29 and 33, owing to higher eaves and comparatively shallow pitched roof planes. There are located well back from the road and the existing Yew tree partially screens Plot 1. No objection is raised to the scale and appearance of these houses, subject to final design details.

Plots 3 to 5 are designed with a slightly different appearance and roof form to allow them to be subservient in height to Plots 1 and 2, due to their backland nature, but remain similar in scale to the adjacent bungalow to the rear of No.33. Urban Design colleagues suggested that a pair of houses in this location would be more appropriate and they should be orientated back-to-back. However, in terms of the latter point, separation distances have already been established as acceptable and Nos.35B and 35C are designed with south-facing fronts (towards the backs of houses on Charlton Lane), therefore it would be difficult to refuse consent on this basis. In terms of quantum of development to the rear; the current 3no. terrace houses provide an acceptable layout, and each house functions with adequate garden space and outlook. Therefore, objection is raised to the scale and appearance of these houses, subject to final design details.

The landscaping proposals are very important for this development, not only to screen elements and replace felled trees (see below), but also as a design feature that softens the development site and adds much needed verdant planting and boundaries to sit in keeping with this suburban area. As such any consent would be conditional on the provision of hard and soft landscaping.

Subject to detailed information relating to design features, finishing materials and landscaping; the proposals are considered to be visually acceptable.

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(D) DO THE PROPOSALS RAISE ANY GREEN INFRASTRUCTURE ISSUES?

When the Applicant obtained the site, it contained a number of trees and shrubs, many of which had taken up most of the rear garden. As part of their surveying works, the Applicant felled most of the trees on the site and was also approached by the Scout group to the north of the site, to remove a row of trees within the Scout's land, which was also done. Although these trees were not protected legally, the Applicant is now aware of their responsibilities within regards to the council's Tree Replacement Standard (BTRS). Further arboricultural assessment work was undertaken in conjunction with the council's Tree Officers to ascertain the number of replacement trees necessary when measured against the BTRS.

Some on-site stumps were disregarded for the assessment as they were historic or dead or the trees were inappropriately located and needed removal e.g. the leylandii trees between the existing bungalow on the site and No.29 Charlton Road to the west. In total the Applicant needs to provide 28no. replacement trees. Such is the size of the site, 20no. of these trees are proposed amongst the development. The remaining 8no. trees are compensated by an off-site financial contribution of £6120 (8 x £765), which the Applicant has provided a Planning Agreement for.

The proposals have been amended to retain the Yew tree at the front of the site. In order to create the vehicle access and provide parking within the semi-private front garden, this tree's root protection area would need special consideration. The Arboricultural report, accompanying the application, suggests that a cellular confinement system in this area would achieve this. Given the operations involved in demolishing the existing bungalow and constructing the 5no. houses, this system needs to be the first operation to take place on site. Therefore, if approved, this feature would be a pre-commencement requisite, similarly to protective fences around all of the retained trees.

The proposals also include the provision of hedgerows, which are of increasing nature conservation merit as well as visual amenity benefit. Given this, the above satisfaction of the BTRS and the protection of retained trees; the proposals do not raise any unacceptable green infrastructure issues.

(E) DO THE PROPOSALS RAISE ANY TRANSPORT AND MOVEMENT ISSUES?

Although the application site is close to a nearby district centre, the area is suburban and the proposed houses are large enough to accommodate families, therefore car parking is required. The amended scheme provides 7no. parking spaces for 5no. three-bedroom houses. There has been some local objection to the lack of parking on site, but officers considered that the current parking provision is adequate and allows for a better site layout with more meaningful gardens and soft landscaping. There is also sufficient space for access, turning and waiting (if necessary).

The application provides a shed for each house, which can be used for cycle parking in accordance with the development plan. Refuse and recycling stores and a holding bin store for days of collection are also proposed, which are considered to be satisfactory. Subject to final design details of these facilities and the provision of the vehicle parking facilities; the proposals do not raise any unacceptable transport and movement issues.

(F) DO THE PROPOSALS RAISE ANY SUSTAINABILITY AND CLIMATE CHANGE ISSUES?

The application is supported by a Sustainability Statement and subject to the implementation of its recommendations and provision of renewable energy measures along with a drainage strategy; the proposals are acceptable in these respects.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics.

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These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval / refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

CONCLUSION

The application proposes a comparatively dense scheme of 5no. good-sized houses in an accessible area close to a district centre. The impact of development has been minimised through the imposition of planning conditions and it is therefore recommended to the committee 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 £14,068.53.

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. 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 been approved 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 vehicles of site operatives and visitors.
- Routes for construction traffic
- Hours of operation.
- Method of preventing mud being carried onto the highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic arrangements including hoardings and/or footway closures.
- Arrangements for turning vehicles.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Arrangements for the delivery of construction materials and the collection of waste.
- Arrangements and locations for the storage of construction materials and waste.
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development.

3. Sustainable Drainage System (SuDS)

The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal.

4. Further Details - Cellular confinement system

Notwithstanding the information submitted to date, prior to any works taking place on site, including demolition, full design and product details of the cellular confinement system, as shown within the approved Arboricultural Report prepared by Hillside Trees Ltd. and dated May 2017, including installation methodology, shall be submitted to and approved in writing by the Local Planning Authority. The cellular confinement system shall be installed in accordance with the approved details prior to demolition and construction taking place, and retained and maintained in perpetuity.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

5. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the position and to the specification shown within the approved Arboricultural Report prepared by Hillside Trees Ltd. and dated May 2017. 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 fences 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 areas 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, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

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6. Further Details - Design

Drawings to a minimum scale of 1:10 (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun unless otherwise agreed in writing by the Local Planning Authority.

- (a) Typical details of doors and windows (showing sectional profiles, cills, surrounds and depth of external reveals),
- (b) Typical details of dormer windows (Plots 1 & 2), and
- (c) Roof eaves, ridge, valleys and rainwater goods.

The detail hereby approved shall be carried out in accordance with that approval.

Reason: To ensure that the external appearance of the building is satisfactory.

7. Further Details - Materials

Detailed manufacturer's information of the following shall be submitted to and be 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 samples.

- (a) Brickwork and mortar (including bond style and finish),
- (b) Render,
- (c) Roof tiles,
- (d) Window panels (if not clearly glazed), and
- (e) Dormer window cheeks and faces (Plots 1 & 2).

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

8. Further Details - Refuse/Recycling

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10; of the refuse storage and recycling facilities, including enclosures, shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved or the use commenced.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved details, or internally within the building that forms 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.

9. Further Details - Cycle Parking

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10 of the cycle parking facilities (sheds), shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of

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the dwellings hereby approved or the use commenced. Thereafter, the stores shall be kept free of obstruction and available for the parking of cycles only.

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

10. Artificial lighting (external)

No development shall take place until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and approved in writing by the Local Planning Authority.

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

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

Pre occupation condition(s)

11. Sustainability statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the sustainability statement (prepared by FoxFirst Architecture Ltd) prior to first occupation. A total 39% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 31% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings).

12. Renewable energy equipment

Prior to implementation, details of the solar panels, including the exact location, dimensions, design/ technical specification) together with calculation of energy generation and associated CO2 emissions to achieve a minimum of 31% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to and be approved in writing by the Local Planning Authority. The renewable energy technology shall be installed in full accordance with the approved details prior to first occupation of the development and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

13. 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.

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14. 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.

15. 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.

16. 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 and where remediation is necessary a remediation scheme must be prepared, 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.

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.

Post occupation management

17. Restriction of parking level on site

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

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

18. Hard and soft landscape works - shown

The landscaping proposals hereby approved, including the 20no. replacement trees, 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.

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Application No. 17/00177/F: 31 Charlton Lane Bristol BS10 6SL

19. No further extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of these dwellings or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

20. No Further Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in the side elevations of Plots 1, 2, 3 & 5, at first floor level, of the dwellinghouses hereby permitted without the grant of a separate planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy.

List of approved plans

21. 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.

Proposed landscape schedule, received 1 June 2017
 Arboricultural report, received 1 June 2017
 AL(0)301C Proposed site layout, received 31 May 2017
 AL(0)120 House 1 and 2 elevations, received 17 February 2017
 AL(0)100 House 1 and 2 floor plans, received 17 February 2017
 AL(0)130A House 3 to 6 elevations, received 9 May 2017
 AL(0)110A House 3 to 6 floor plans, received 9 May 2017
 AL(0)020 Existing site plan, received 17 February 2017
 AL(0)150 House 1 and 2 site cross sections, received 17 February 2017
 AL(0)140A House 3 to 6 site cross sections, received 9 May 2017
 AL(0)001 Site location plan, received 17 February 2017
 AL(0)010 Site topographical survey, received 17 February 2017
 REV A Sustainability statement, received 15 May 2017
 Transport report, received 17 February 2017
 Unilateral Undertaking, received XX XX 2017 [to be entered]

Reason: For the avoidance of doubt.

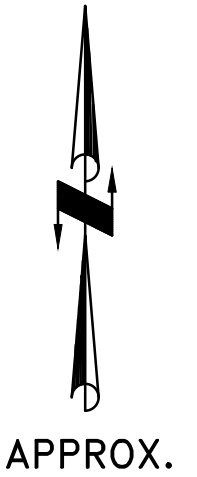
Development Control Committee A – 14 June 2017
Application No. 17/00177/F: 31 Charlton Lane Bristol BS10 6SL

Advices

1. Minor works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking the work on the highway you must enter into a highway agreement under s171, s184 or s278 of the Highways Act 1980 with the council. You will be required to pay fees to cover the council's costs in undertaking the approval and inspection of the works. You should contact TDM - Strategic City Transport (CH), Bristol City Council, PO Box 3176, Bristol, BS3 9FS, telephone 0117 903 6846 or email TransportDM@bristol.gov.uk.
2. All species of bats and their roosts are legally protected. If bats are encountered all demolition or construction work should cease and the Bat Conservation Trust (Tel 0845 1300 228) should be consulted for advice.
3. Nesting birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

Supporting Documents

- 1. 31 Charlton Lane**
 - 1. Topographic Survey**
 - 2. Proposed Layout**
 - 3. Plots 1 and 2 Plans**
 - 4. Plots 1 and 2 Elevations**
 - 5. Plots 1 and 2 Sections**
 - 6. Plots 3 to 5 Plans**
 - 7. Plots 3 to 5 Elevations**
 - 8. Plots 3 to 5 Sections**



179480.00 N

STANDARD REFERENCES

ABBREVIATIONS

bl bollard	lp lamp post
bb belisha beacon	mk marker post
bs bus stop	mh manhole
bt telecoms	nb notice board
catv cable TV cover	np nameplate (road)
cl cover level	p post
conc. concrete	pb post box
cws combined sewer	ret. retaining wall
dk drop kerb	re rodding eye
elc electricity ic	rg road gully
ESS Elec. Sub-Station	rs road sign
ep electricity pole	rwp rainwater pipe
fb flower bed	sp signpost
fh fire hydrant	sv stop valve
fl floor level	svp soil vent pipe
fp footpath	sws storm water sewer
fl.p flagpole	tcb telephone callbox
fws foul water sewer	tp telegraph pole
g gully	tl traffic light
gsv gas valve	utr unable to raise
ic inspection cover	vp vent pipe
il invert level	wlap woodlap fence
irf iron railing fence	wm water tap
jb junction box	wp wood post
ko kerb outlet	wt water tap

Notes

1. This survey has been computed and drawn about an existing survey undertaken in October 2007. Drawing No. 652/4952/1. Only the eaves, ridges and rear garden of No.31 have now been updated.
2. This survey was measured for a scale of 1:200, any subsequent enlargements should be verified on site.

Revisions



Anthony Brookes Surveys Ltd
 LAND, GPS, BUILDING & ENGINEERING SURVEYORS

Unit 2 Thornbury Office Park
 Midland Way
 Thornbury
 Bristol
 BS35 2BS
 TEL: (01454) 419 133
 FAX: (01454) 501 711
 e-mail: absurveys@aol.com
 web: www.anthonibrookes.com





The copyright in the plans remain vested in Anthony Brookes Surveys Ltd who will grant an irrevocable licence for use by the client upon receipt of full payment. No liability for accuracy shall extend beyond the specified scale of graphical mapping. All services and critical dimensions should be field verified.

Surveyed	R McArdell	Date	Nov 2016
Drawn	R McArdell	Checked	Nov 2016

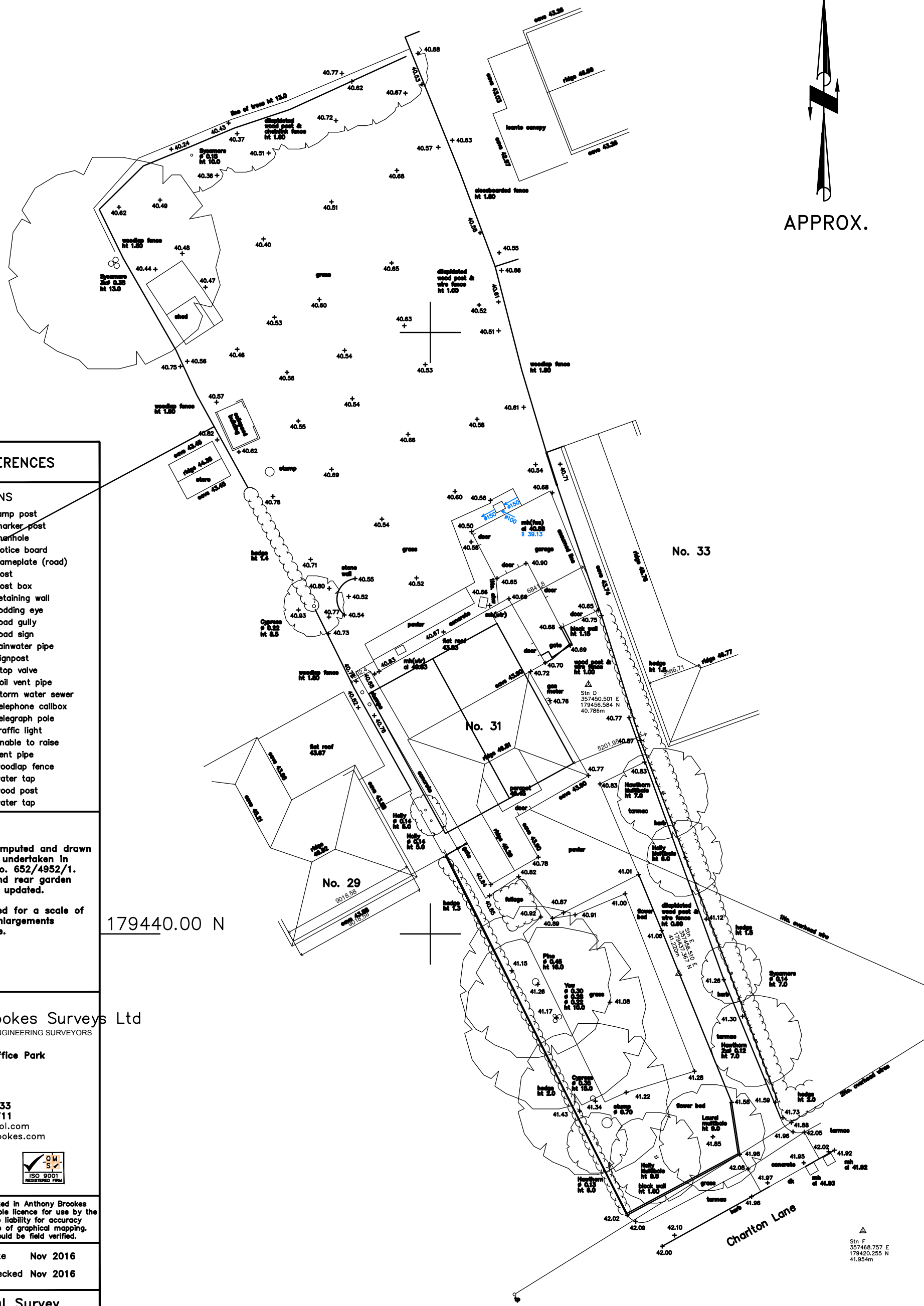
Drawing Title
**Topographical Survey
 31 Charlton Lane
 Brenty
 Bristol**

Client
**Firefox Architecture Ltd
 38a Firtree Lane
 St George
 Bristol, BS5 8TZ**

Drawing No. **790/9483/1** Scale **A2 @ 1:200**

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











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Date	Rev	Name	Chk	Revision
FIRST FOX ARCHITECTURE LTD				
TEL: 0117 960 2261 MOB: 07880 783 602 www.firstfox.co.uk				
Project: 31 CHARLTON LANE, BRENTY				
Drawing: SITE TOPOGRAPHICAL SURVEY		Job No: -- Drawing No: AL(0)010		
Date: JAN 2017		Drawn By: M H FOX		
Scale: A3 1-250		Checked:		
Revision: -- -- --				





LEGEND

-  Existing hedge retained
-  Existing building removed
-  Existing levels
-  Existing fence
-  Proposed 1.8m high close boarded timber fence
-  Proposed permeable tarmac
-  Proposed permeable concrete block paviors laid 90° herringbone (eg Marshalls Tegula Priora Traditional)
-  Proposed permeable grey concrete block paviors laid 90° herringbone (eg Marshalls Tegula Priora Pennant Grey)
-  Proposed foliage hedge
-  Proposed native hedge
-  Proposed low shrub/groundcover planting
-  Proposed tree

Notes:
 All hard surfaces to be permeable and connected to SUDS drainage system
 Sheds provided in rear gardens for bicycle storage

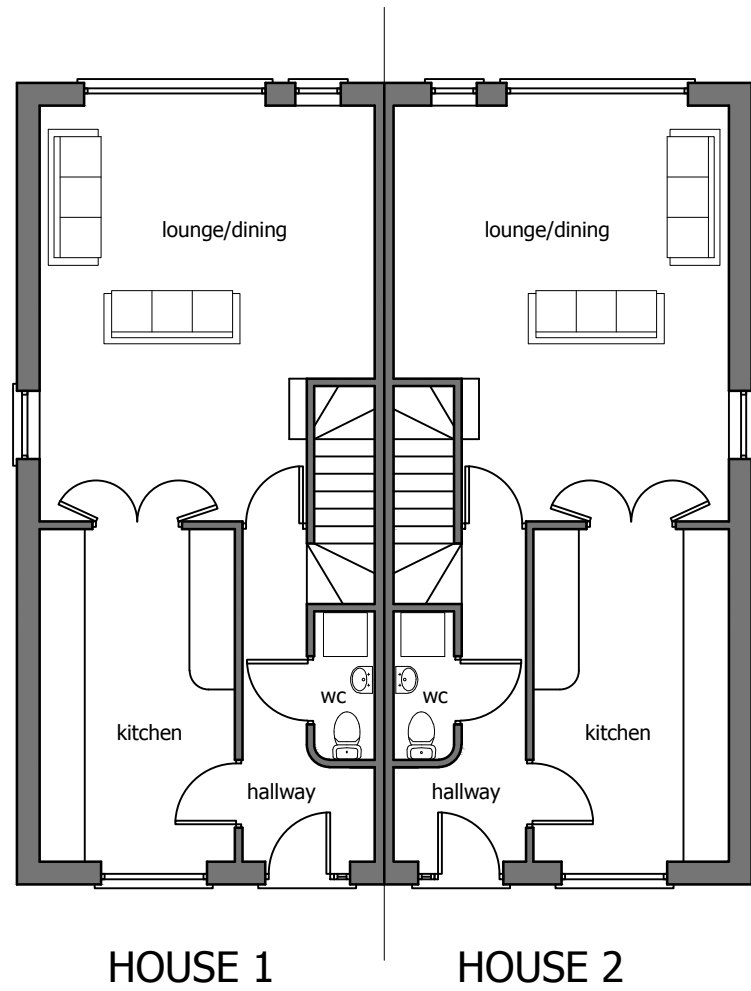
Hillside Trees Ltd
 Revised Planting Suggestions
 May 2017

 Suggested Tree location
 Tree number relating to schedule



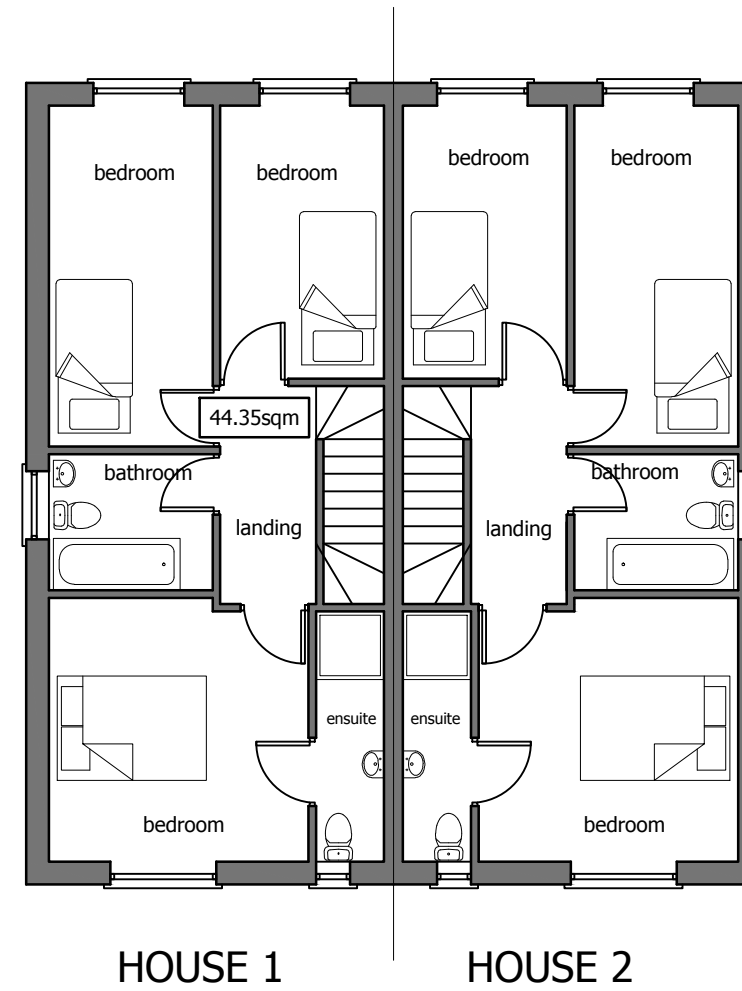
DATE REV ISSUED CHK REVISION	
	
TEL: 0117 960 2261 MOB: 07830 783 602 www.firstfox.co.uk	
Project 31 CHARLTON LANE, BRENTRY	
Drawing Proposed Site Layout	Drawing No : AL0301
Job No : ---	Drawn By : PF
Date : Jan 2017	Checked : MHF
Scale : 1:200@A3	Revision : - - - -

