

# Development Control A Committee Agenda



**Date:** Wednesday, 26 July 2017

**Time:** 6.00 pm

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

## **Distribution:**

**Councillors:** Tom Brook, Stephen Clarke, Mike Davies (Vice-Chair), Kye Dudd, Steve Jones, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens, Chris Windows (Chair) and Mark Wright

**Copies to:** Zoe Willcox (Service Director - Planning), Gary Collins, Alison Straw, Katy Dryden, Matthew Bunt, Laurence Fallon, Jon Fellingham and Rachael Dando

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**Date:** Friday, 14<sup>th</sup> July 2017



# Agenda

## 1. Apologies for Absence and Substitutions

## 2. 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.

## 3. Minutes of the previous meeting

6.05 pm

To agree the minutes of the last meeting held on Wednesday 14<sup>th</sup> June 2017 as a correct record.

(Pages 5 - 13)

## 4. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision.

(Pages 14 - 20)

## 5. Enforcement

To note recent enforcement notices.

(Page 21)

## 6. 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](mailto: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 5 pm on Thursday 20<sup>th</sup> July 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 12 Noon on Tuesday 25<sup>th</sup> July 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.

## 7. Planning and Development

The Committee is requested to consider each of the following Planning Applications.

(Page 22)

**a) Planning Application Numbers 16/03473/F and 16/03474/LA - Goldney Hall, Lower Clifton Hill, Bristol**

(Pages 23 - 40)

Felling of 31no. trees, removal of section of wall to create vehicle access from Randall Road, creation of temporary track and contractors compound, insertion of drilled piles to stabilise land. Subsequent site restoration including removal of temporary track and compound, compensatory tree planting and repair and rebuild of southern boundary wall and section of eastern boundary wall.

**b) Planning Application Numbers 15/05673/F and 15/05674/LA - Empire Sports 223 Newfoundland Road**

(Pages 41 - 76)

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)

**c) Planning Application Number 17/01813/F - 135 Highridge Road Bishopsworth Bristol BS13 8HT**

(Pages 77 - 95)

Erection of a Passive house: Sustainable 5-bedroom family home.

## 8. Date of Next Meeting

The next meeting is scheduled to take place at 2pm on Wednesday 6<sup>th</sup> September 2017 in the Council Chamber, City Hall, College Green, Bristol.



**Bristol City Council  
Minutes of the Development Control A  
Committee**



**14 June 2017 at 2.00 pm**

**Members Present:-**

**Councillors:** Donald Alexander, Tom Brook, Stephen Clarke, Mike Davies, Kye Dudd, Steve Jones, Olly Mead, Jo Sergeant, Clive Stevens, Chris Windows and Mark Wright

**Officers in Attendance:-** Gary Collins - Head of Development Management, Katy Dryden – Principal Development Management Officer, Allison Taylor – Democratic Services.

**1. Election of Chair**

Councillor Windows was nominated by Councillor Jones and seconded by Councillor Stevens. There were no further nominations and it was therefore:-

**Resolved – that Councillor Windows be elected as Chair of Development Control Committee A for 2017/18.**

**2. Election of Chair**

Councillor Windows was nominated by Councillor Jones and seconded by Councillor Stevens. There were no further nominations and it was therefore:-

**Resolved – that Councillor Windows be elected as Chair of Development Control Committee A for 2017/18.**

**3. Election of Vice-Chair**

Councillor Mike Davies was nominated by Councillor Sergeant and seconded by Councillor Jones. There were no further nominations and it was therefore:-

**Resolved – that Councillor Mike Davies be elected as Vice Chair of Development Control Committee A for 2017/18.**



#### 4. Terms of Reference

The Terms of Reference as determined by Annual Council on 23 May 2017 was noted.

#### 5. Dates of Meetings 2017/18

It was proposed that two of the meetings take place at 10am. This was seconded. On being put to the vote, this was carried (10 for, 1 against).

**Resolved – that the meetings for DC A Committee for 2017/18 are agreed as follows:-**

6pm on 26 July 2017;  
2pm on 6 September 2017;  
10am on 18 October 2017;  
2pm on 29 November 2017;  
6pm on 10 January 2018;  
10am on 21 February 2018;  
6pm on 4 April 2018.

#### 6. Apologies for Absence and Substitutions

Apologies were received from Councillor Phipps with Councillor Donald Alexander present as substitute.

#### 7. Declarations of Interest

Councillor Stevens referred to 223, Newfoundland Road, an application on this agenda and declared that he was the Secretary of the Bristol Tree Forum which had commented on an application relating to the neighbouring site (car park) but he had no involvement with the current application site and was able to determine it freely.

#### 8. Minutes of the Previous Meeting held on Wednesday 17th May 2017

The Minutes of the Development Control Committee A meeting on the 17 May 2017 were approved as a correct record and signed by the Chair.

**Resolved – that the minutes of 17 May 2017 be agreed as a correct record and signed by the Chair.**



## 9. Appeals

The Committee considered a report of the Service Director, Planning noting appeals lodged, imminent public inquiries and appeals awaiting decision.

Particular attention was drawn to the following:-

**1. No. 35 – Somerset House.** Officers had recommended this for approval at the meeting on 19<sup>th</sup> October 2016 but the Committee had deferred a decision for officers to look at the impact of the development on the Conservation Area and the loss of trees adjacent to the development. At the meeting on 22<sup>nd</sup> February 2017 officers advised Committee that an appeal against non-determination had been made and, whilst officers supported the proposals, it was possible for the Committee to resolve that it would have refused permission on the grounds that the application had been deferred on. The Committee however had taken the decision not to defend the appeal and, thereby, would have granted planning permission if it still had the power to do so. Following an appeal hearing the Inspector produced a comprehensive report and found that the principle of the development was acceptable, the design of the scheme was acceptable on balance and the loss of the trees, whilst significant would be mitigated by replacement planting. On assessing the impact on residential amenity, in particular on properties in Canynge Square which typically had small windows and gardens, he found the impact unacceptable and dismissed the appeal and refused planning permission. The applicant applied for costs and this was dismissed. The Inspector considered that the Committee had not acted unreasonably so there was no award of costs against the Council. The Council was not formally represented at the hearing. Residents and Stakeholders had been well organised and the Inspector had made a well-argued conclusion and a very measured decision.

## 10 Enforcement

These were noted.

## 11 Public Forum

### Statements

Members of the Committee received public forum statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision. *(A copy of the public forum statements are held on public record in the Minute Book).*

## 12 Planning Applications



These were as follows:-

**a. 17/00177/F - 31 Charlton Lane**

An Amendment Sheet was provided to the committee in advance of the meeting, detailing changes since the publication of the original report.

The representative of the Service Director – Planning and Development made the following points by way of introduction:-

1. The application had been referred to the Committee by the ward Councillor, Mark Weston;
2. The plans in the supplementary documents were not to scale and were indicative only;
3. The application had been amended from its original submission to reduce the number of houses and parking spaces and to increase the amount of garden space and landscaping;
4. The proposal was for five, two-storey, three bedroom houses. Three within a row at the rear of the site and two on the site of the former bungalow;
5. It was not a conservation area so no consent was required for tree removals;
6. The original proposal was for 6 houses but officers felt this was over-developed and therefore unacceptable and worked with the applicant to address the issues in light of the extreme housing need in the city;
7. Twenty trees were being replaced on the site and a contribution for off-site planting had been agreed and signed. A large hedgerow was proposed which was a positive gain in terms of biodiversity. Tree officers were content with the proposals;
8. In terms of urban design there was a mix of housing styles in the area including estate terrace housing and bungalow;
9. The houses were coach house style so the mass was less severe and therefore was reduced in scale. They were not highly visible from the road;
10. Residential amenity issues were considered to be acceptable;
11. Highway officers had no objections to the proposals as there was adequate capacity on the local road network;
12. In summary, the density was quite low and was considered an appropriate size development with parking. Officers were therefore satisfied with the proposal believing it to be a good scheme that contributed to the housing needs in the city and recommended it be granted.