CHARLTON LANE



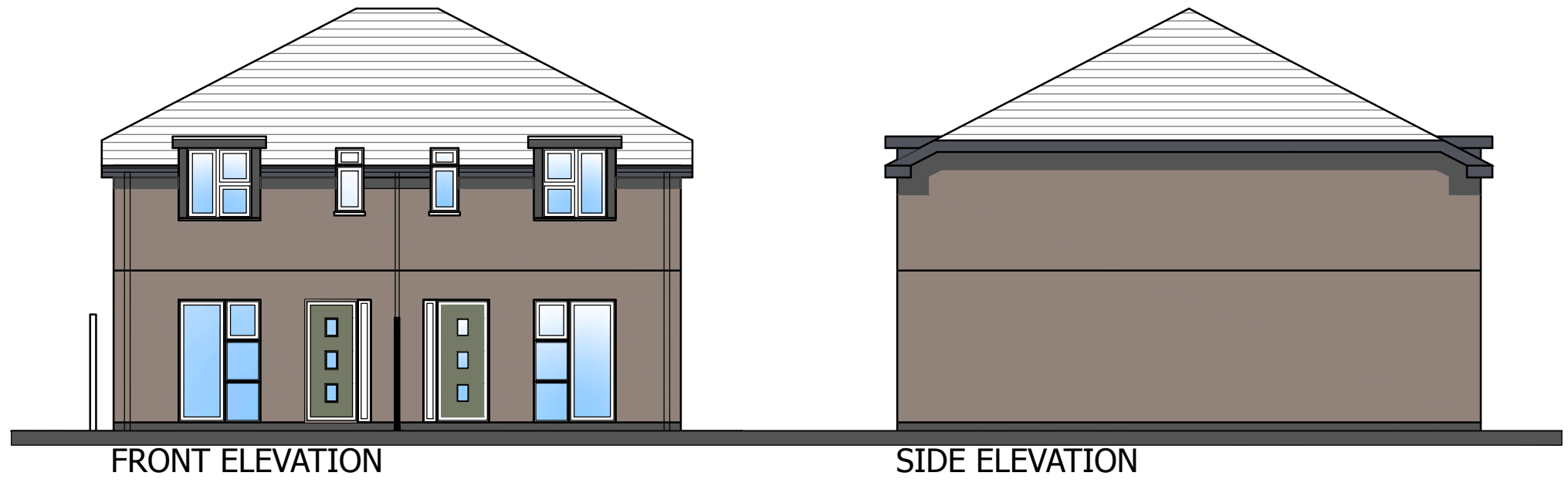
HOUSE 1 HOUSE 2
GROUND FLOOR PLAN 44.35sqm

3 bedroom, 4 person houses



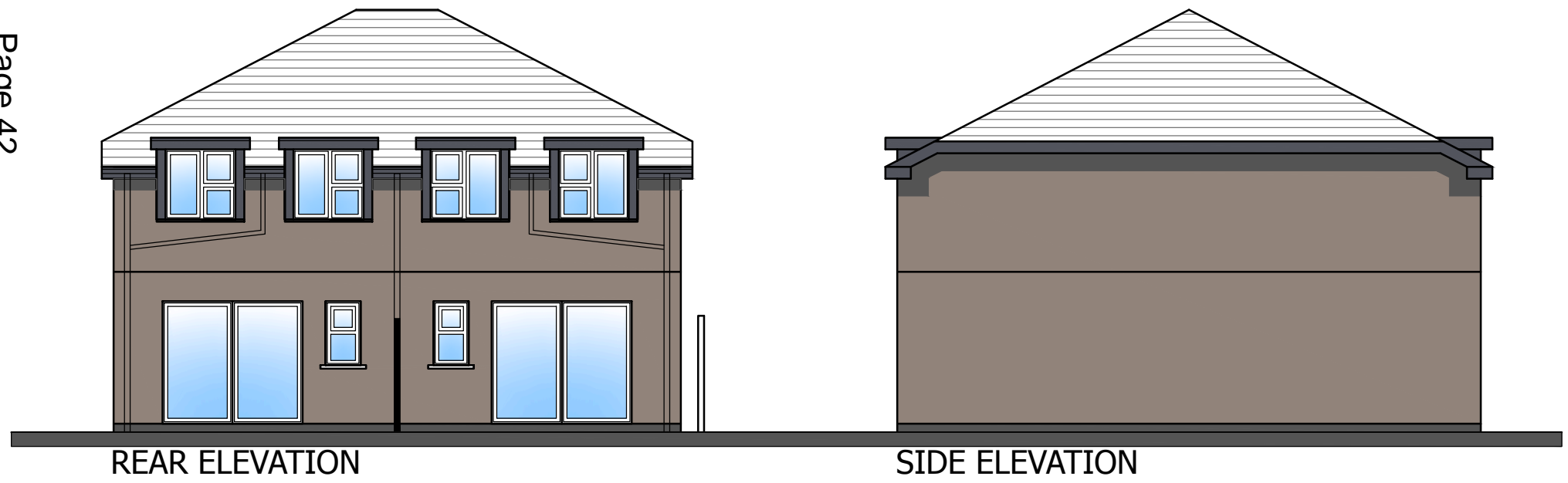
HOUSE 1 HOUSE 2
FIRST FLOOR PLAN 44.35sqm

Date	Rev	Name	Chk	Revision
FIRST FOX ARCHITECTURE LTD				
TEL: 0117 960 2261 MOB: 07880 783 602 www.firstfox.co.uk				
Project 31 CHARLTON LANE, BRENTRY				
Drawing HOUSE 1 & 2 FLOOR PLANS			Job No : -- Drawing No : AL(0)100	
Date : JAN 2017			Drawn By : M H FOX	
Scale : A3 1-100			Checked :	
Revision : - - -				



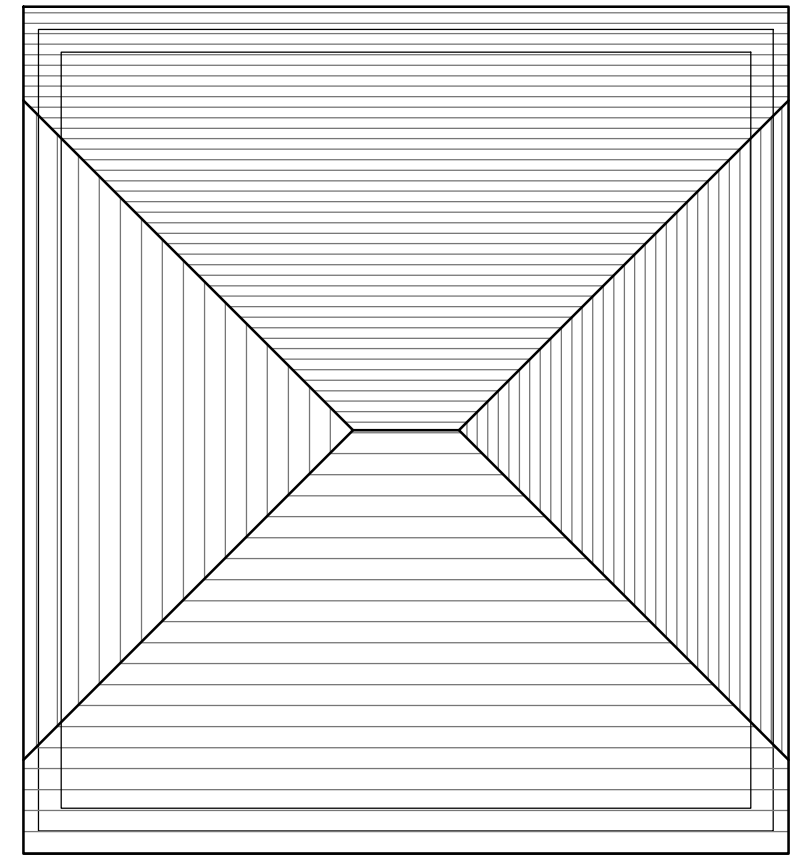
FRONT ELEVATION

SIDE ELEVATION




REAR ELEVATION

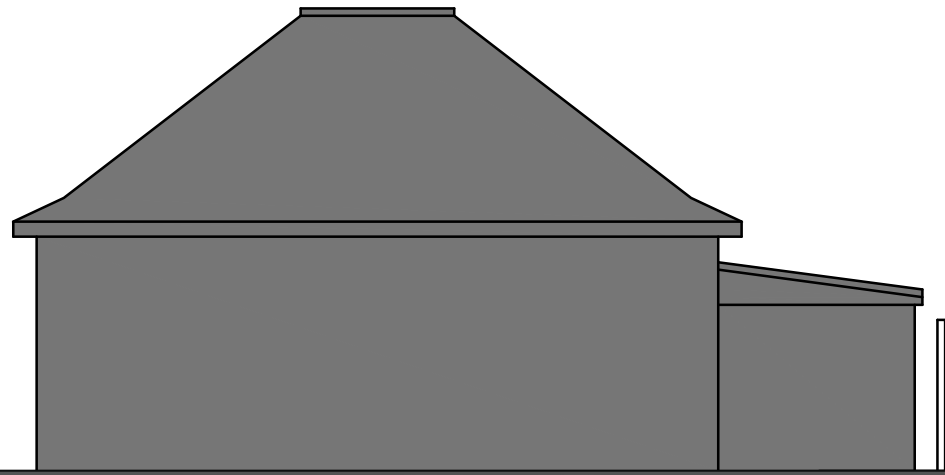
SIDE ELEVATION



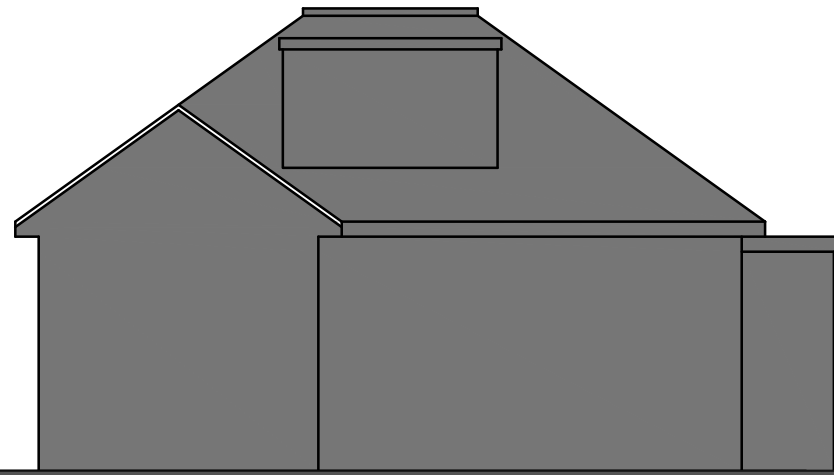
ROOF PLAN

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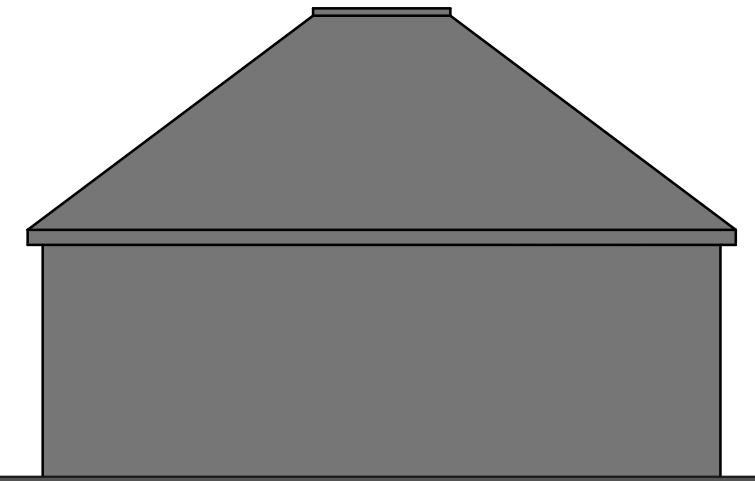
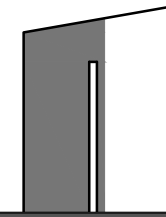
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					Scale : A3 1-100	Checked :
					Revision : -- -- --	



29

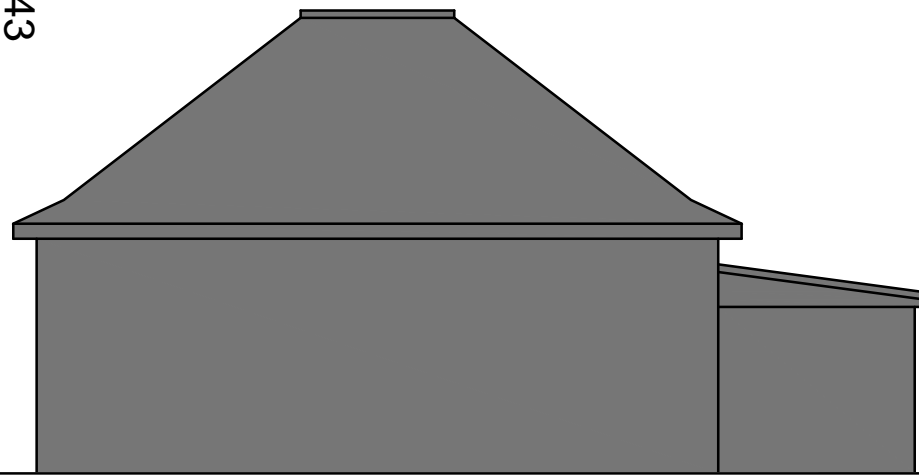


31 Charlton Lane



33

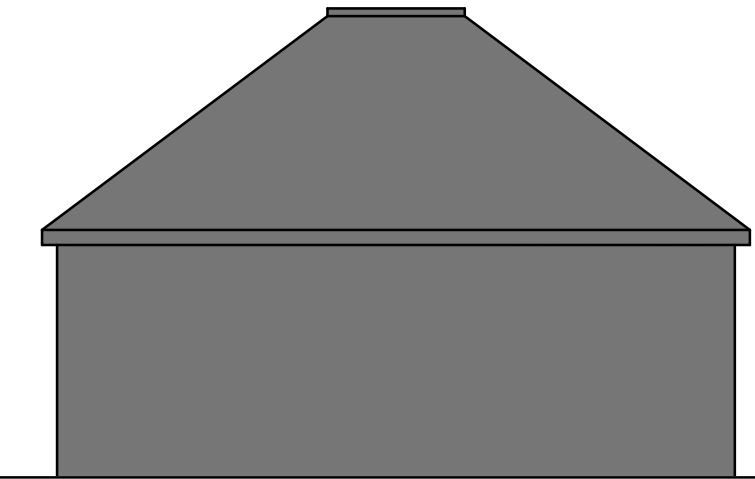
Page 43




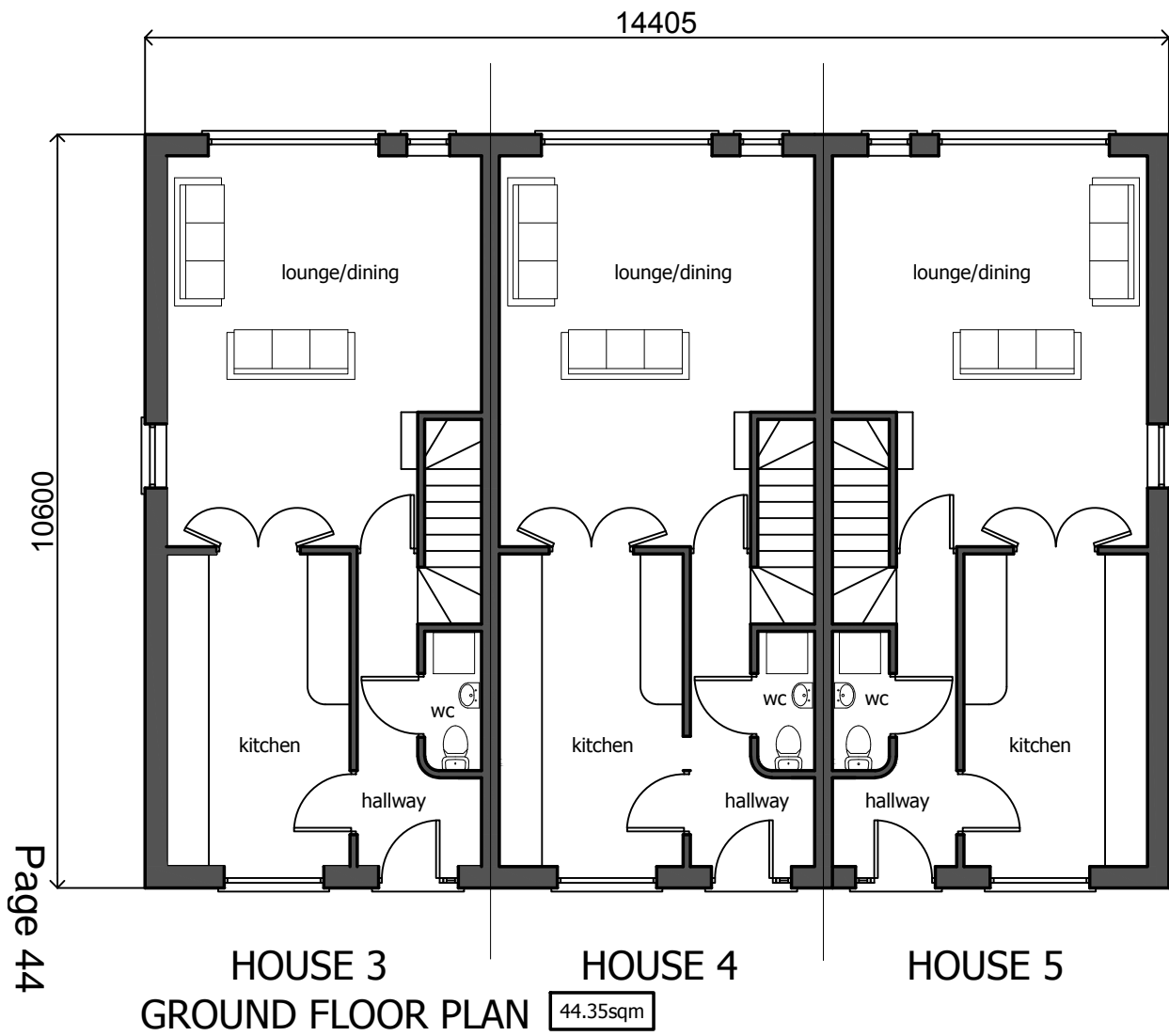
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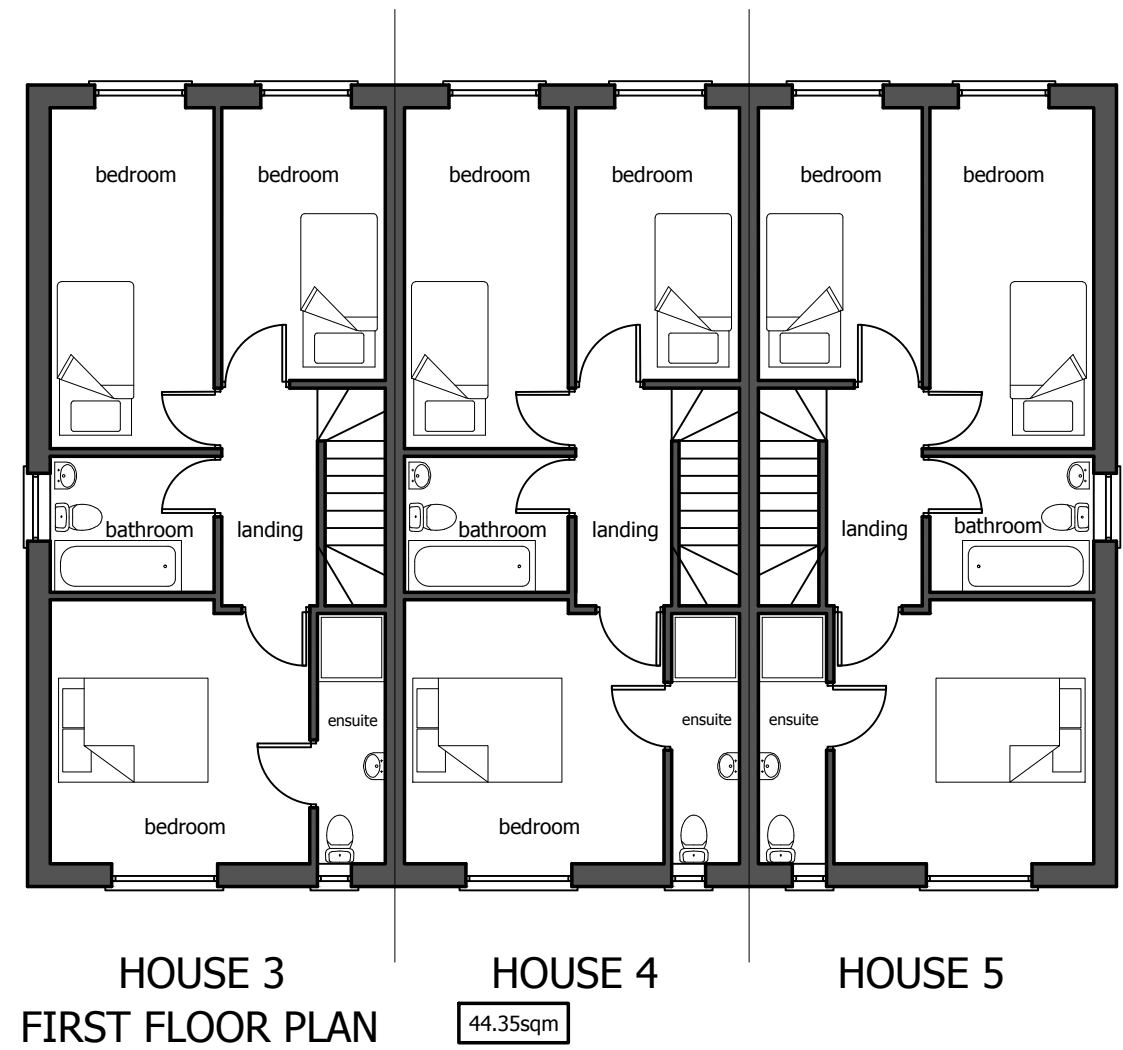


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TEL: 0117 960 2261 MOB: 07880 783 602 www.firstfox.co.uk					Date : JAN 2017	Drawn By : M H FOX
Project					Scale : A3 1-100	Checked :
31 CHARLTON LANE, BRENTRY					Revision : - - -	



Page 44

3 bedroom, 4 person houses



Date	Rev	Name	Chk	Revision



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Project
31 CHARLTON LANE, BRENTRY

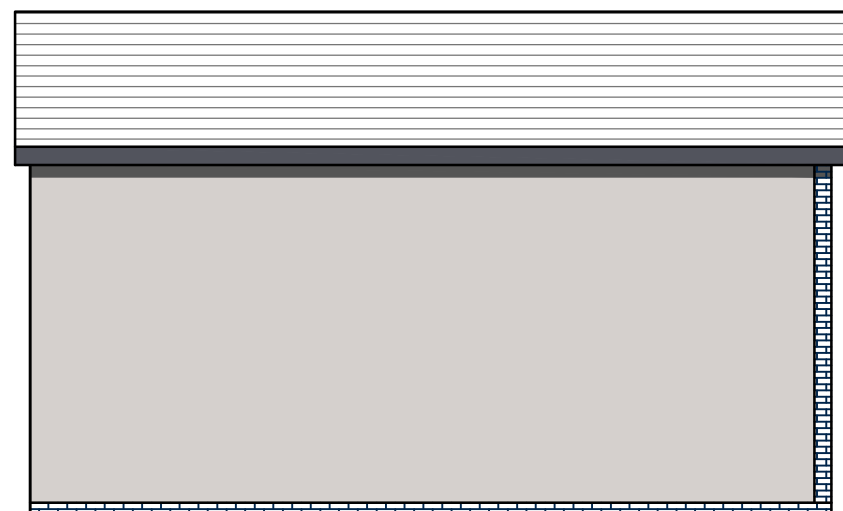
Drawing HOUSE 3 TO 5 FLOOR PLANS	
Job No : --	Drawing No : AL(0)110
Date : JAN 2017	Drawn By : M H FOX
Scale : A3 1-100	Checked :
Revision : - - -	



HOUSE 5
REAR ELEVATION

HOUSE 4

HOUSE 3



SIDE ELEVATION

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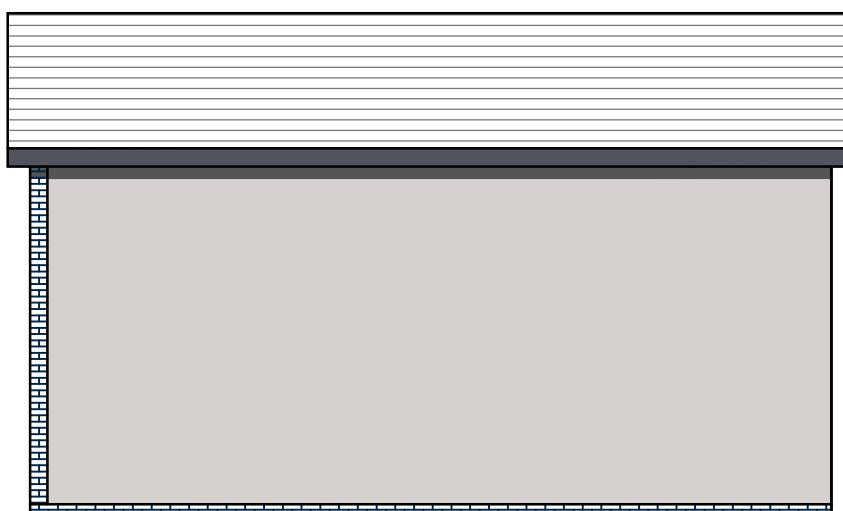


HOUSE 3
FRONT ELEVATION


HOUSE 4

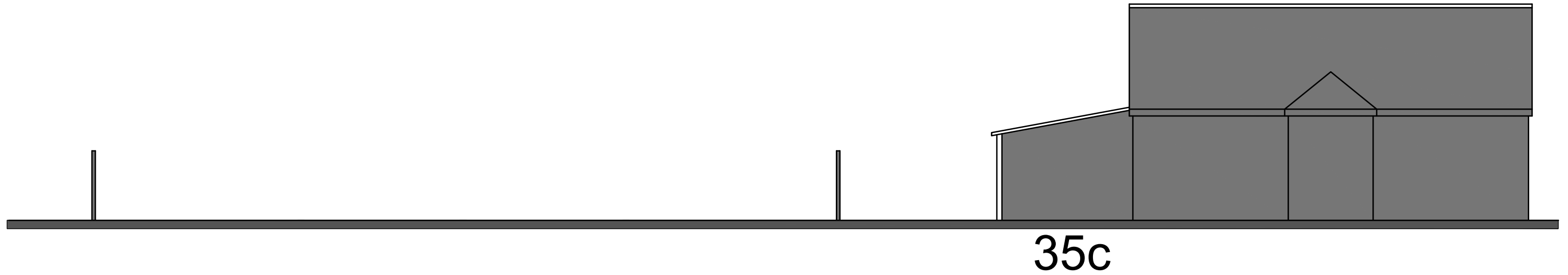
HOUSE 5

88.70sqm total net floor area over 2 floors



SIDE ELEVATION

Date	Rev	Name	Chk	Revision	Drawing	
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Project 31 CHARLTON LANE, BRENTRY					Scale : A3 1-100	Checked :
					Revision : - - -	



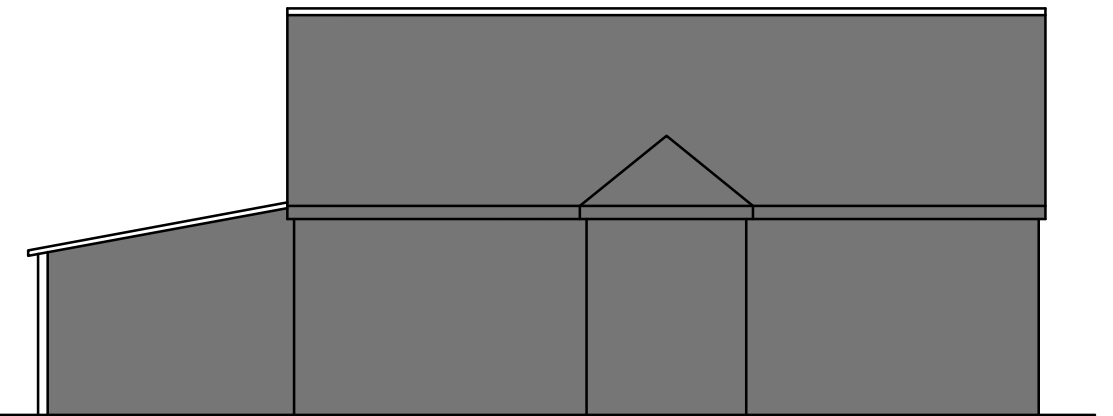
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HOUSE 3

HOUSE 4

HOUSE 5



35c

Date	Rev	Name	Chk	Revision	Drawing	
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Project 31 CHARLTON LANE, BRENTRY					Date : JAN 2017	Drawn By : M H FOX
					Scale : A3 1-100	Checked :
					Revision : - - -	

Development Control Committee A – 14 June 2017

ITEM NO. 2

WARD: Ashley **CONTACT OFFICER:** Katy Dryden
SITE ADDRESS: 223 Newfoundland Road Bristol BS2 9NX

APPLICATION NO: 15/05673/F and Full Planning and Listed Building Consent
 15/05674/LA (Alter/Extend)

DETERMINATION DEADLINE: 16 June 2017

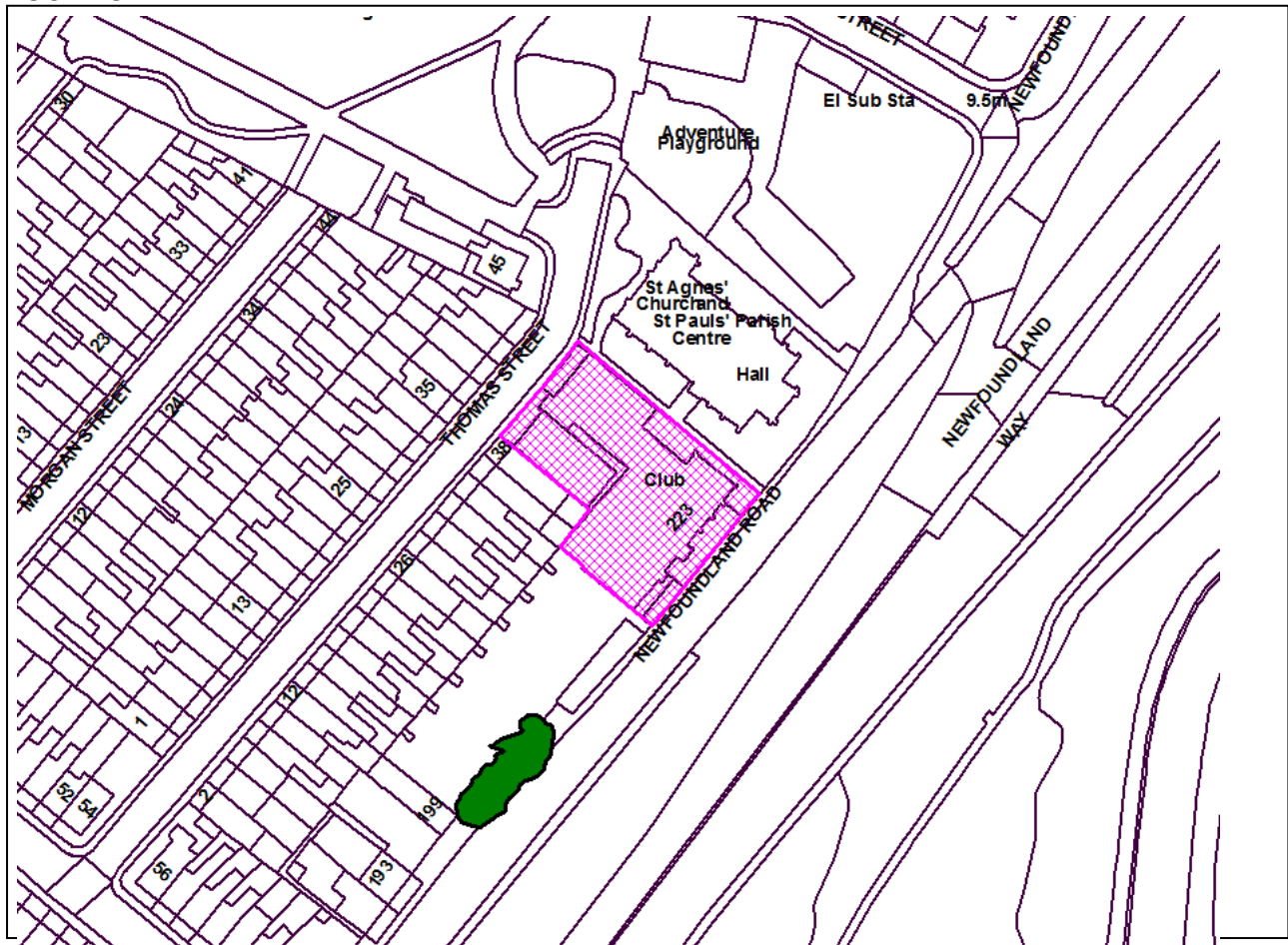
Proposed development for the complete renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. flats. Demolition of the existing infill lean-to building in the middle of the site, and the modification of gated boundary to the existing building to accommodate new entrances to the proposed housing (major Application)

RECOMMENDATION: Grant subject to Condition(s)

<p>AGENT: Oxford Architects The Workshop 254 Southmead Road Bristol BS10 5EN</p>	<p>APPLICANT: The PG Group Stockwood Chambers Cowper Street Redfield Bristol BS5 9JL</p>
---	--

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

LOCATION PLAN:



Development Control Committee A – 14 June 2017**Application No. 15/05673/F & 15/05674/LA : 223 Newfoundland Road Bristol BS2 9NX****SUMMARY**

The application is before members with a recommendation to grant permission subject to conditions. If members are minded to support officers' recommendation then the application is to be sent to the National Planning Casework Unit to ascertain whether the Secretary of State wishes to formally call-in the application for determination. This has come about following recommendation from Historic England, who object to the proposals on conservation grounds. Similarly the council's Conservation Officers also object to the proposals owing to the level of potential harm to the Grade II listed building.

Officers have undertaken an assessment of the planning merits in relation to the application and considerable importance and weight has been attributed to the identified harm to the listed building. Officers have concluded that given the poor condition of the building and its continued vacancy and physical decline, combined with the need for additional housing and that there are no other viable uses and/or developments for the site; this harm is outweighed by the need to bring the site back into use. As such the application is recommended for approval.

SITE DESCRIPTION

The application site refers to a number of buildings forming a complex formally known as Empire Sports, a gym and boxing club. The site is Grade II listed and boasts a number of large spaces and halls, which was originally built as a mission and Sunday school. The building fronts Newfoundland Road to the southeast and Thomas Street to the northwest. To the southwest there is a former car park (also owned by the Applicant and to the northeast lies St Agnes' Church. Apart from the church, nearby park and M32 motorway to the south, the context of the site is residential in character.

RELEVANT HISTORY

In 2015 pre-application ref.15/03547/PREAPP was made for the principle of the partial conversion of the site into residential use.

Listed Building application ref.15/05674/LA is made in conjunction with this application to seek permission for the alterations to the listed building and changes within its setting.

Related to this development site is a former car park that is subject to the planning permission ref.15/05293/F for "Redevelopment of the vacant car park for the Empire Sports Club, to provide 10no. three-bedroom houses (Major Application)" which was GRANTED on 13.10.2016.

APPLICATION

The application has been amended through an iterative process in dialogue with officers and now proposes to remove the twentieth century gym reception building within the centre of the complex and convert the building into 22no. residential units. These consist of 10no. one-bedroom flats, 6no. two-bedroom flats, 1no. three-bedroom flats, 2no. two-bedroom maisonettes and 3no. two-bedroom town-house style units (duplexes). The conversion works involve a number of subdivisions within the existing spaces. Bin and bike storage is also proposed.

PRE APPLICATION COMMUNITY INVOLVEMENT

A Statement of Community Involvement, prepared by Jenny Gee Communications Ltd, was submitted with the application demonstrating the processes involved in the Applicant's pre-application community engagement. The Bristol Neighbourhood Planning Network scrutinised this Statement and noted that the "...community involvement has been satisfactory."

Development Control Committee A – 14 June 2017**Application No. 15/05673/F : 223 Newfoundland Road Bristol BS2 9NX****RESPONSE TO PUBLICITY AND CONSULTATION**

The application was advertised via press and site and consultation letters were sent to 54no. nearby occupiers on two separate occasions (following revisions to the scheme). As a result a total of 4no. representations were received from 2no. respondents were received raising the following concerns:

Traffic and parking issues (including air quality),
 No requirement for small one-bedroom flats,
 Walkway between church and site sees anti-social behaviour, and
 Construction dust/disturbance.

The above points will be covered in the Key Issues of the report, apart from the final issue, which is not a planning matter in this instance.

At the early stage of the application, former Councillors Rob Telford and Gus Hoyt conveyed concerns regarding "Lack of affordable housing (in contradiction of the Central Area Action Plan) and effect on local wildlife/fauna of loss of trees [referring to the adjacent car park site." This was a catch-all representation for both sites promoted by the Applicant. Trees and in part affordable housing issues were dealt with separately under the car park application (ref.15/05293/F), but affordable housing requirements will be covered again in this report.

The Bristol Tree Forum also commented on the application, directing comments mainly towards the adjacent car park site in relation to impact on trees. Again, trees will be covered in the Key Issues of the report.

OTHER COMMENTS

The **Community Assets Team (BCC)** commented as follows: -

This part of Bristol already has an abundant supply of community facilities, but we are aware of substantial demand from voluntary, community and social enterprise organisations for more community use, in order to meet the needs of this densely populated, inner-city neighbourhood.

The Community Assets Team supports the general principle of preserving local community facilities in communities where they are needed and where they are in short supply. In this case, although there are already a significant number of community venues in the St Paul's area, there is strong demand for more premises.

We therefore consider that it would be appropriate for part of the existing community use to be preserved, either within the proposed development, or off-site within the neighbourhood. Policy DM5 and Core Strategy policy BCS12 are relevant to this application. In view of the very strong demand for more community facilities, we specifically refer you to the following part of BCS12: "Existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made."

Nature Conservation (BCC) commented as follows: -

This proposal includes demolition and conversion works. The recommendations regarding bats in section 4.4 on page 7 of the extended phase one habitat survey dated 8 September 2015 should be secured by condition. Evidence of nesting feral pigeons was recorded in roof spaces in the extended phase one habitat survey dated 8 September 2015. Please note that feral pigeons may nest at any time of the year [suggested conditions and advice for bird boxes].

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Arboriculture Team (BCC) commented as follows: -

There are 3 trees identified within the arboricultural report that are relevant to this development; T11, T18 & T19.

T11 is a Cordyline australis in poor condition and does not hold sufficient merit for retention. T18 & T19 are located on the adjacent site of St Agnes Church. There is no boundary wall between the two sites and therefore a tree protection measures need to be implemented.

Documentation we require:

- An arboricultural implications assessment and method statement to identify the constraints to the development due to T18 & T19
- A Tree protection Plan for T18 & T19.
- A revised BTRS calculation for this site unless you are happy to accept the current calculation for both site.
- A robust tree planting plan; identifying tree species, Location of tree planting, Size of specimen, planting methodology.

Sustainable City Team (Air Quality) (BCC) commented as follows: -

[The Team has] reviewed the air quality assessment that accompanies the application. An appropriate assessment methodology has been used. The pollutant concentrations predicted at the development location are predicted to be below the relevant objectives for nitrogen dioxide and particulate matter at the proposed residential receptor locations. As a result, I do not have any concerns with regards to air quality associated with the proposed development.

If as part of the plans it is decided that biomass will be used instead of gas to provide heating, an assessment of the air quality impacts from the biomass plant would be needed, however, indications in the Energy statement lead me to believe that gas will be used.

Flood Risk Team (BCC) commented as follows: -

No information on surface water drainage is provided as part of the application. We note that the proposals are largely comprised of renovation and conversion of the existing building only, and therefore changes to the existing surface water system may not be required.

Contaminated Land Team (BCC) commented as follows: -

No objections. Conditions suggested based on findings of desktop study.

The Coal Authority commented as follows: -

No objection subject to advice.

Transport Development Management (BCC) commented as follows: -

Principle

The application proposes the renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. residential dwellings. TDM has twice previously commented on this proposal (on 15/01/16 and 19/5/2016). Further information is required regarding the proposed refuse storage and residents' bicycle storage for TDM to consider the proposals to be acceptable.

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TDM's previous response to this application expressed concerns regarding the car-free nature of the proposed development, in particular because adequate public transport is further than the recommended distance of 400m from the site. Accordingly, TDM requested 1no. off-street parking bay for each two-bedroom flat, potentially located in the extant neighbouring car-park. However, the neighbouring car-park has now been granted permission in a separate application.

Since the application site is in proximity to Central Bristol, TDM removes the objection against the car-free nature of the site. We would recommend that future residents are not eligible for Residents' Parking Permits to prevent exacerbating the existing car parking pressures in the area.

Bin Storage

The applicant proposes refuse & recycling facilities in two collection points accessible via Thomas Street and Newfoundland Road. For the proposed 22 residential units, the applicant proposes to accommodate:

- Organic Waste: 480 Litres
- Dry Recycling: 1200 Litres
- General Refuse: 3300 Litres
- Cardboard: 1320 Litres

TDM considers the proposed amount of refuse/recycling storage to be satisfactory. TDM previously commented that large scale wheeled bins cannot be used along Thomas Street as the narrow width of the carriageway would preclude access by the appropriate refuse vehicles. However, in the revised plans (Proposed Ground Floor Plan Rev. F) the bin store on Thomas Street does not appear to have been amended. The applicant needs to amend the proposed bin stores on the plans, demonstrating which bins would be in each store.

Bristol Waste have commented that the recycling/refuse storage should be distributed so that residents on the Thomas Street side of the building would not have to carry their recycling/refuse to Newfoundland Road and vice versa. Furthermore, they advised that the Thomas Street side of the building would need to have recycling boxes rather than bins; a shelved storage solution might be necessary.

It is recommended that the applicant consults "Waste and Recycling: Collection and Storage Facilities - Guidance for Developers, Owners and Occupiers", which is available on the Council's website.

Bicycle Storage

The application proposes 40no. bicycle spaces for residents and 6no. bicycle spaces for visitors. Residents' bicycles are proposed to be stored on semi-vertical stands. The Proposed Cycle Provision drawing shows 24no. cycle parking spaces under a canopy within the courtyard area and 16no. spaces in a timber shelter. Visitors' bicycles are intended to be stored on Sheffield Stands accessible via Thomas Street and Newfoundland Road.

TDM's previous response commented that semi-vertical bicycle storage is an unacceptable storage facility as the weight distribution causes damage to the rear tyre. Concerns were also raised that semi-vertical stands presume that all users are able-bodied enough to lift and push a bicycle up an incline. However, the revised residents' cycle parking is still proposed to be semi-vertical. This must be revised. Sheffield Stands are generally the most appropriate solution for residents' cycle parking. Groups of stands must be secured within a covered, lockable shelter or compound, or within a lockable area of a building.

The proposed wooden shed and the canopy intended for occupier's cycle storage are not acceptable due to not being weather-tight. Furthermore, the cycle canopy would not offer sufficient security for

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long-term storage. The bicycle enclosures must be revised. Residents' cycle storage needs to be in a secure, enclosed and well-illuminated location.

Recommendation

For TDM to regard this application as acceptable, the applicant must address the following concerns on revised plans:

- Refuse/recycling storage arrangements must be clarified.
- Residents' bicycle stands must not be semi-vertical.
- Bicycle storage enclosures must be secure and fully enclosed.

Conservation Advisory Panel (CAP) commented as follows: -

Minute of Conservation Advisory Panel meeting 15.12.2015:

The Panel objects to this application in its present form [as originally submitted]. The Panel would welcome repairs to this listed building which is in poor condition. However the proposed subdivision into 24 flats would obscure or destroy a large amount of the original structure and fabric. The space with the open gallery (G14 / F17 on plan) is an important part of the building and this area must be reconsidered. Similarly the double height hall (G8 on plan) with its dark stained timber trusses must be reconsidered.

The stone and the leaded windows must be properly conserved and no uPVC windows should be used and the roof lights must be properly detailed and in the plane of the roof. The proposed bin and bike stores were very prominent on the Newfoundland Road frontage and should be relocated. Other uses should be explored such as live/work units which could utilise the large spaces without as much damage to the listed building.

Heritage Conservation Team (BCC) commented as follows: -

21.01.2016 - Originally submitted plans:

The Buildings are listed under heading of St Agnes Sunday School grade II. They are an interesting set of buildings on three phases fairly close together and enjoying a similar architectural language and treatment of late Victorian Tudor gothic revival dating from 1882, 1886 and 1908 (1886 block relates to the St Agnes Church in architectural details).

Each phase include classrooms and large public /hall spaces with significant full height spaces and ornate roof structures and including the classroom /hall to the second phase with roof lanterns providing light deep into the plan on the ground floor.

The buildings following 50 odd years of Sports Club use showed a good retention of original architectural features, exposed curved beam roofs structure, mullion and transom gothic windows with tracery and stain glass in parts, lantern light with heavy timber structure light well through first floor to ground floor, gothic boarded doors, staircases, fireplaces, timber panelling /boarding to walls and benches.

The Heritage Statement is poor without appropriate assessment of Significance or any assessment of the quality of the of architectural details or plan form. It is limited to the List description and a photographic recording and a D& A layout. There is no recognised justification for the proposals. The Heritage Statement is inadequate for the purpose.

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The proposals are extremely poor and have been developed without any conscious evidence of appreciation of significance of the plan form or the architectural fixture and fittings. The result is extreme overdevelopment and over-intensification with a proposed conversion of the combined buildings into 22 flats and 2 maisonettes.

There is no value with using the proposals as a start point for discussion as it would involve substantial harm to the significance of the listed buildings and the proposals should be refused on its impact to architectural and historic significance contrary to paragraph 132 and 133 of the NPPF.

A mix use to include retention of a community hall and around 10 Flats including the existing flat would be a more appropriate level of conversion which would look to respect the existing plan form and retention of the architectural features.

The design approach should be light touch and respectful of architectural features and minimise subdivision of spaces. The current proposal does not even begin to achieve this.

I would suggest the application planning and listed building are withdrawn and a pre application discussion be initiated.

29.07.2016 - Following further information and revisions:

Summary

1.1 In summary, the current application looks to introduce an over-intensive new use into the mission hall complex that would result in substantial harm to spaces, fabric, features and character integral to the special interest of the heritage assets. The impact of the change of use is compounded by insensitive and poorly considered proposals that fail to preserve or enhance the buildings.

1.2 Brining the buildings back into beneficial use is a relevant consideration in assessing this application. It is accepted that residential use has the potential to be in the public benefit and that this change of use is not an in-principle issue. It is also accepted that viability of the current proposal may not stack up with a less intense scheme. However the substantial loss of all integrity to historic planform, significant intact spaces, original fabric, and internal architectural detailing is unacceptable on this scale and the degree of harm posed is not in the public interest. The beneficial reuse of disused buildings does not justify the substantial harm represented by this scheme. The current proposal cannot be supported.

The Heritage Assets

2.1 The Buildings are listed under heading of St Agnes Sunday School grade II. They are an interesting set of buildings on three phases fairly close together and enjoying a similar architectural language and treatment of late Victorian Tudor gothic revival dating from 1882, 1886 and 1908 (1886 block relates to the St Agnes Church in architectural details)

2.2 Each phase include classrooms and large public /hall spaces with significant full height spaces and ornate roof structures and including the classroom /hall to the second phase with roof lanterns providing light deep into the plan on the ground floor. The buildings showed a good retention of original architectural features following 50 odd years of Sports Club use and including exposed curved beam roofs structure, mullion and transom gothic windows with tracery and stain glass in parts, lantern light with heavy timber structure light well through first floor to ground floor, gothic boarded doors, staircases, fireplaces, timber panelling /boarding to walls and benches.

Proposals

3.1 This application seeks to convert the former complex of mission halls to new residential use incorporating 21 flats or maisonettes over three storeys. This requires a significant level of internal alternation and subdivision within the existing building footprint.

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3.2 Externally new bike and bin stores have been proposed within the limited external area available. Other proposals that would affect the exterior of the building are the restoration and repointing of stonework, and the replacement of all windows. There are sections of the complex where demolitions of later external extensions and structures is proposed to increase and enhance the external areas.

Recommendations

4.1 The Local Authority expressed serious concerns about the level of harm to the Listed building represented by the original proposals. Issues included over-intensive subdivision for residential use leading to the loss of spatial integrity and planform, widespread loss of original features and fabric, and poor locating of bin and bike stores obstruction principal facades. Following dialogue with the applicant additional reports and a revised proposal were submitted for assessment.

4.2 Notwithstanding some improvements in the proposal it is considered that they still represent substantial harm which cannot be justified, specifically the complete loss of the main hall spaces, and the widespread loss or harm to original fabric. The proposed plans still neglect aspects of the Listed building which are clearly of significance and propose harmful and changes. Notwithstanding the need to return this complex of buildings to beneficial use the applicant has not demonstrated that the current proposals offer the best long-term solution for their preservation or enhancement.

4.3 The degree of compartmentalisation, and a new over-intensity of development, will substantially harm the special significance of the listed building in a fashion that is irreversible. Whilst conversion to residential may provide an appropriate response for reuse these proposals can't be supported in their present form.

4.4 Externally the proposals to repair and restore roofs and repoint and repair stonework are welcomed. The revised proposals for the retention and sympathetic replacement of existing windows is also now in keeping with the preservation of the building character and fabric.

4.5 The addition of substantial timber cycle stores and a bin store to the Newfoundland Road frontage would result in the loss of parts of the existing railing and boundary stones. These features contribute to the character and interest of the Listed building curtilage and are contemporary with its construction. The degree of penetration through the existing boundary is unnecessary, harmful, and not supportable.

4.6 New ancillary structures should respect the Listed building and be subservient to it. Through their poor location the new sheds are prominent and visually obtrusive, diminishing an appreciation of the building's original facade. Some of these new structures would additionally obstruct new residential windows. The scale, massing, and materiality of the proposed sheds is out of keeping with the C19th buildings and impact negatively on its appreciation and special interest.

4.7 Internally there is a substantial quantity of original timber flooring. This represents original fabric and efforts should be made to retain this were possible. There is no detailed proposal or justification for the treatment of this fabric within the application, and, because of the intensity of the subdivision of spaces it is assumed that substantial harm will be caused to it.

4.8 The following specific issues with the current proposals should be noted. Room G2 is a large hall, once the Girls club. Whilst alterations to the proposals have sought to retain the original fireplace the proposed party wall remains uncomfortably close to the feature, removes legibility of the chimney breast as a defining feature of the space, and relegates the fireplace to a corner of a proposed kitchen space.

4.9 The removal of existing window mullion and transoms in the north wall of G2 is also considered unnecessary and harmful to original the original fabric. The proposed replacements of

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these windows with, incongruous and unsympathetic large glazed windows, is not supported.

4.10 The loss of Room G1 as a single space is not ideal, but of the several public halls within the complex it is the least architecturally distinguished. However, it is considered that the current proposals for this space fall still short of offering the least harmful solution for it.

4.11 The loss of Rooms in G5-G7 is not considered contentious and this can be supported. Room G8 is the original hall of the earliest structure of the mission. This hall is of highest significance to the special interest of the Listed building. It has not been satisfactorily demonstrated that the subdivision of this space is unavoidable, or that the current proposals represent the best, and least harmful, way in which to develop the space for new use.

4.12 Currently there are no design details in the application that demonstrate that new floor structures with the necessary fire and acoustic separation can be inserted without impacting in the existing window transoms or glazing. Details of the floor around the material connections with the timber beams, and proposals for insulating the existing roof structure, are also required to ensure their preservation within new fabric and demonstrate that proposals can be completed without harm to the heritage assets.

4.13 Other significant features within this space are the timber panelling and a moulded fire surround in the north wall. The plan of the proposed units fails to respect the Significance of the fireplace, and it is relegated to a tertiary location in a bathroom/WC. There is no adequate proposal for the incorporation or preservation of the existing timber panelling which will require substantial harm or loss with the number of new partition walls to be introduced.

4.14 On balance the proposed loss of spatial integrity of this high significance hall, the implied damage to existing fabric through insufficient information, and the poor relationships created with historic features, which will negatively impact on their understanding and legibility within the space, all represent significant harm to the Listed Buildings special interest and will not be supported.

4.15 Proposals for Room G9 suffer many of the same issues as those for G8. Proposals for a high degree of subdivision with new floor and walls represent harm in the loss of planform and fabric and an appreciation of this as a significant space.

4.16 Internally G14, the ground floor of the former gymnasium has been substantially altered in recent history with a mezzanine floor and original walls in the north-west side onto Thomas Street removed. It retains a patent stair accessing the first floor on the north-west side. Generally this space is considered to be of lower significance and subdivision could be supported, but the loss of the C19th patent stair represents harm to the special interest of the building. There has been no proposal for salvage or reuse within the building of this feature and its loss represents harm.

4.17 The roofing-over and reuse of G16 as new circulation is supported. It is recognised that this is a low significance area where alterations are less harmful to the special interest of the building.

4.18 The principle of retaining and restoring the fireplace in G17 is positive, however the intensive subdivision of this space will relegate it to a corner of a newly formed bedroom and the proposals remove a large section of the original loadbearing wall on the north-east side. The proposed planform of this flat fails to respect the remaining historic character or features of this space including the wainscoting door frames, timber floor, benches, and the loss of the fireplace. The extent of survival of interior character in this space needs conserving and the present proposals involving intense subdivision for one flat and a new staircase do not offer an acceptable or reversible response to the heritage assets; it therefore represents substantial harm.

4.19 The proposal for Room G18 require the loss of the original space to more subdivision for Flat 8. The existing fire surround in this room, with its brass dedication plaque, is highly significant to the

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history of the building as set out in the Archaeology Desk Based Assessment. Whilst the applicant has ensured the preservation of the fireplace within the plan of the unit the proposals we feel that it fails to protect the significance through its relegation to a secondary corner of the living space.

4.20 G19 contains a high quality timber stair linking ground and first floors. This is the best and most significant of the remaining stairs in the building and retains its original fabric in its entirety. The loss of this stair, in combination with the substantial loss of other fabric throughout the building, is not currently justified or, acceptable and its loss would damage the interest of the Listed Building.

4.21 The design approach at ground floor is poor, representing significant and substantial harm to the historic fabric, and the proposals for the first floor are also unacceptable in the harm proposed. Rooms F1-F5 all retain substantial quantities of significant and high quality Arts & Crafts woodwork and ironmongery, contemporary with the construction of this block as the Girls club. The planform too is preserved, but the proposal, to remove all walls, fixtures, and fittings threatens significant harm and will not be supported. We do not support the applicant's statement in their impact assessment that the removal of all internal walls at this level would have low impact on the significance. The current approach, to gut this part of the Listed building to form two flats in the present location of one, is significant overdevelopment which would permanently destroy a significant element of the special interest.

4.22 Apart from the original mission hall, Rm G8, Room G18 is perhaps the most significant in the whole building. Built as the church room it was finished to a very high standard. Although a modern suspended ceiling has been inserted into this space it still retains most of the main features which expressed the importance of faith to the mission institution. The fireplace, timber panelling, carved stone corbels, stained glass, cut stone trefoil window surrounds, timber trussed roof, picture rail and timber floor are all features which have high relative significance within the Listed building complex. The proposals for subdivision of the space to form a new flat, fail to recognise the significance of the space and would entirely destroy its integrity and character, and harm historic features. The proposed level of intervention would have a seriously damaging impact on the space and will not be supported.

4.23 In conclusion, this application looks to introduce an over-intensive new use into the mission hall complex that would result in the significant loss of historic fabric, spaces and features that are integral to the special interest of the heritage assets. The negative impact of the change of use is compounded by insensitive proposals that fail to respond proportionately to the relative significance of important features. The loss of integrity to historic planform, significant intact spaces, original fabric, and much of the internal architectural detailing is unacceptable on this scale. Whilst the change of use to residential is not unsupported in principle this scheme represents substantial and unjustified harm to the Listed buildings which cannot be justified against perceived public benefit in providing new private housing.

4.24 This application fails to conform to planning policy designed to protect heritage assets and preserve or enhance their character and distinctiveness. Relevant National and local policy includes, but is not limited to:

NPPF: para. 12. Conserving and enhancing the historic environment

BCS22: Conservation and the Historic Environment

DM31: Heritage Assets

DM26: Local Character and Distinctiveness

08.03.2017- following further revisions:

Regarding the planning and Listed building applications for the above site. We've had a good deal of ongoing discussion with this, and the previous application. The applicant has instructed a large number of alterations which have addressed some of our specific concerns regarding retention of original fabric, and the spatial integrity of key spaces; both these elements are key components of the

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special interest of this complex of buildings.

Whilst many of the amendments in the scheme have reduced the level of harm in some areas there are others where harm continues to be posed, and others again where the level of harm has increased where the building assessment has failed to uncover significant features (eg. The Chapel Room).

There remains the fact that, should this conversion be consented, we would lose the integrity of all the significant internal spaces. In some cases the fabric would be retained and revealed (The main hall), others where the fabric would be retained in situ but concealed, and some, such as the Church Room, original staircases, 2nd floor of the Girls clubrooms where fabric would be permanently lost.

Throughout the pre-application, and planning process for both this and its preceding application we have given clear feedback that the proposals create a concerning degree of subdivision of significant spaces, that the proposals are over-intensive, and would pose harm to the special interest of these assets. We accept that the building is at present under-utilised, though has some occupation and storage use. We accept that residential conversion may prove the optimum viable use of this site, however this should not be at the expense of the historic buildings.

NPPF requires us as a Local Authority to place "great weight" on an asset's conservation. It further states: "Substantial harm to or loss of a grade II listed building,.. should be exceptional." The most critical paragraph in NPPF states "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:"

With the proposed degree of internal alteration and loss of fabric that contributes to the special significance we have to conclude there is a high degree of harm posed. The test we can apply to ascertain whether substantial harm is posed is "would this building be considered for Listing had the works already been carried out?" or "Following these works would an application to remove this building from the List be likely to succeed?" We believe that, had the works been carried out prior to assessment for Listing then the degree of alteration, loss of integrity of original interiors and spaces, would be stated as reasons not to enter it on the national List.

Furthermore we consider that the loss of special interest if the works were consented would seriously diminish the significance of the asset. It is our opinion that, based on the conservation only of the external appearance and isolated exposure of historic features internally, and the extent of the internal works and degree of alteration, that the harm posed has the distinct possibility that the building would be removed from the List if an application was made to do so. We therefore conclude that the proposals threaten substantial harm to the special interest.

We do not consider that the public benefits offered by these proposals outweigh the substantial harm posed by this application. NPPF sets out these criteria as follows:

Does the nature of the heritage asset prevent all reasonable uses of the site?

The site remains in partial use. We consider that alternative approaches to re-use of this building, for the use proposed or other uses, may have significantly less impact on the special interest. Without these approaches having been explored it is not possible to determine that the current application represents the optimum solution for conservation.

Can any viable use of the heritage asset itself be found in the medium term through appropriate marketing that will enable its conservation?

Whilst there is a viability appraisal for the scheme as it is currently proposed, and that continued community use is unsustainable, we are unaware of marketing of the property for an alternative use that would ensure its conservation. We consider that residential conversion could offer a viable use,

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but the current proposal fails to ensure its conservation.

Would conservation by grant-funding or some form of charitable or public ownership be possible? Whilst this approach has not been pursued with the current proposed use we are of the opinion that this building has a strong potential attract grant support for other uses.

Would the harm or loss be outweighed by the benefit of bringing the site back into use? On balance we do not consider that the potential loss of significance of this Listed building is outweighed by the use and intensity of development as currently proposed. We consider that there are alternative approaches, uses, and proposals that would bring these buildings into use which would retain, reveal, and conserve the special interest.

It should be noted that the provision of new residential units does not constitute public benefit using the criteria set out in the NPPF where substantial harm is identified.

In conclusion, whilst we have tried to work with the applicant to minimise the harm posed to the Listed building, the accumulative effect of multiple alterations and losses of historic fabric remain extremely harmful. We consider that the degree of harm is nothing less than substantial, and that there is an insufficient justification of public benefit to outweigh substantial harm. We consider that alternatives for bringing the building back into use could, and should be explored that ensure conservation to a proportionate standard, but the current applications fail to provide an optimised solution. We recommend that this application is refused.

Historic England commented as follows: -

Summary

This application proposed the repair of the exterior of this Grade II listed building along with the intensive subdivision of all internal spaces associated with its residential conversion. The building's significance is derived from its historic, architectural and communal value: and is a multiphase complex of large open halls and games/reading rooms, each designed for specific functions. The spaces themselves and their hierarchy therefore contribute to the significance and special interest of the listed building.

The spatial character and integrity of all significant spaces in the building will be harmed by the proposals, which overall will constitute substantial harm as set out in the National Planning Policy Framework. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework reinforces the importance of conserving and enhancing the historic environment as an essential component of sustainable development; stating (paragraph 132) "great weight should be given to the asset's conservation.

There does not appear to be a clear and convincing justification for the works, and we therefore object to the proposals.

Historic England Advice

It was recently brought to our attention that this application proposes the demolition of a number of staircases in a Grade II building, and therefore it should have been notified to Historic England: as set out in the Arrangements for handling heritage applications -Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is disappointing that although the application appears to have been received in November 2015, we were not made aware of it until April 2017 and that we were only provided with a significant amount of

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information on the 27 April 2017: we, therefore, have had a limited amount of time to consider this new information.

The application is for restoration of the existing building and its conversion to residential use, involving subdivision (vertically and laterally) of all significant spaces within the building. It is also proposed to demolish a number of staircases in the building, although it is proposed to re-use some of those elsewhere.

It is acknowledged that the building is in a poor state of repair and that there are some localised structural issues, although these are not unusual in a building of this age which has had a long period with little-to-no maintenance.

Significance

This building is Grade II listed, as St Agnes' Sunday School, and is a complex of halls built between 1882 and 1908 for the improvement of the people of the area. Funding for the original Mission Hall was raised by James Wilson, the Head of Clifton College, and further works were paid for by the boys of the College. As with many church Sunday schools of that period, halls and rooms were added for specific sections of society (men, boys, girls, etc.) when a need was identified and funds raised.

The Desk-Based Assessment, by Dr Martin Leech (28 March 2016) helpfully sets out the history of the building. The main phases of development are:

- o 1882 The original Mission Hall, two smaller classrooms and a kitchen were built. The Hall is a large space with exposed roof trusses, still evident today.
- o 1883 A Workmen's Club Room was added; again an open Hall with exposed roof trusses (now with a false ceiling).
- o 1884 The Men's Games Room was constructed, and in 1889 the Church Room was constructed above it. Both were single volumes, with the Church Room having an exposed roof structure (as per the other halls), tracery windows with stained glass, and an ornate fireplace. Presumably there was a staircase installed at the time to access this first floor room.
- o 1893 Represented a major phase of development, as the Senior Boys' Gymnasium (a large hall with exposed roof trusses and a central ridge skylight), Games Room, and Reading Room were added on the ground floor. A large Junior Boys' Games and Drill Room (another large hall), and a corresponding Reading Room were added on the first floor. A Playroom and Carpenters Room were constructed in the basement. The Gymnasium has subsequently had a mezzanine added, with a central light well beneath the skylight, and the Drill Room appears to have had some partitions added, but otherwise the form of these spaces, including the original connecting staircase remain intact.
- o 1908 Construction of the Girls' Club Room (single volume on the ground floor) with a purpose built flat above it.

Although the list description records that the interior was not inspected, this does not mean that it is of little or no significance. The list description does, however, give a detailed description of the building's exterior, and notes that it is a "picturesque, well-detailed group related to the Hansoms' work on Clifton College."

The significance and special interest of the building derives from its historic, architectural and communal values.

As noted above the external form of the building is a well-detailed composition, by notable local architects. Internally the building retains a number of architectural features, such as fire-surrounds, exposed roof-trusses, etc., but a large degree of its significance derives from it being a multiphase complex of largely intact open halls and games/reading rooms- each designed for a specific community/social purpose, linked to the original Mission Hall. The different uses (Mission Hall, classrooms, Workmen's Club Room, Men's Games Room, Boys' Gymnasium, etc.) are discernible in the form, internal spaces and layout of the building, and are evidence of the historic philanthropic/charitable provision and buildings of the late-Victorian/Edwardian period. Its internal

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spaces are, therefore, directly linked to the building's historic, architectural and communal values, and its special interest.

Impact

The exterior of the building will be restored which is welcomed; albeit with some additional roof-lights, PV panels, and unsightly bin-stores.

The residential proposals include the following internal alterations:

- o The original 1882 full-height Mission Hall will be divided vertically into three town-houses, which would then be subdivided by the insertion of mezzanines and further compartmentalised to form individual rooms. The two smaller classrooms will be subdivided into two flats.
- o The open hall of the 1883 Workmen's Club Room will be floored across and then further subdivided to form two flats, at ground and first floor level.
- o The 1884 Men's Games Room will be subdivided to form a flat. The 1889 open-halled Church Room will be divided horizontally, with the insertion of a new floor, with further subdivision on each floor to provide two flats.
- o The 1893 Senior Boys' Gymnasium, already partially floored over, will be divided horizontally and vertically into three flats, taking in part of the basement and part of the Junior Boys' Games & Drill Hall on the first floor (with the loss of staircases at either end). The Games Room will be subdivided and Reading Room opened out to form another flat, with the historic staircase to the first floor demolished. A similar degree of subdivision is proposed on the first floor and in the basement. Room B4 in the basement retains its original form. It is proposed to insert a further flat into the roof-space of the 1893 block (alongside the flat in the upper half of the Church Room).
- o The single volume of the 1908 Girls' Club Room will be subdivided into two flats, and all the partitions in the historic flat above will be demolished and the space subdivided into two flats. The original stair between ground and first floors will be retained

Every single internal room, with the exception of B4, will be subdivided, horizontally and/or vertically, with significant harm to the spatial characteristics, integrity and plan-form of each room, the relationships/hierarchy between rooms, and to the building as a whole. The forms of each space relate to their original (community) functions, and the proposed subdivision will, therefore, have an adverse impact on the building's historic, architectural and communal values, and thus will seriously affect key elements of its special interest. Whilst the external form of the building will remain largely unaltered, the intensity of internal subdivision is such that one's ability to appreciate and understand the original architectural and spatial character and interest of the building, and its original functions will be almost completely lost. Its significance will be very much reduced.

We would, therefore, agree with the Council that the proposals constitute substantial harm, as set out in the National Planning Policy Framework (NPPF) (2012) and the supporting Planning Practice Guidance.

Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF reinforces the importance of conserving and enhancing the historic environment as an essential component of sustainable development.

Paragraphs 132 and 133 of the NPPF are of particular relevance:

"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional....."

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"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use"

Whilst it is accepted that there will be some limited public benefit from the repair of the external fabric of the building (and its structural repair) these do not appear to be the "substantial public benefits" referenced in the NPPF.

The nature of the heritage asset does not prevent reasonable use of the site, and it is not clear that an alternative, less harmful proposal would not deliver similar benefits. It is noted that the site was marketed primarily to developers for residential conversion, which presumably would limit interest from other users, such as community groups potentially proposing less harmful proposals (BNP letter 16 January 2016, p4).

It is also worth noting that the listed building was sold along with the adjacent relatively large car-park (BNP letter 16 January 2016, p1). The current owners have permission for 10 no. three bedroom houses, which will clearly impact on consideration of a viable use for the site as a whole.

BNP state that "great effort was made to ensure that the price was maximised" and it is, therefore, not clear whether the value (including the vacant car park) was based on the use of the land, as it stands, or on an unrealistic expectation of a harmful and intensive residential subdivision. There does not, therefore, appear to be a clear and convincing justification for the proposals.

Recommendation

Historic England objects to the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131, 132 and 133.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with the above Direction.

Ancient Monuments Society commented as follows: -

The Ancient Monuments Society (AMS) objects to the application.

Significance of the heritage assets

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St Agnes Sunday School is a Grade II-listed complex which was built in three phases: the first block, which fronts Newfoundland Road, was designed by Charles Hansom and has six distinctive gables. The second, to the rear of the site on Thomas Street, was added in 1886 and was probably designed by W Wood Bethel, architect of the nearby St Agnes Church. The third and final extension to the south of the Hansom block was erected in 1908.

The buildings were listed Grade II in 1994. The list description contains little information about the historic interest and development of the site - it would be useful if the applicant could provide further information on this aspect of the buildings' significance. Historic photographs and maps show that Newfoundland Road was previously a busy residential street and that historic buildings once stood where the A4032 now cuts through. We understand the Sunday school was in use as a sports club for 50 years before it closed down.

Unfortunately, the list description confirms that the interiors were 'not inspected' at the time of listing. This is regrettable, as the information submitted by the applicant clearly shows that there is much of exceptional interest inside the building. The applicant's Heritage Statement of Significance is well illustrated but contains no analysis of the interiors' significance, rather it focusses on the (considerable) impact the proposed changes would have on them.

There are some particularly fine interiors: the Former Mission Hall (G8) is a wonderful set piece with an elaborate roof structure which appears to have survived intact. The Former Gymnasium (G14) has an impressive lightwell with galleries which rise two floors up - it would be hugely insensitive to cover this up. Photographs show numerous other surviving historic features: staircases, panelled doors, skirtings, cornicing, stained glass windows. Most spaces seem to be unaltered, with much surviving fabric and detailing. The rooms' interest needs to be catalogued and analysed as a separate exercise from the applicant's description of proposed changes.

Impact of the proposals

The application is for the conversion of the buildings to 17 flats, two maisonettes and three houses. We understand your authority has already had extensive discussions with the applicant and that this is a revised application which includes some mitigation measures in response to your Conservation Officer's comments.

In our view the current proposals would cause substantial harm to the significance of the building. Although few changes are proposed to the building's external appearance, the internal conversion would be hugely damaging.

AMS Trustees are fully supportive of your Conservation Officer's comments to this effect. The "relocation" of staircases to as yet unspecified positions is no mitigation for their demolition, especially as these features are of fine quality and make an undeniable contribution to the significance of the building. In our view, the conversion has been approached in completely the wrong way. The first step should have been for the owner to commission a full, expert assessment of the significance of the buildings' interiors. This would then have informed proposals for conversion, with certain spaces lending themselves more readily to sub-division than others.

We believe that the current proposals represent gross over-development and that they will cause substantial harm to the significance of the building. In our view, this harm has not been justified. Paragraph 133 of the National Planning Policy Framework (NPPF) states that:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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- o the nature of the heritage asset prevents all reasonable uses of the site; and
- o no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- o conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- o the harm or loss is outweighed by the benefit of bringing the site back into use.

In this case, we are not aware of any 'substantial public benefits' being associated with the conversion of the building. On the contrary, the loss of the Sunday School's historic planform and fine internal features will harm rather than serve the public interest.

Recommendation

For the reasons stated above, the AMS strongly objects to the current application. While conversion may be acceptable, it seems that no efforts have been made to ensure that the existing character of the Sunday School will be retained. We urge the applicant to enter into further discussions with your Conservation Officer to find a less harmful solution.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES**(A) ARE THE PROPOSALS ACCEPTABLE IN LAND USE TERMS?**

The property became a gymnasium and boxing club around the turn of the 60s. Since that time the site has become locally well known as a gym that has produced a number of notable boxers and weight lifters. That said the property ceased operations as a gym around 2014 and became fully vacated (after the owner sold the property and left) in 2015.

The gym is considered to be a quasi-community use due to its leisure-use nature but private-membership patronage. Given this, the Applicant instructed a property agent to produce a marketing report using information from when the gym was sold. Only residential developers showed an interest in the site and this is explored in more detail in the following Key Issue. That said the council's Community Assets Team has stated that there is a demand for community floorspace in the area and some on-site retention would be beneficial despite a significant number of community venues in the St Paul's area. Again, this will be covered further below, but the loss of the gym use is considered to be acceptable in this instance.

Furthermore, given the residential context of the site and comparative accessibility of the central area of Bristol; no objection is raised to the introduction of housing, the need of which is a well-documented material consideration at this time. The proposed development provides a range of accommodation, including 11no. units (50%) that are in excess of 75sq.m, which is considered to be a good sized unit for at least three people.

The proposals are acceptable in land use terms.

Development Control Committee A – 14 June 2017**Application No. 15/05673/F : 223 Newfoundland Road Bristol BS2 9NX****(B) WHAT IS THE IMPACT UPON THE SPECIAL ARCHITECTURAL AND HISTORIC INTEGRITY OF THIS GRADE II LISTED BUILDING?**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development, which affects a listed building or its setting; the Local Planning Authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The cases of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") and in *Barnwell Manor Wind Energy Ltd v East Northants District Council*, English Heritage, National Trust and Secretary of State for Communities and Local Government [2014] EWCA Civ 137, has made it clear where there is harm to a listed building or a conservation area the decision maker must give that harm "considerable importance and weight", this is applicable here because there is harm to the listed building caused by the proposals as set out below.

Section 12 of national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification.

Paragraph 132 of the NPPF also states that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Further to this, Paragraphs 133 and 134 state that where a proposed development will lead to harm, substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or that the specific nature and characteristics of the asset mean that there is no alternative.

In addition to the national guidance, Policies BCS21 and BCS22 within the Bristol Core Strategy (2011) Policies DM30 and DM31 within and the Site Allocations and Development Management Policies (2014) seek to ensure that development proposals safeguard or enhance heritage assets within the city.

Significance of the Building

The site itself is Grade II Listed under the address of St Agnes' Sunday School. The listing notes the property dates back to 1882 by C. Hansom and was extended in 1893 probably by W. Wood-Bethell, and again in 1908. The site is constructed in a general style of pennant rubble and limestone dressings, red brick, lateral and ridge stacks and slate and tile cross-gabled roofs in a Tudor Gothic Revival style, three builds around three sides, each a single-depth plan. The 1886 block shares decorative details such as window heads with the adjoining Church of St Agnes by Wood-Bethell of 1886. The building is noted as a picturesque, well-detailed group related to the Hansom's work on Clifton College. The significance and special interest of the building derives from its historic, architectural and communal values.

Proposals and Impact

Externally the proposals include the removal of the twentieth century gym reception area and the exposed elevations made good, the exterior of the building would be restored with the addition of conservation roof lights and solar PV panels. Within the curtilage of the building refuse/recycling storage and cycle parking facilities are also proposed. Internally the proposals include the subdivision of existing spaces within the complex of buildings to create 22no. dwellings including 3no. two-bedroom town-house style units within the main hall, 2no. two-bedroom maisonettes, 1no. three-

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bedroom flat, 6no. two-bedroom flats and 10no. one-bedroom flats.

The impacts of the current proposals are therefore considered below against; the need to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; as well as the merits of the scheme itself.

The Conservation section of the City Design Group concluded that "whilst we have tried to work with the applicant to minimise the harm posed to the Listed building, the accumulative effect of multiple alterations and losses of historic fabric remain extremely harmful. We consider that the degree of harm is nothing less than substantial, and that there is an insufficient justification of public benefit to outweigh substantial harm." Similarly, Historic England has stated that "The spatial character and integrity of all significant spaces in the building will be harmed by the proposals, which overall will constitute substantial harm... There does not appear to be a clear and convincing justification for the works, and we therefore object to the proposals." See above for commentary in full.

Officers do not disagree with the conclusion from both specialist consultees that the proposals would result in substantial harm. It has been established that the spaces/rooms within the complex and their hierarchy contribute to the significance and special interest of the listed building, and the intensity of internal subdivision proposed in this application is such that the building's significance will be harmed by the loss of plan form integrity. It is this harm that has been given considerable importance and weight below. It is noted that the Applicant's advisors have objected strongly to this assessment of harm providing case law examples where the assertion of substantial harm would amount to something nearing total destruction or demolition. However, the council has acknowledged that the proposals would result in substantial harm and therefore, it is this harm that has been given considerable importance and weight below and as such Paragraph 133 of the NPPF is engaged.

Paragraph 133

Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- i. The nature of the heritage asset prevents all reasonable uses of the site,
- ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation,
- iii. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and
- iv. The harm or loss is outweighed by the benefit of bringing the site back into use

It is accepted that the proposals would result in notable benefits including:

- Removal of the structural (and related public) risks to the future of the heritage asset,
- Removal of the twentieth century gym reception, which is an unsympathetic addition,
- Informal surveillance and improvement of the public path between the church and the site,
- Securing use of a long-time vacant heritage asset to support its ongoing conservation,
- Restoring and enhancing the built envelope and historic fabric of the heritage asset,
- Avoiding continued dereliction on a prominent site into Bristol.
- Providing 22no. dwellings (range of accommodation types) close to the city centre,
- Construction capable of delivering 5no. placements/apprenticeships,
- Economic stimulus with potential for over 80no. jobs on site for twelve months,
- Investment from a local Small-and-Medium sized Enterprise (SME), and
- New Homes Bonus income and for the council (public monies).

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However, it would be difficult to claim that these positives surmount to substantial public benefit. Therefore, the final criterion of Paragraph 133 are pertinent. Notwithstanding their assertion that the harm proposed to the heritage asset is less than substantial; the Applicant has provided significant information and details on these four points following officer advice, in an effort to demonstrate a conclusive argument with regards to the planning judgement. These points will now be taken in turn and the harm has been given "considerable importance and weight" in coming to a planning judgement on each of these criterion.

- i. The nature of the heritage asset prevents all reasonable uses of the site

The current proposal is considered to cause harm to the listed building. Albeit less harm than previously caused by the proposals as originally submitted for 24no. flats, where intensive subdivision of the Mission Hall into 6no. flats removed all semblance of original plan-form. The scheme is thus required to be considered against the need to have special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest. The harm is given considerable importance and weight. This harm must be weighed against any public benefits of the proposal, including securing the building's optimum viable use. Therefore any proposal causing harm must demonstrate that it does indeed present the optimum viable use of the designated heritage asset in order to subsequently demonstrate that the further requirements of Section 12 of the NPPF are met.

Optimum Viable Use

The optimum viable use of any historic building is described within the current NPPF practice guide (Paragraph: 015 Reference ID: 18a-015-20140306), is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The practice guide advises that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised.

The property was originally built in the 1880s as a mission by the members of Clifton College to the poor of east Bristol, a mission to connect 'the two nations' of Victorian England, rather than a mission to evangelise. There was a clear emphasis placed on physical fitness with the introduction of a Boy's Club with a gymnasium. The property was also used as a Sunday school, with its close association with the adjacent church.

The site's close ties to sports and fitness made the later conversion of the site into the Empire Sports Club coincidentally appropriate, and from 1959 the building was used as a members' weightlifting/boxing-club/gymnasium for the next 50 years or so, prior to complete vacancy in 2015. The Applicant has provided narrative that over the years as membership dwindled, as a direct consequence, the condition of the property deteriorated as there were insufficient funds to carry out proper maintenance. The Applicant has also stated that when the club eventually closed it became apparent that the nature and scale of deterioration was significant and the considerable cost of the many essential repairs means that a valuable end-use is necessary to generate sufficient income to restore, stabilise and improve the condition of the building. The supporting correspondence accompanying the application note that the basic stabilisation work required will cost approximately £330k. This is a substantial outlay, for only basic works, which is likely to be a determinant factor in securing a new user and as the Applicant has stated in their supporting information; a figure likely to be a deterrent to community groups and non-profit organisations that could make use of the building.

Notwithstanding the initial high-cost of stabilising works, the application is supported by:

- 1) a marketing report, which indicated approximately 6 months of marketing, with only seven other bidders plus the Applicant showed actual interest, all of whom are private developers providing residential schemes. The accompanying commentary notes that no community groups or

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organisations showed any interest, irrespective of the final sale price, which was considered to be low/entry level for Bristol at around £30 per square foot. Therefore this should have created some interest from community uses, but their absence is directly linked to the high costs of renovating the building. The marketing demonstrates that following the cessation of the gym/boxing club use; no bidders other than residential developers came forward,

2) a Statement of Community Involvement, which demonstrates the extent to which the Applicant gave exposure to a proposed redevelopment of the site, including a leaflet drop, website coverage and a public meeting and during that time no alternative uses (other than residential) were put forward for consideration, and

3) an economic statement, which notes that the layout of the building (as a whole or in part) is unsuited to a gym and a variety of community uses due to its complex plan form and arrangement of rooms. The Applicant has also looked at a mixed-use scheme incorporating B1(a) office use into the proposals alongside housing, within the large spaces. However, such is the further depreciation of development value and the potential uncertainties of finding occupiers, such a scheme would never be implemented due to the development costs.

It is accepted that any marketing exercise will attempt to secure the highest value of the site for the seller and promoter. However, it is also clear that the poor condition of the building, as set out in the supporting structural report by Curtins, and the cost of its repair to even a basic and safe standard e.g. the external propping of failing walls, is a key consideration in determining the next user of the building and ultimately the optimum use.

The NPPF practice guidance under the heading What evidence is needed to demonstrate that there is no viable use? (Paragraph: 016 Reference ID: 18a-016-20140306) states that the aim of appropriate marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated under (ii) of Paragraph 133. Specifically in this case

Furthermore, the guidance (Paragraph: 014 Reference ID: 18a-014-20140306) notes under the heading "Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?" That disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the LPA should disregard the deteriorated state of the asset. The poor condition of the building is very much the case in this instance and there is no evidence that the previous owner deliberately left the building to rack-and-ruin; they only had issues around funds for maintenance (indeed many modern repairs and works to the building are poorly executed and clearly done on a 'DIY' basis). Furthermore, the current owner (Applicant) has made ongoing efforts to maintain the building from further degradation and has even instructed a guardian company to occupy the existing on-site flat.

There has never been any principle objection to residential development of the site in sole land-use terms, given its location and residential context. The above information and the supporting documents accompanying the application combine to satisfactorily demonstrate that the nature of the heritage asset prevents all other reasonable uses of the site, including of a communal nature, due to the cost of repair, therefore satisfying the first criterion of Paragraph 133.

ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

Although this point has some overlap with (i) above, an initial viability assessment was submitted with an amended scheme when the quantum of development was reduced from 24no. units. The viability report was not produced to counter affordable housing requirements as the site was given Vacant

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Building Credit in these respects. Notwithstanding, the accompanying viability commentary noted that the development of the Empire Sports site, in isolation, is not a viable proposal owing the cost of restoration and conversion of the listed building. The Applicant also owns the adjacent former car park, which has separate planning permission for 10no. houses (ref.15/05293/F), and the development viability of the current site includes a form of cross-subsidy from this more straightforward and lower-risk car-park development site. For officer comments relating to planning obligations, including affordable houses, in relation to the current scheme and its close relationship to the car park development site; see the relevant Key Issue in this report.

The viability assessment indicated that the proposed residential development of the site, along with its sister site, was the only viable use given the condition of the building and the costs involved. The Assessment's commentary from the Applicant also addressed why the substitution of B1(a) office space for a number of the proposed apartments (within the larger spaces within the building) would render the project further in unviable, resulting in a net loss of approximately £950k. Along with the final set of amendments to the proposal, the Applicant updated the viability assumptions to indicate that the projected value of the development had not changed significantly - it was still unviable in isolation and required the cross-subsidy from the adjacent housing site. The Applicant also stated that any further reduction in the quantum of development from the current level of 22no. units would ensure that the development would not proceed on development viability grounds, irrespective of the cross-subsidy from the site next door.

Further to point (i) above, and the comments relating directly to the marketing of the site; it is considered that there is no reasonable medium-term use that will enable the site's conservation. Officers consider that the proposed residential development, put forward by the Applicant, is the only viable use of the heritage asset at this time.

iii. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible

The consideration of potential sources of Grant Aid Funding that may be accessed to support the restorative works, were explored by the Applicant using the information pooled by the Heritage Alliance and websites of potential funding agencies such as Bristol City Council, Historic England, Heritage Lottery Fund, The Princes Regeneration Trust, Architectural Heritage Fund and National Amenity Societies (including SPAB, and The Victorian Society).

Whilst the Heritage Alliance listed over 240no. potential funding sources for restorative projects the Applicant concluded that the majority of these funders would not be able to financially support development by private industry, with their funds usually going towards work or projects by charitable organisations or community groups. The Applicant also noted that some of the funders only work within defined local areas that excluded the Bristol Area. Furthermore, a number of the agencies listed only support work to war memorials or places of worship, which would not apply in this instance. Please see supporting information with the application submission for the full list of agencies explored.

They found the issue to be that in any case, grants for works are only available for essential repairs to the historic buildings and should be considered where no viable alternative exists or to provide initial monies to aid the project get off the ground and before LPAs. In this instance, there is a potential alternative in the form of the current submission and this submission is at an advanced stage with the council, having been in front of officers for over a year. Of the compiled list; the Applicant shortlisted a handful of sources that appeared to be relevant and these were explored more thoroughly. Each was found to be unsuitable for the site and the reasoning is set out in the Applicant's supporting document 'Conservation Grant Aid Funding Sources.'

Officers consider that the Applicant has demonstrated that there is no grant-funding or some form of charitable or public ownership available at this time to conserve the heritage asset.

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- iv. The harm or loss is outweighed by the benefit of bringing the site back into use

The potential harm to the building has been explained in full above, by the comments from the council's Conservation section and also Historic England. However, officers feel that in terms of the latter, their conclusion that "...the intensity of internal subdivision is such that one's ability to appreciate and understand the original architectural and spatial character and interest of the building, and its original functions will be almost completely lost..." does not give enough acknowledgement to the design solution the Applicant has proposed for subdividing the main Mission Hall, which is an area of higher significance. The mezzanine floor plate proposed and full height sections to each of the three two-bedroom town house-style units express the hall's structural elements and internal scale, if not its full original length. This element needs to be recognised as a significant amendment to the original proposals for this space (6no. flats), that now reduces the harm to the integrity of the space, in this most important part of the building whilst adding value to the development as a whole.

Similarly the ongoing vacancy and underinvestment in the rest of the building is a significant cause for concern. Indeed, its condition and uncertain future are one of the key material considerations if not the principal matter of concern. The report by Curtins detailing the structural elements of the complex notes that there is "...significant water ingress/damage resulting from lack of maintenance of the roof finishes and roof drainage. Some of these leaks have led to damage to structural elements. There is also a general issue of dampness throughout the entire building, arising from its unheated, unmaintained state."

Apart from preventing further water damage, according to Curtins, the serious structural concerns relate to (i) the bowing of the front (motorway-side) elevation and associated spreading of the eaves in the main Mission Hall (G8) and similarly but less extreme distortion in the smaller hall (Room G9), and (ii) very significant separation and bowing of the eastern gable (church-side) and associated movement and settlement of the south east corner of the Church Room block (G18/F8), which has led to significant local structural distress. The Curtins report recommends that the structural elements identified, at the very least, need external propping to make safe and prevent further deterioration and movement. As permanent solutions the Mission Hall would benefit from the tying action from the dividing internal walls proposed and the Church Room needs a carefully designed structural solution after a temporary prop has been installed. The latter would have direct implications on the informal pedestrian thoroughfare from Newfoundland Road to Thomas Street between the site and church, which is currently open access with no boundary separation. The failing gable end of the Church Room is adjacent to this route.

It is also clear now that the building's structural and general condition has deteriorated significantly over the years, despite the best efforts of the long-standing gym-owner and building's custodian to maintain the complex with the little financial means raised from membership monies. Since the site's cessation as a functional gym and boxing club and further to vacancy in early 2015, the site has been subject to significant deterioration and some unauthorised access. Points (i), (ii) and (iii), above have explored the development options for the site and it is recognised that this proposal is currently the only option for arresting the site's further demise and seeing a viable use on site is a residential development of the quantum proposed.

Having considered the harm and given this considerable importance and weight, it is officers' view that this need for restoration and occupancy is judged to outweigh the identified harm in this instance.

Key Issue Conclusion

Officers have undertaken the assessment required under the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses. They have given the identified harm considerable importance and weight when coming to a final planning judgement. The application in summary details a conversion proposed for 22no.

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dwellings in a manner that aspires to minimise harm as much as possible to achieve the necessary quantum of development to make the restoration of the building viable. In accordance with Section 66 considerable importance and weight has been given to the harm, which is considered to be nothing less than substantial, caused to the listed building the public benefits arising from the proposal have then been considered and these public benefits, although measurable are not considered to be equally substantial. However, officers consider that the second assessment available as part of Paragraph 133 has been met by the Applicant demonstrating that the current proposal is the optimum viable use of the building and only developable option for the site (where a communal use of the building is not possible); and that this outweighs the significant risks of continued vacancy and further deterioration and neglect of the heritage asset in this specific instance.

In accordance with Section 66 officers have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses and considerable importance and weight has been given to the substantial harm to the listed building caused. Nevertheless this is assessed as being significantly outweighed by the benefits of these proposals, which include the bringing back to active viable use and also the repair and restoration of the building both externally and internally it is concluded that the proposal (subject to relevant conditions) would meet the provisions of Paragraphs 131 and 133 of the National Planning Policy Framework, policies BCS21, BCS22 of the Bristol Core Strategy 2011, and policies DM30 and DM31 within the Site Allocations and Development Management Policies (2014). The proposals have been considered in accordance with the requirements of legislation within Sections 16 and 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF.

(C) ARE THE PROPOSALS VISUALLY ACCEPTABLE?

Apart from the removal of the 20th century gym reception building within the centre of the building complex, there are no external changes to the building fabric beyond repair and restoration. Subject to final design details of external alterations, cycle parking stores and bin enclosures; the proposals are considered to be visually acceptable.

(D) DO THE PROPOSALS RAISE ANY TRANSPORT AND MOVEMENT ISSUES?

Transport Development Management (TDM) raise no objection to the proposals, which do not include any vehicular parking, as the site is comparatively close to central Bristol (<800m to Cabot Circus) and there are bus stops within five minutes' walk (400m), to the north on Ashley Road. TDM has recommended that further clarity is sought with regards to the final details of the cycle parking provision, which can be secured through planning condition and have recommended that the future residents are not eligible for Resident's Parking Permits, which can be noted as an advice on any permission.

Related to this Key Issue, it should also be noted that the introduction of residential use onto the site, specifically the north eastern end of the building, would increase the natural surveillance of the pedestrian thoroughfare between the former Empire Sports building and the adjacent church, which would improve the safety and security of this informal route. The proposals do not raise any unacceptable transport and movement issues.

(E) DOES THE PROPOSED DEVELOPMENT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

The proposed development comprises 22no. dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which requires the provision of up to 40% affordable housing subject to scheme viability. However, following a Court of Appeal decision, the government reintroduced the

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Vacant Building Credit (VBC) on 19 May 2016. This allows for the floorspace of existing vacant buildings to be offset against any affordable housing requirement.

In this case, the existing building complies with the VBC criteria for the following reasons:

- The building has been vacant for a considerable period of time
- The building has not been abandoned

The proposed development comprises a change of use with no additional floorspace, other than what is created by subdivision within the existing building. As all the existing floorspace benefits from VBC, the whole of the proposed development is exempt from any affordable housing requirement. It should also be noted that although the Applicant's wider ownership encompasses the adjacent former car park, which is subject to a separate consent (ref.15/05293/F); this too was below the relevant threshold for small-site affordable housing, so irrespective of the two sites' neighbouring relationship and joint ownership; the collective development is exempt from any affordable housing requirement.

(F) DO THE PROPOSALS RAISE ANY RESIDENTIAL AMENITY ISSUES?

The introduction of 22no. residential units onto the site would increase the associated activity, but this is a residential area therefore such activity would not be inappropriate. As the proposals are for conversion only, they are not considered harmful to the residential amenities of neighbouring occupiers.

Given the heritage constraints upon the conversion works; the proposed accommodation provides sufficient space and outlook for the reasonable residential amenities of future occupiers of the site. There are some areas of semi-private amenity space, but no objection is raised given the central Bristol location and close proximity to St Agnes Park.

(G) DO THE PROPOSALS RAISE ANY CONTAMINATED LAND AND COAL MINING LEGACY ISSUES?

The site is located within areas historically associated with contaminants and historical mining operations. However, subject to conditions and advices; the proposals do not raise any unacceptable issues relating to contaminated land or coal mining risks.

(H) DO THE PROPOSALS RAISE ANY AIR QUALITY MANAGEMENT ISSUES?

The site is located within an Air Quality Management Area, due to its proximity to the M32 Motorway. An Air Quality Assessment has been undertaken and no unacceptable issues have arisen.

(I) DO THE PROPOSALS RAISE ANY ISSUES RELATING TO FLOOD RISK?

The site is located within Flood Zone 2 and accordingly the application is supported by a limited flood risk assessment. Given the nature of the development to convert the existing building along with its sensitive historic fabric, no objections are raised on flood risk grounds in this instance.

(J) DO THE PROPOSALS RAISE ANY SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE ISSUES?

Although the application is not accompanied by a dedicated drainage strategy (separate from the flood risk assessment) given the historic nature of the building, the requirement for modern energy

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saving interventions required by local plan policies can be relaxed. The Applicant has proposed a small array of solar PV panels in discreet locations within the multiple roof planes. Subject to full details of these panels; no objections are raised on sustainable development and climate change issues.

(K) DO THE PROPOSALS RAISE ANY TREE AND/OR NATURE CONSERVATION ISSUES?

There are trees close to the church, which would need some form of protection given the structural works necessary on that side of the Empire Sports building, as per the recommendations by the council's Tree officer, which can be sought through planning condition.

The application is supported by a bat survey and recommendations are made, which will be conditional of any permission. There has also been some evidence of pigeons nesting in the roof spaces, and the council's nature conservation officer has asked that the possibility of bird boxes be incorporated into the design of the conversion works. However, given the listed nature of the building, in this instance; it is not considered appropriate to attach such measures to the historic building. However an advisory note will be added reminding the Applicant of their responsibilities with reference to nesting birds and the demolition of the twentieth century addition.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval / refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

CONCLUSION

The impact on the heritage asset has been set out comprehensively in Key Issue B of this report, and considerable importance and weight has been attributed to the identified harm. For the reasoning set out above and in accordance with the requirements of the NPPF; this is outweighed by the importance of bringing the building back into use as much needed housing in a sustainable location. There are no other issues that significantly conflict with development plan policy and as such the application is recommended to the committee for approve subject to conditions and subject to referral to the National Planning Casework Unit (Secretary of State).

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £114,247.77.

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RECOMMENDED GRANTED 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. 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 been approved 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 vehicles of site operatives and visitors.
- Routes for construction traffic
- Hours of operation.
- Method of preventing mud being carried onto the highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic arrangements including hoardings and/or footway closures.
- Arrangements for turning vehicles.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Arrangements for the delivery of construction materials and the collection of waste.
- Arrangements and locations for the storage of construction materials and waste.
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the highway in the lead into development both during the demolition and construction phase of the development.

3. 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, and 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,

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- * 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 is understood prior to works on site both during the construction phase 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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

5. 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, prior to occupation, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and 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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

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6. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the following has been submitted to and approved in writing by the Local Planning Authority (LPA):

- (i) An arboricultural implications assessment and method statement to identify the constraints to the development due to T18 & T19, and
- (ii) A Tree protection Plan for T18 & T19.

The approved protective fence(s) shall be erected around the retained trees in the position and to the specification approved prior to any works commencing on site. The LPA 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, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained tree(s) give(s) and will continue to give to the amenity of the area.

7. Demolitions Method Statement

Prior to work commencing, including demolition, a method statement detailing the proposed approach to all demolitions shall be submitted to the Local Planning Authority and approved in writing. This shall include reference to all temporary works and structure required to ensure the structural stability of the Listed Building during the demolition and construction phases, the retention and safe storage on site of all reclaimed materials proposed for reuse, and how the work will be made-good following demolitions. The development shall be completed in accordance with the approved method statement.

Reason: In the interests of safeguarding the special interest of the Listed Building.

8. Further Details - Retained/Salvaged Materials

Prior to work commencing, including demolition, detailed plan and elevation drawings at a scale of 1:10 showing the proposed salvage and reuse of existing stair fabric, doors, and other decorative details proposed for reuse elsewhere in the building shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

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9. Further Details - Windows and Doors

Prior to work commencing on the relevant element, existing and proposed section details at a scale of 1:5 showing all proposed new or replacement windows, skylights and doors, both internally and externally, will be submitted and approved in writing by the Local Planning Authority. These shall show all material junctions at head, cill or threshold, and jambs and show all proposed frames, glazing, mouldings and materials. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

10. Further Details - Structural Openings

Prior to the relevant element commencing section and elevation details at a scale of 1:5 and 1:10 showing all proposed new permanent structural openings shall be submitted to the Local Planning Authority and approved in writing. These shall show all proposed new structure, lintels, soffits, lintel bearings and proposed making-good around structural interventions. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

11. Further Details - Material Connections

Prior to the relevant element commencing details at a scale of 1:5 of all new material connections between existing fabric and proposed new partition walls shall be submitted to the Local Planning Authority and approved in writing. These shall show proposed connections with floor, walls, and ceilings and include for the retention of existing panelling, skirting, coving, ceilings, and other internal decorative details. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

12. Further Details - Service Runs

Prior to the relevant element commencing all proposed mechanical and electrical (M&E) servicing plans, sections and elevations at a suitable scale shall be submitted to the Local Planning Authority and approved in writing. These shall show all drainage runs, meter cupboards, distribution panel locations, ventilation routes, extract locations, proposed vent and extract design and all new penetrations through existing wall floor and ceilings. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

13. Further Details - Fire Separation

Prior to the relevant element commencing section details at a scale of 1:5 of all proposed fire and acoustic enhancements required between residential units within existing floors, or walls, shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

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14. Further Details - Roof Structure

Prior to work commencing on the relevant element, proposed structural details at a suitable scale showing the retention of the existing roof envelope and the insertion of new floors in the location of proposed flat Nos.20 and 21, shall be submitted to the Local Planning Authority and approved in writing. These shall show all proposed new structural elements, material and structural connections with existing wall and roof fabric. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

15. Further Details - Restoration/Repair

Prior to the relevant element commencing, a method statement detailing the proposed repair of existing roof fabric, external stonework, stained glass, and internal wall, ceiling, and floor finishes shall be submitted to the Local Planning Authority and approved in writing. This shall include any proposed removal of fabric and its safe storage on site prior to replacement, and the proposed materials and techniques proposed for repairs and replacement of damaged material. The development shall be completed in accordance with the approved method statement.

Reason: In the interests of safeguarding the special interest of the Listed Building.

16. Further Details - New Staircases

Prior to the relevant element commencing, detailed plan, section, and elevation drawings of all proposed new staircases at a scale of 1:5 or 1:10 shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

17. Further Details - Hard and Soft Landscaping

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

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory and in the interests of safeguarding the special interest of the Listed Building.

18. Further Details - External Lighting

Prior to the relevant element commencing, proposed plan and section details to an appropriate scale showing all external lighting and predicted light levels at neighbouring residential properties, shall be submitted to the Local Planning Authority and approved in writing. These shall show proposed materials, lighting columns and building-mounted luminaires.

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Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005. The development shall be completed in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining residential occupiers and in the interests of safeguarding the special interest of the Listed Building.

19. Further Details - Boundary Treatments

Prior to the relevant element commencing, proposed section and elevation details at a scale of 1:10 of all proposed new fences, walls, railings, gates, or other boundary treatments to public or private spaces shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

20. Further Details - Refuse/Recycling

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10; of the refuse storage and recycling facilities, shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved or the use commenced.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved details, or internally within the building that forms 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 and in the interests of safeguarding the special interest of the Listed Building.

21. Further Details - Cycle Parking

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10 of the cycle parking facilities, shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved or the use commenced. Thereafter, the stores shall be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking and in the interests of safeguarding the special interest of the Listed Building.

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Pre occupation condition(s)

22. New works to match - Listed Building

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

23. 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.

24. Extended Phase 1 Habitat Survey

The development hereby approved shall be carried out in accordance with the details and recommendations set out in the accompanying Extended Phase 1 Habitat Survey, prepared by Clarke Webb Ecology Limited and dated 8th September 2015, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

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.

Reason: In the interests of highway safety.

26. Further Details - Renewables

Prior to implementation, details of the solar photovoltaic panels (including the exact location, dimensions, design/technical specification) together with calculation of energy generation and associated CO₂ emissions to achieve a reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to and be approved in writing by the Local Planning Authority. The renewable energy technology shall be installed in

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full accordance with the approved details prior to first occupation of the development and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions and in the interests of safeguarding the special interest of the Listed Building.

List of approved plans

27. 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.

13631A Heritage Impact Assessment, received 21 December 2016
 13631A Heritage Statement of Significance, received 21 December 2016
 13631 Structural Building Condition Report, received 31 March 2016
 13631 Marketing Report, received 31 March 2016
 13631 Archaeological Desk Based Assessment, received 31 March 2016
 13631_001A Site Location Plan, received 31 March 2016
 13631_002A Existing Site Block Plan, received 31 March 2016
 13631_003A Proposed Site Block Plan, received 31 March 2016
 13631_004A Existing Site Topography Plan, received 31 March 2016
 13631_008A Existing Plans, received 31 March 2016
 13631_009A Existing Roof Plan, received 31 March 2016
 13631_010 Existing Site Elevation, received 25 November 2015
 13631_011 Existing Site Sections, received 25 November 2015
 13631_012 Existing Site Sections, received 25 November 2015
 13631_013E Proposed Demolitions, received 21 December 2016
 13631_020E Proposed Site Plan, received 21 December 2016
 13631_021G Proposed Ground and First Floor Plans, received 23 March 2017
 13631_022E Proposed Second Floor and Roof Plans, received 23 March 2017
 13631_023D Proposed Elevations, received 21 December 2016
 13631_024B Proposed Courtyard Elevations, received 31 March 2016
 13631_025D Proposed Sections, received 21 December 2016
 13631_026D Proposed Site Sections, received 21 December 2016
 13631A Affordable Housing Statement, received 31 March 2016
 13631 Air Quality Statement, received 25 November 2015
 13631 Arboricultural Report, received 25 November 2015
 13631 Bristol Coal Mining Report, received 25 November 2015
 13631 CIL Questions Form, received 25 November 2015
 13631 CJA Site Investigation Report - Final, received 25 November 2015
 13631 Community Involvement Statement, received 25 November 2015
 13631 Economic Statement, received 25 November 2015
 13631 Energy Statement, received 25 November 2015
 13631 Environmental Noise Report, received 25 November 2015
 13631 Extended Phase 1 Habitat Survey, received 25 November 2015
 13631C Flood Risk Assessment, received 31 March 2016
 13631B Heritage Statement, received 23 December 2016
 13631A Proposed Planning Obligation Agreement, received 31 March 2016
 13631A Sustainability Statement, received 31 March 2016
 13631A Transport Statement, received 31 March 2016

Reason: For the avoidance of doubt.

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Advices

- 1 Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
- 2 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

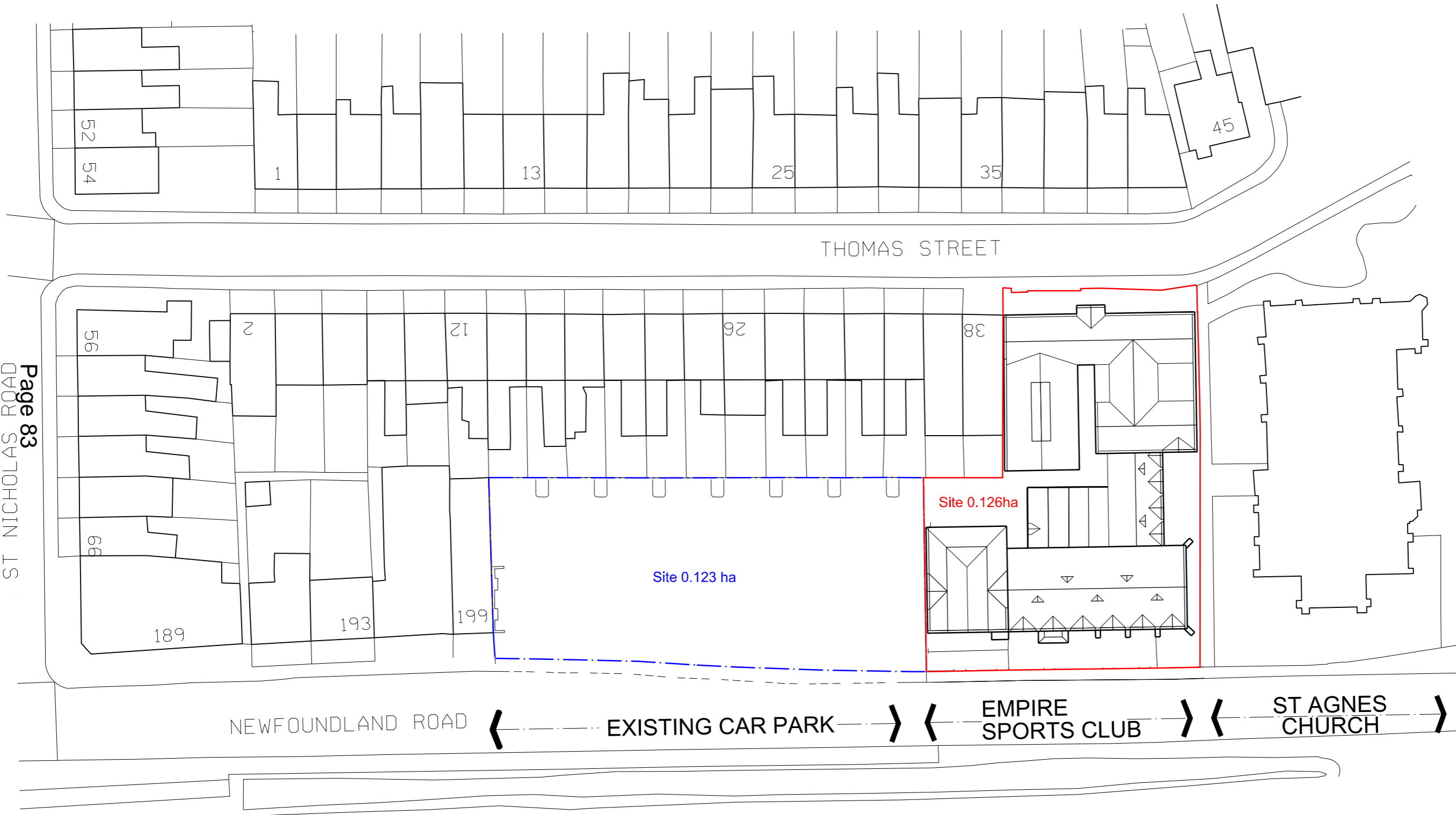
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

- 3 All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. Therefore the Applicant is advised that 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.

Supporting Documents

- 2. Empire Sports 223 Newfoundland Road**
 - 1. Existing Site Plan**
 - 2. Existing Plans**
 - 3. Existing Roof Plans**
 - 4. Proposed Basement and Ground Floor Plans**
 - 5. Proposed Section Floor and Roof Plans**
 - 6. Proposed Site Sections**
 - 7. Proposed Ground Floor Mission Hall**
 - 8. Proposed First Floor Mission Hall**
 - 9. Proposed Mission Hall Sections**



Ref	Date	Revision
A	30.03.16	Central Building Added to Plan

Partner	Drawn	Date
AJ	SEJ	30/10/15

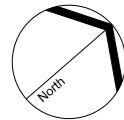
Status
Planning

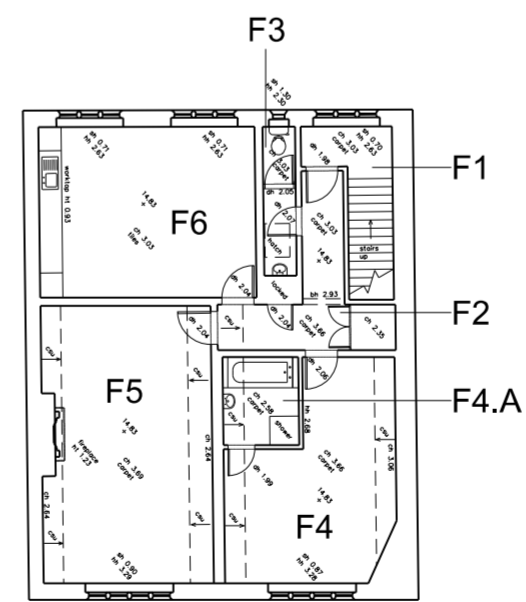
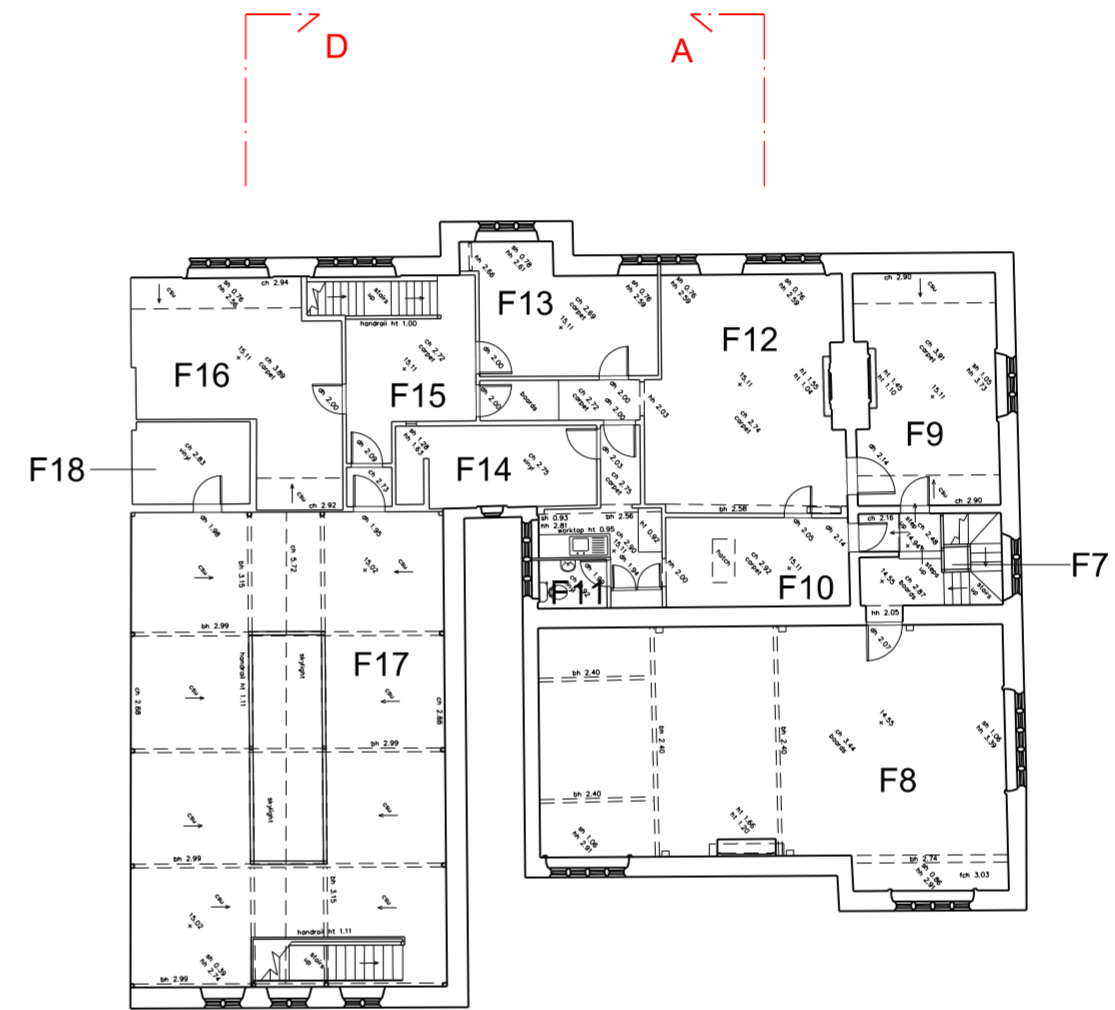
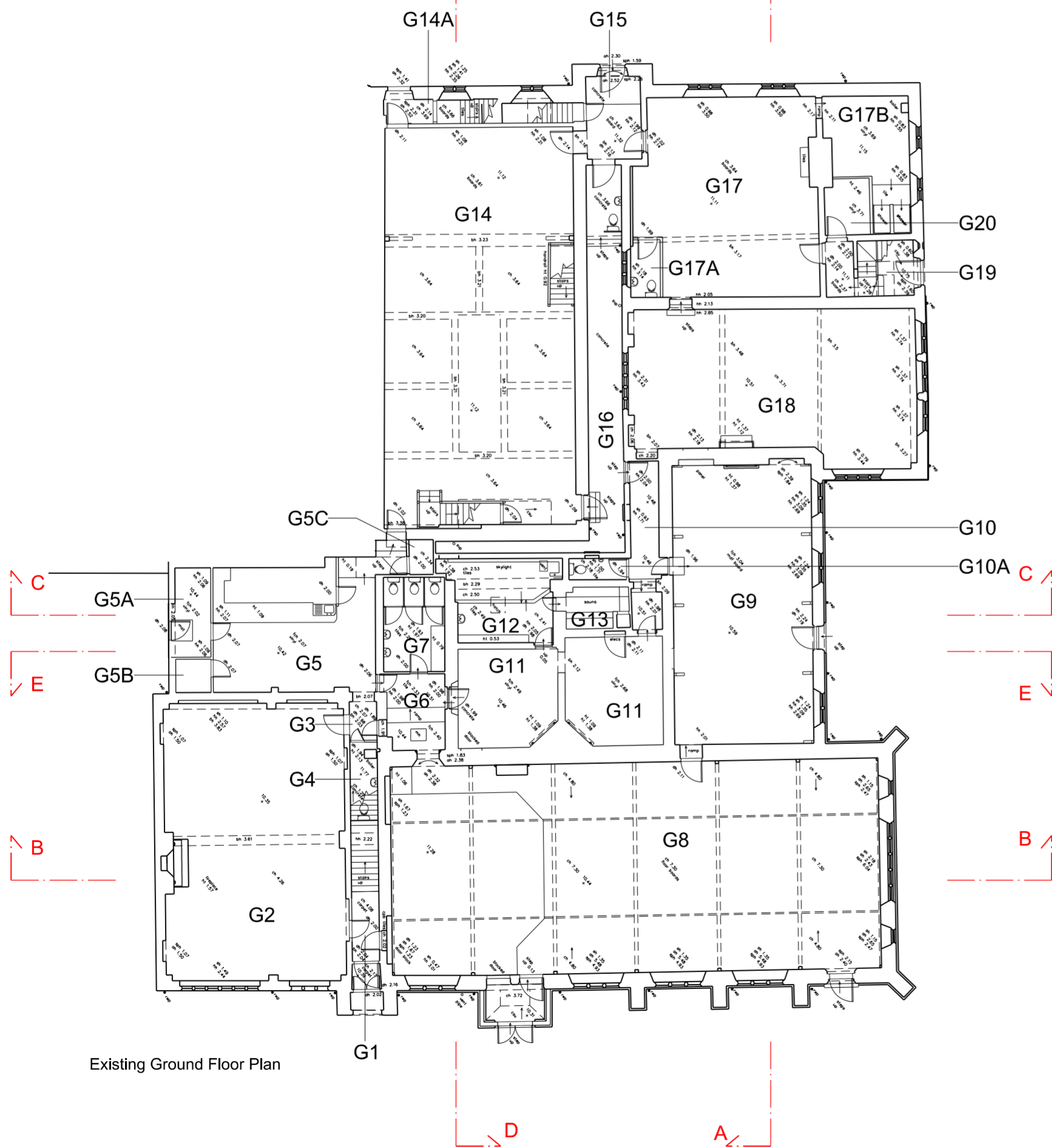
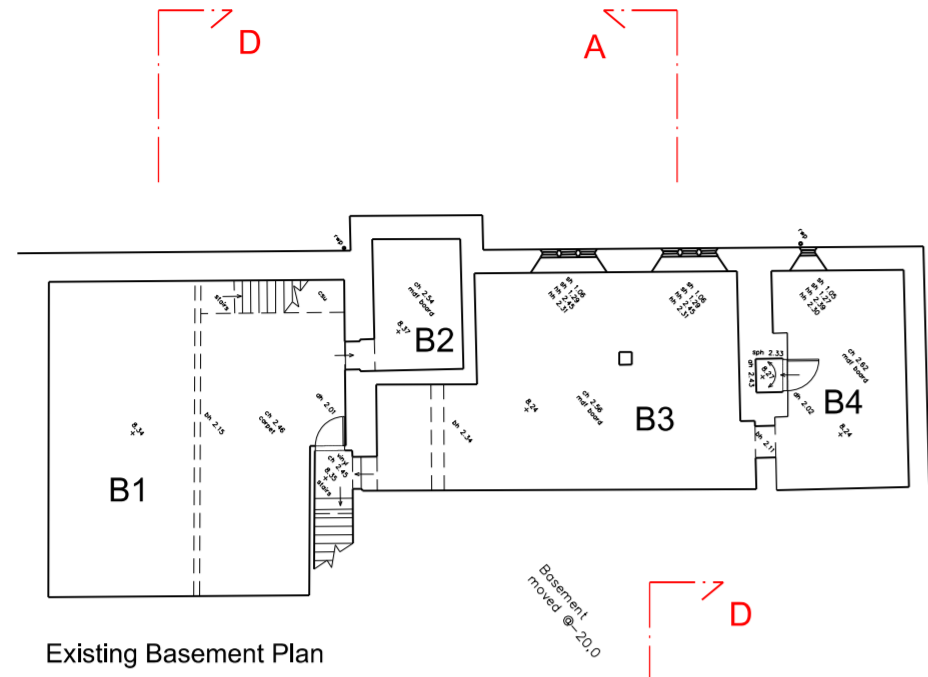
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Project
Empire Sports Club,
Bristol

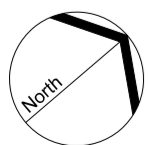
Title
Existing Site Block Plan

Job No	Drawing No	Revision
13631	002	A



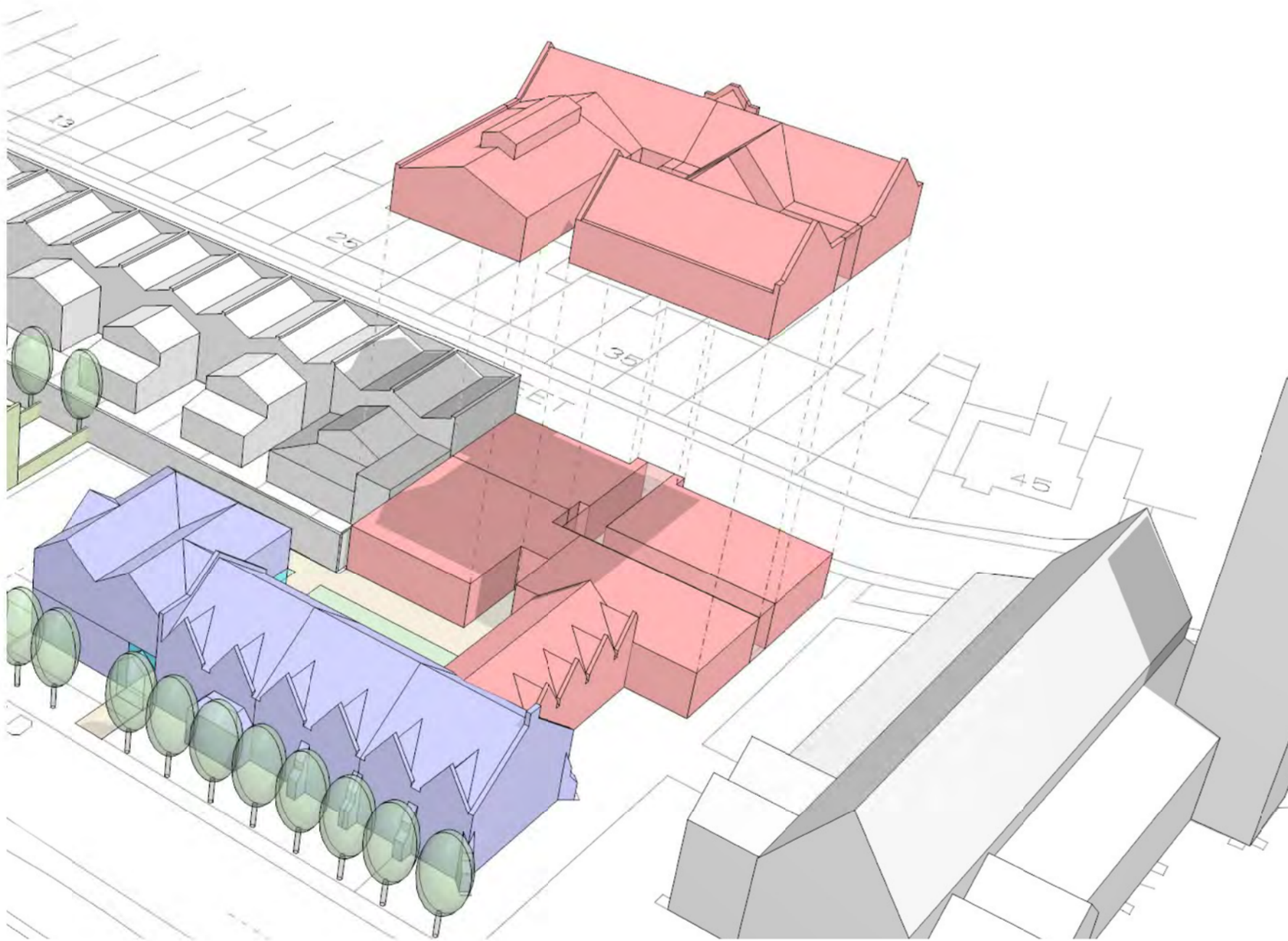


Ref	Date	Revision	Room numbers aligned with Archaeological Assessment
A	30.03.16		Room numbers aligned with Archaeological Assessment
Partner	Drawn	Date	
AJ	SEJ	30/10/15	
Status	Planning		
Scale	1:200@A2		
Project	Empire Sports Club, Bristol		
Title	Existing Plans Basement, Ground & First		
Job No	Drawing No	Revision	
13631	008	A	

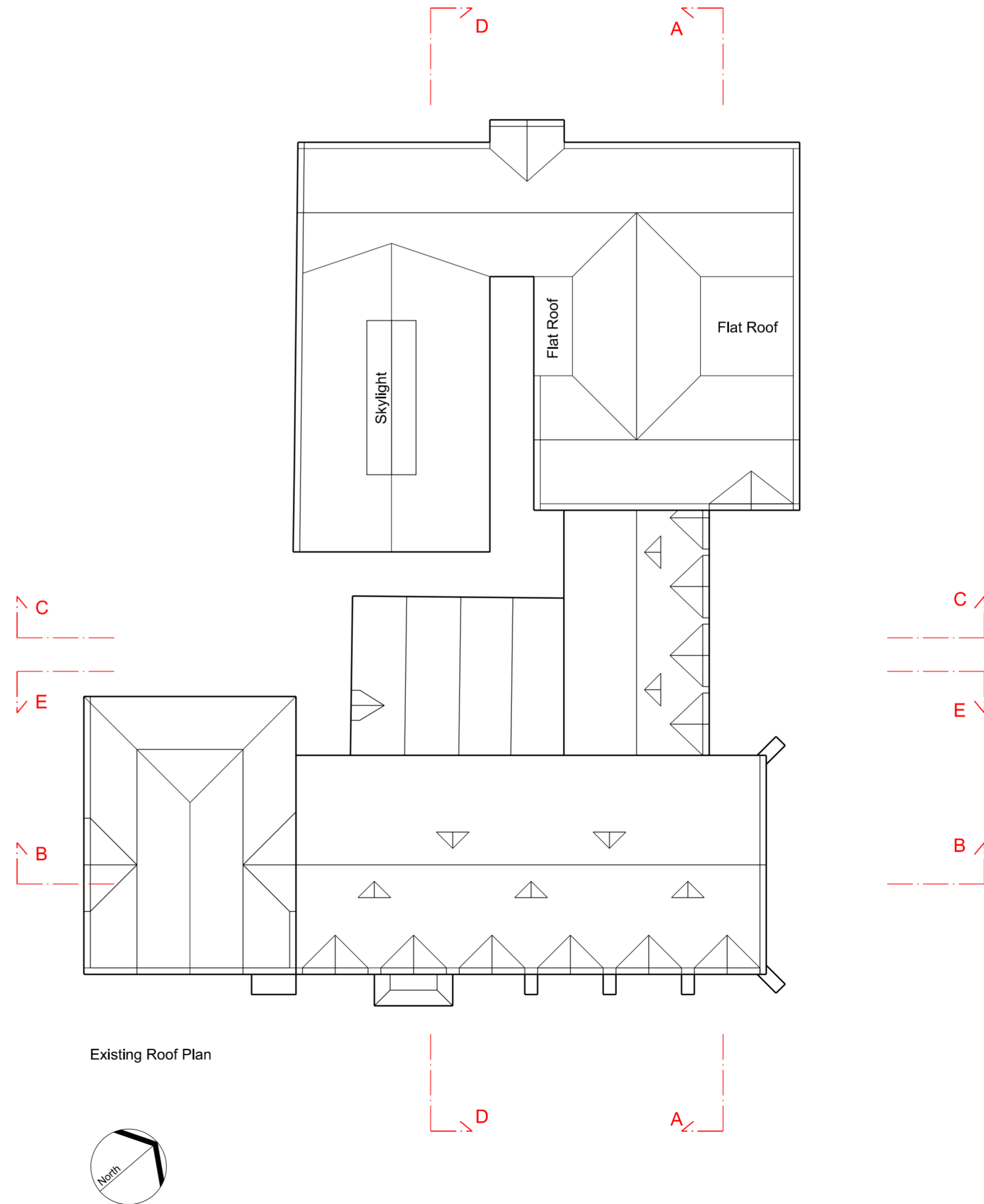




Aerial View of Existing Roofscape



Indicative Model of Existing Empire Sports Club



Existing Roof Plan

A	30.03.16	Roof Plan Amended to show single storey courtyard building
Ref	Date	Revision
AJ	SEJ	30/10/15
Partner Drawn Date		
Status		
Planning		
Scale		
1:200@A2		
Project		
Empire Sports Club, Bristol		
Title		
Existing Roof Plans		
Job No	Drawing No	Revision
13631	009	A



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Accommodation Schedule:

Flat 1	- 1B2P	- 53m ²
Flat 2	- 1B1P	- 45m ²
Flat 5	- 1B2P	- 58m ²
Flat 6	- 2B4P	- 67m ²
Flat 7	- 1B2P	- 58m ²
Flat 8	- 2B3P	- 80m ²
Flat 9	- 2B4P	- 83m ²
Flat 10	- 2B4P	- 78m ²
Flat 11	- 1B1P	- 40m ²
Flat 12	- 1B2P	- 56m ²
Flat 15	- 1B2P	- 73m ²
Flat 16	- 1B2P	- 59m ²
Flat 17	- 2B4P	- 79m ²
Flat 18	- 3B6P	- 110m ²
Flat 19	- 2B4P	- 77m ²
Flat 20	- 1B2P	- 58m ²
Flat 21	- 1B2P	- 65m ²
Maisonette M1	- 2B4P	- 85m ²
Maisonette M2	- 2B4P	- 70m ²
House 01	- 2B4P	- 107m ²
House 02	- 2B4P	- 107m ²
House 03	- 2B4P	- 98.5m ²

Drawing to be read in conjunction with 13631_013_ESC_Demolitions

G	01/02/17	Minor revisions for flats 17 & 18
F	12/12/16	Mission Hall Amendments
E	12/07/16	Flat 15 Revisions
D	05/07/16	Revisions for Heritage Comments
C	20/06/16	Revisions for Heritage Comments
B	29/03/16	Revisions for Heritage Comments Received
A	21/01/16	Increase of cycle parking provision. Provision of cycle canopy. Revision of front entrance doors to Flat 7 and Flat 22. Revision of Flat 22 internal plan.

Ref	Date	Revision
Partner	Drawn	Date
AJ	BPB	30/10/15

Status
Planning

Scale
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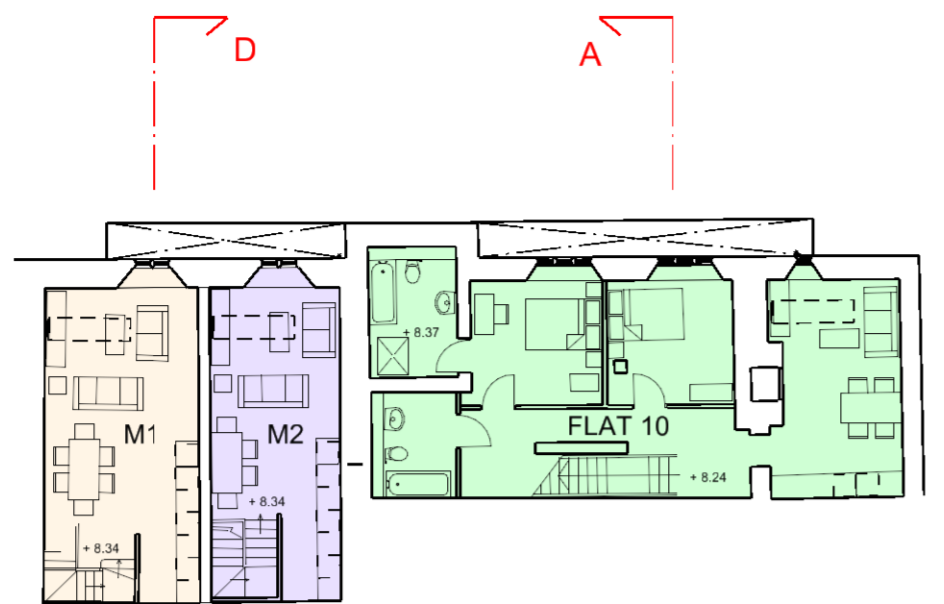
Project
Empire Sports Club, Bristol

Title
Proposed Ground & First Floor Plans

Job No	Drawing No	Revision
13631	021	G



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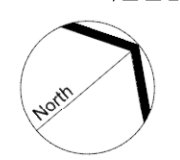
Proposed Basement Plan

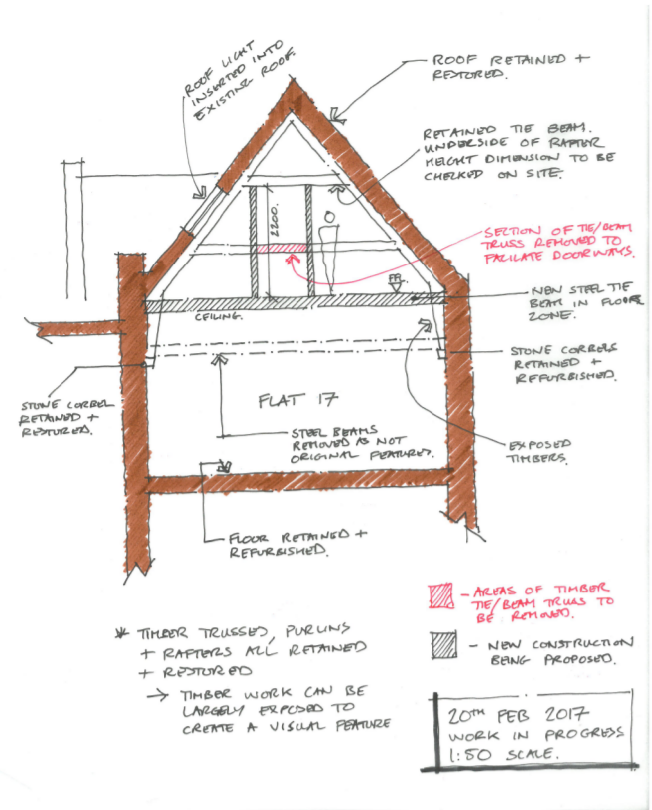


Proposed Ground Floor Plan

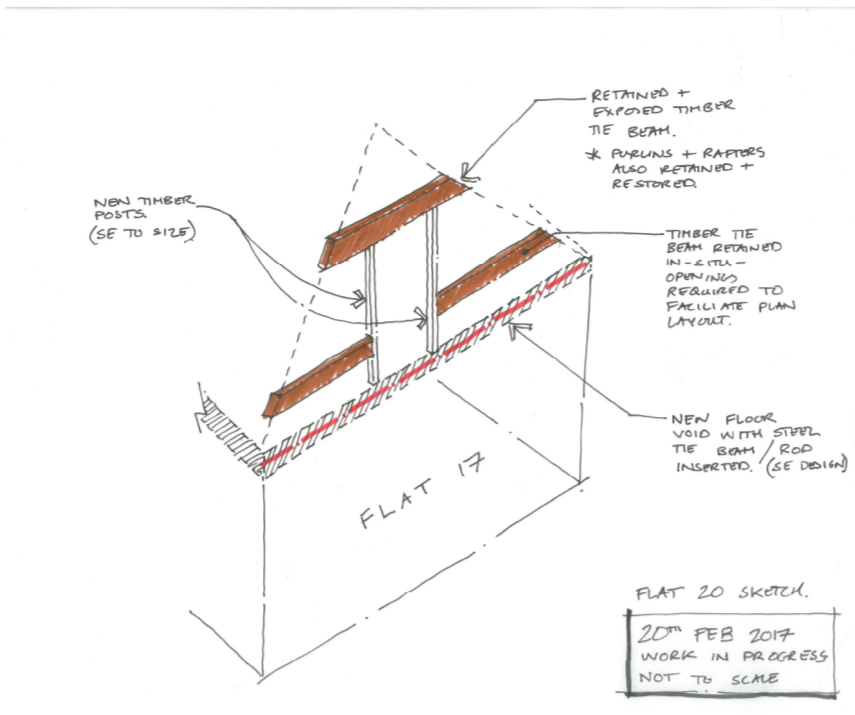


Proposed First Floor Plan

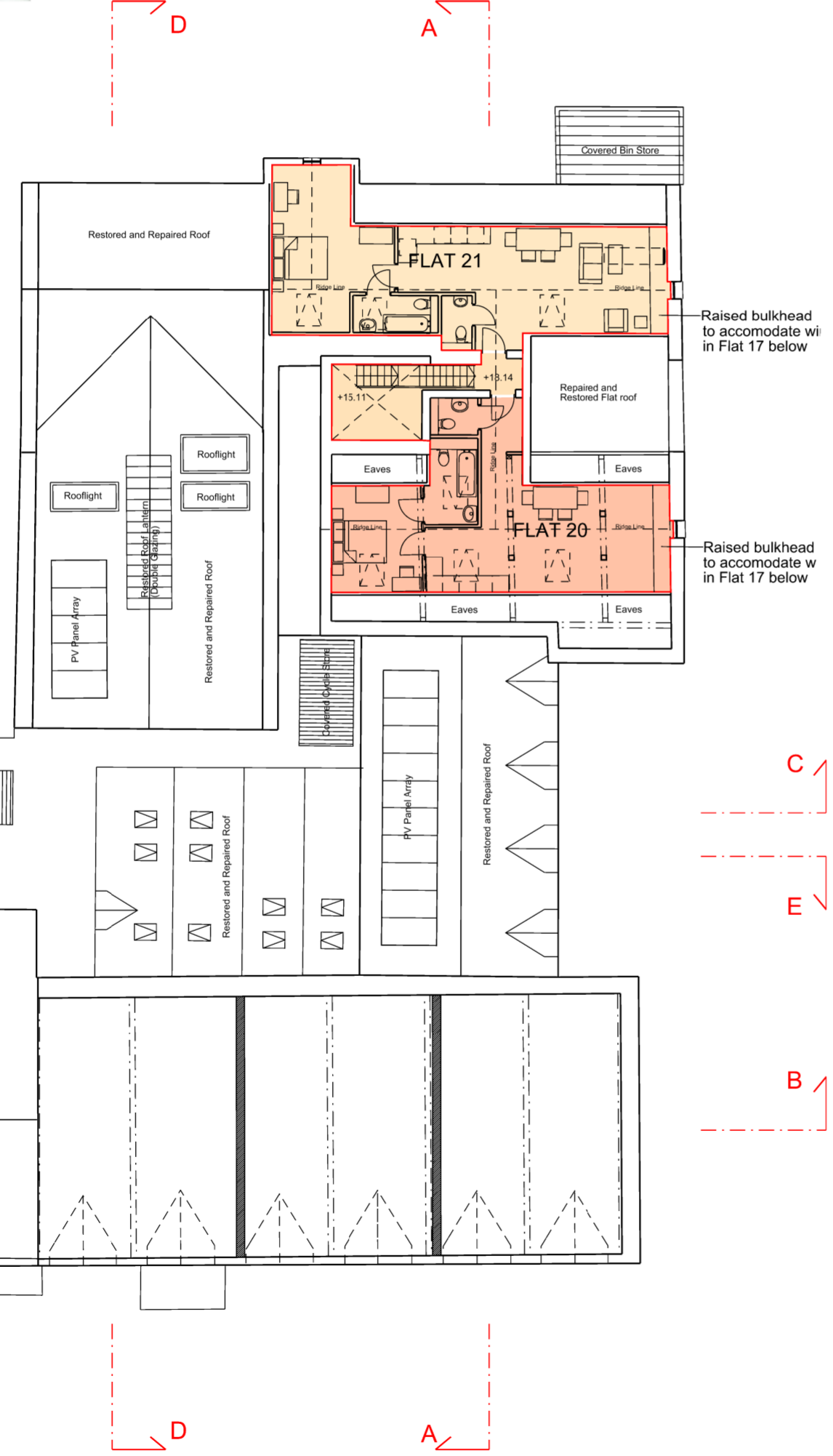




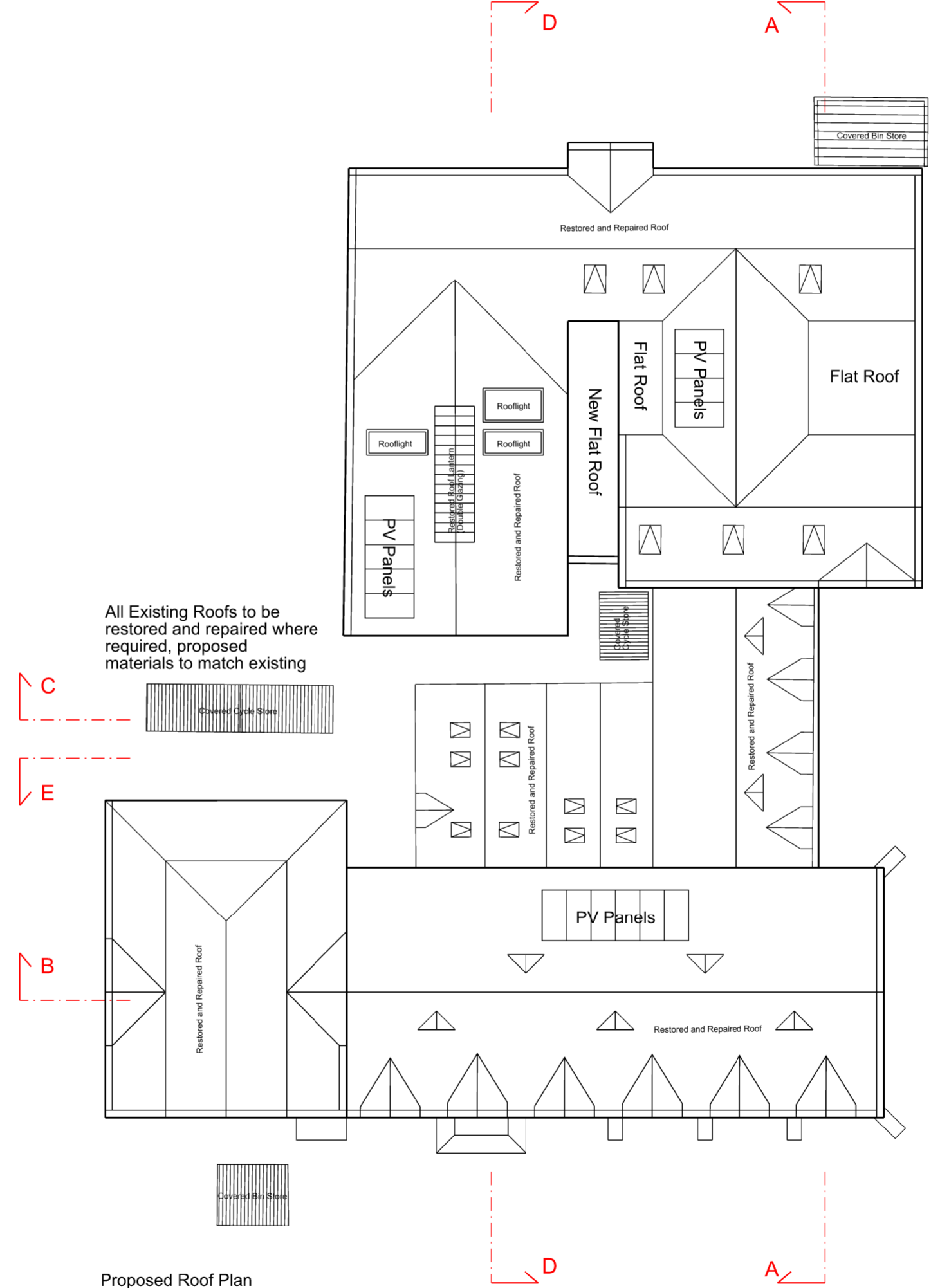
Proposed Sketch Section through Flat 17 and 20 (Former Church Room)



Proposed Sketch diagram of Flat 20 timber roof trusses (Former Church Room roof void)



Proposed Second Floor Plan



Proposed Roof Plan

All Existing Roofs to be restored and repaired where required, proposed materials to match existing

Ref	Date	Revision
E	23/03/17	Minor revision to Flat 20
D	01/02/17	Minor revision to flats 20 & 21
C	12/12/16	Revisions to former Mission Hall
B	29/01/16	Revisions for Heritage Comments Received
A	21/01/16	Provision of cycle canopy in internal courtyard.

Partner	Drawn	Date
AJ	BPB	30/10/15

Status
Planning

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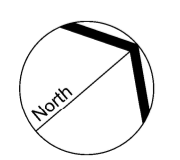
Project
Empire Sports Club, Bristol

Title
Proposed Second Floor & Roof Plans

Job No	Drawing No	Revision
13631	022	E

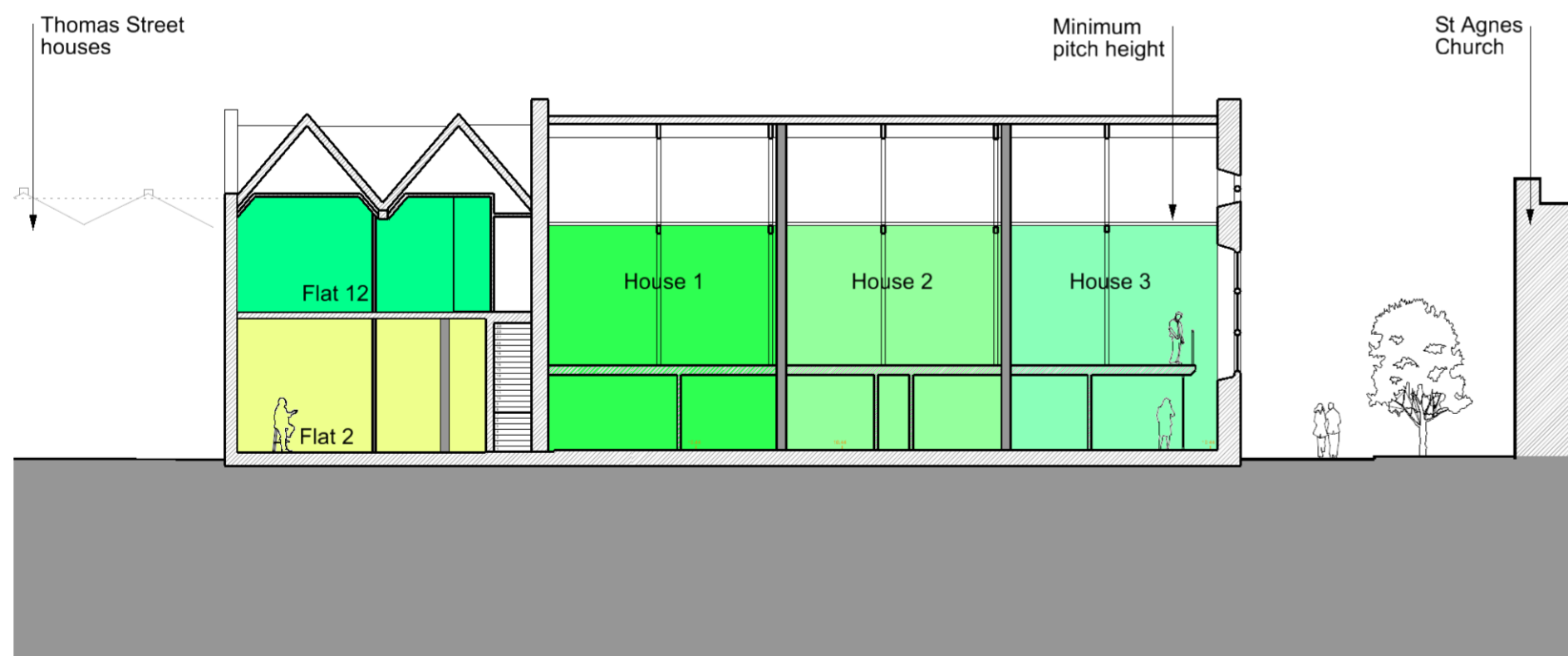


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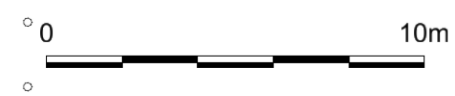
Proposed Section AA



Proposed Section BB



Proposed Section CC



Ref	Date	Revision
D	12/12/16	Former Mission Hall revisions
C	07/07/16	Revised as per Heritage comments
B	29/03/16	Revised in accordance with plans
A	21/01/16	Provision of cycle canopy in internal courtyard.

Partner	Drawn	Date
AJ	BPB	30/10/15

Status
Planning

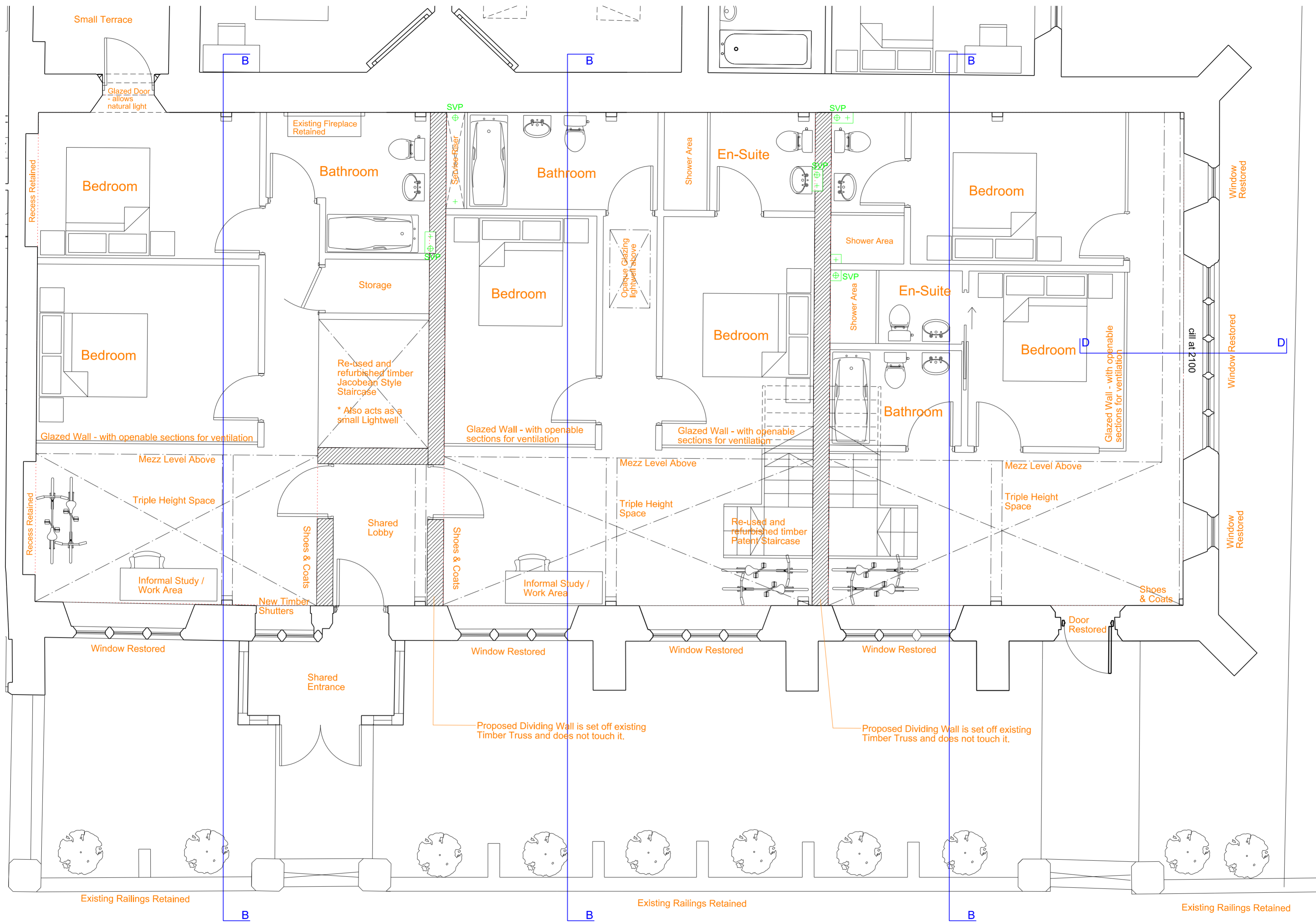
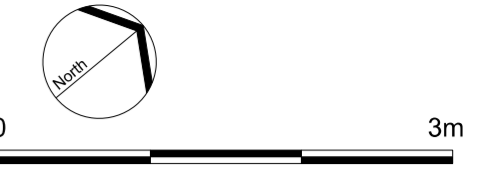
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Project
Empire Sports Club,
Bristol

Title
Proposed Sections

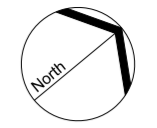
Job No	Drawing No	Revision
13631	025	D





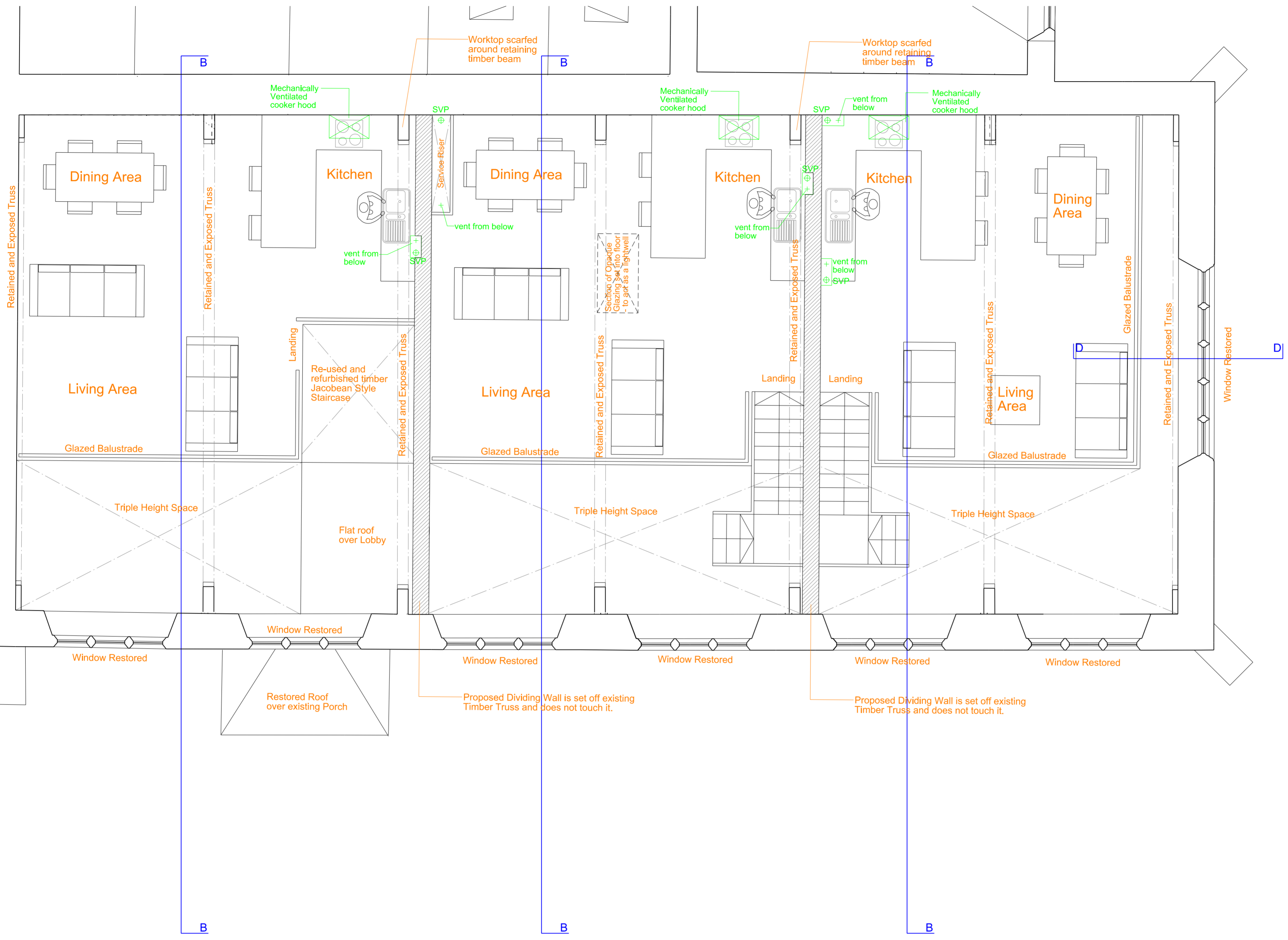
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Partner	Drawn	Date
AJ	BPB	07/12/16
Status	Planning	
Scale	1:50 @ A2 1:100 @ A4	
Project	Empire Sports Club, Bristol	
Title	OPTION D Ground Floor Plan	
Job No	Drawing No	Revision
13631	SK57	-





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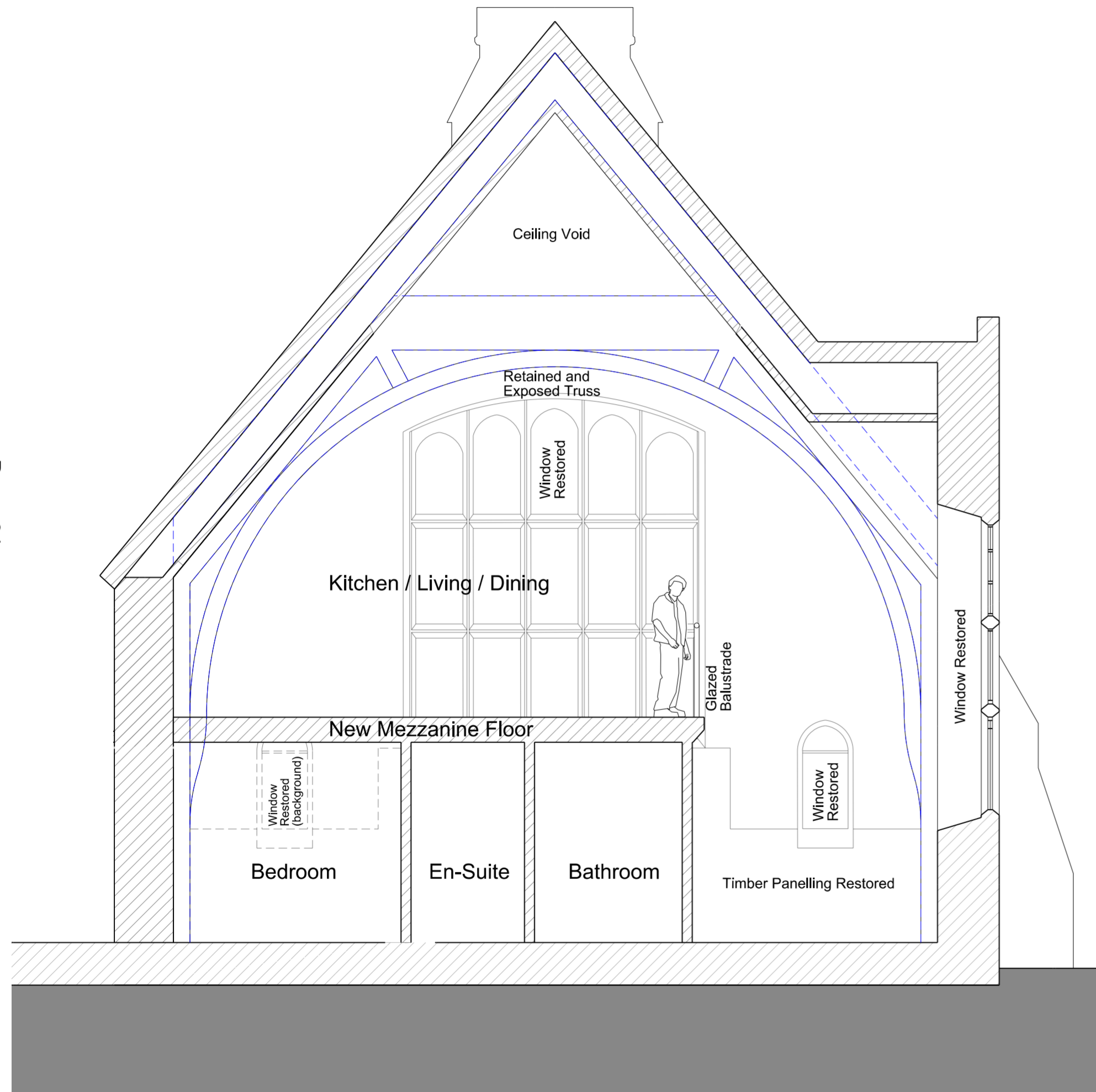
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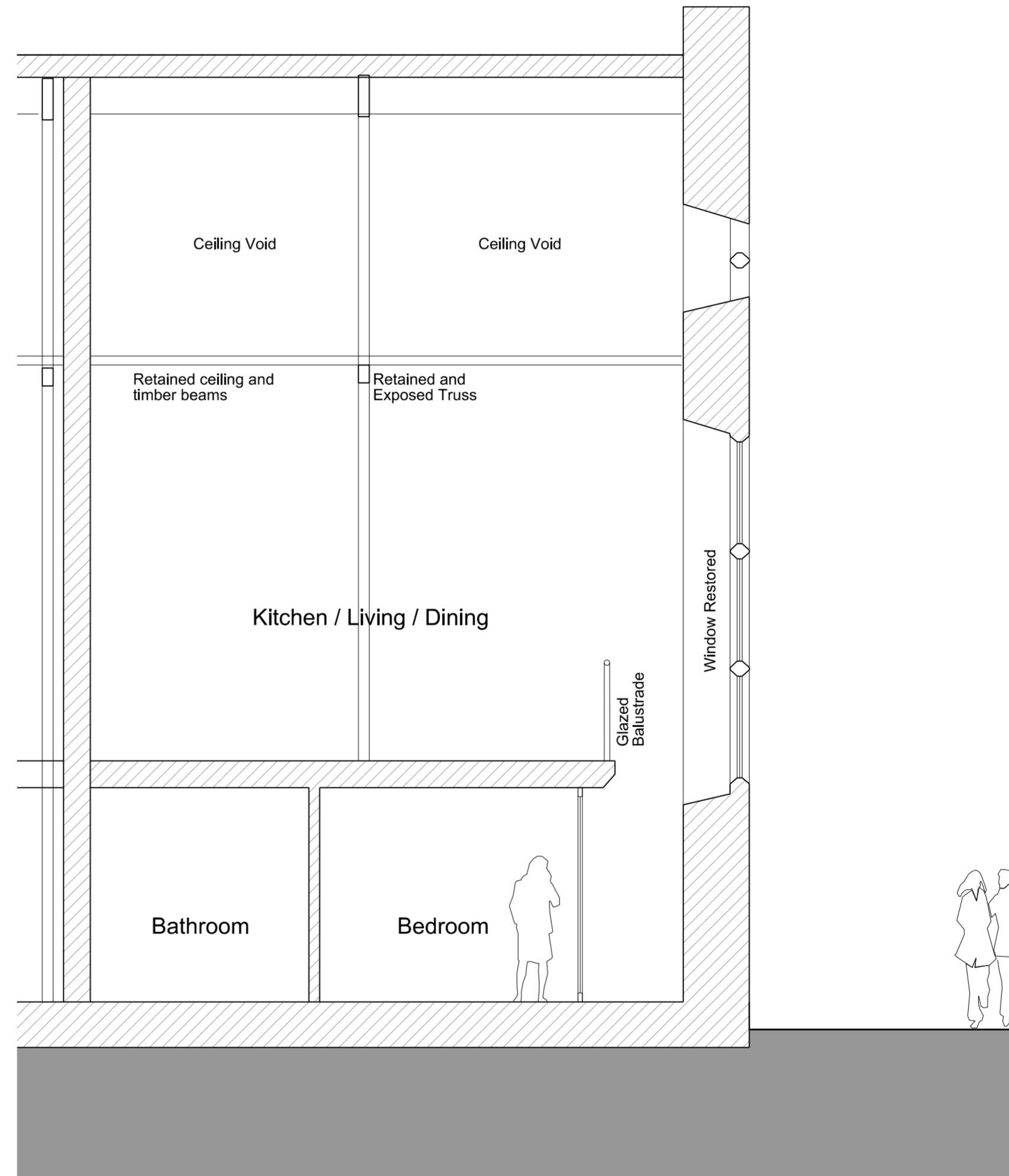
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Partner	Drawn	Date
AJ	BPB	07/12/16
Status		
Planning		
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Project		
Empire Sports Club, Bristol		
Title		
OPTION D First Floor Plan		
Job No	Drawing No	Revision
13631	SK58	-



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Section BB - House 3



Section DD - House 3

Ref	Date	Revision
Partner	Drawn	Date
AJ	BPB	07/12/16
Status		
Planning		
Scale		
1:50 @ A2 1:100 @ A4		
Project		
Empire Sports Club, Bristol		
Title		
OPTION D Section BB & DD - House 3		
Job No	Drawing No	Revision
13631	SK61	-



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