The following points arose from discussion:-

1. Neighbours had been notified of the revisions and there had been two rounds of consultation;
2. The removal of trees before a survey was permitted in conservation areas. Officers could then apply a standard replacement scheme. The Head of Development Management added that a firm stance had been taken from the outset with the introduction of the tree replacement standard



policy. All felling that occurred prior to submission of the application was taken into account with replacement planting;

3. There were set requirements regarding Tree Preservation Orders (TPO) in relation to scale and amenity. These did not apply for this development;

4. Councillor Mead acknowledged that there was infill all around the city and this would continue. He added that the area was quite low density and the development was sympathetic in relation to the height of the semi-detached dwellings. There would not be a great deal of difference to traffic levels with five dwellings. He suggested two further conditions – to protect the Yew tree and the implementation of the arboricultural recommendations on tree species;

5. Councillor Wright stated that it had always been previously argued that sensitive infill sites were a critical part of meeting the city's housing needs. 50m gardens were a luxury in a 21<sup>st</sup> century city. He added that this was a sensitive infill and impacts had been mitigated. He supported the additional conditions proposed;

6. Councillor Sergeant expressed concern regarding the knock on effect and that granting the development would set a precedent for future applications and was informed that there was no strict precedent in planning. There would be similar schemes which could be highlighted for future applications in order to provide a steer for decision making. The cumulative impact was difficult to assess as there would never be a scheme that mitigated every impact. The use of CIL as a contribution from each development mitigated developments on a citywide basis. The Core Strategy was committed to delivering 30,600 new homes by 2026. BCS5 broke this down into areas. Small unidentified sites were to deliver 4200 homes through infill development. In addition the Corporate Strategy set out that 2000 homes a year were to be built by 2020, 800 of those being affordable. It was important to see this application in that context;

7. Councillor Stevens asked whether a Local Development Plan would assist and was informed that this would help but the setting up of a Neighbourhood Development Forum was time consuming and relatively onerous;

8. The Chair stated that he was familiar with the area. Charlton Lane was narrow and a difficult junction and Ardenton Walk was a difficult corner as there were no parking restrictions so people parked on the corner. Tranmere Avenue was also a problem. More development meant more vehicles. He believed five dwellings was too many and they were too close to No. 33. He would vote against based on the number of houses proposed;

9. Councillor Wright proposed that officer recommendation to grant be accepted, in addition to the two additional conditions proposed by Councillor Mead. This was seconded by Councillor Mead.

On being put to the vote it was:-

**Resolved – (9 for, 2 against) that planning permission be granted subject to conditions as set out in the report and with two additional conditions as follows:-**

- 1. The Yew Tree shall be retained at the front of the site**
- 2. The recommendations of the arboricultural report be implemented in full.**



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

The representative of the Service Director – Planning and Development made the following points by way of introduction:-

1. The building, incorporating the gym, had ceased operation in 2014 and fallen into disrepair. The previous owners were unable to afford repairs and so the building was now quite dilapidated;
2. The same applicant had successfully gained planning permission for 10 houses on the adjacent car park site;
3. The application had been submitted in 2015 and had gone through a number of amendments in order to produce the best scheme;
4. The number of units had been revised to 22. There were one, two and three bedroom units. As it was a listed building, conversions were more difficult;
5. There were no external changes other than the inclusion of roof lights and cycle parking/ refuse facilities;
6. The Conservation Team, in response to consultation, concluded that given the number of internal changes the proposal would cause significant harm. English Heritage objected on the same basis, with a direction that the application be referred to the Planning Casework Unit (PCU) should the Local Authority be minded to grant consent for the proposal. Planning Officers accepted these expert views but were required to consider Paragraphs 131 and 133 of the National Planning Policy Framework (NPPF) to assess if the public benefits of bringing the site back into use outweighed the significant harm caused to the heritage site and additional criteria set out in Paragraph 133 of the NPPF. The conclusions were as follows:-

- No other proposals had come forward following marketing and community involvement of the site;
- The heritage site was unsuitable for any other use other than housing;
- The proposal was not viable in isolation but the development in the car park would help to provide the necessary cost subsidy;
- Conservation grant funding had been explored by the applicant who had demonstrated that there was no grant funding or some form of charitable or public ownership available to conserve the heritage asset;
- There were structural and public safety concerns due to the deterioration of the building. Bringing the site back into use would mitigate these concerns;
- That the proposal satisfied all of the relevant criteria in Paragraph 133 of the NPPF following a detailed officer assessment.
- The site triggered the application of Vacant Building Credit and was therefore exempt from an affordable housing requirement.;



7. In summary, considerable weight was given to the significant harm of this proposal but in accordance with the requirements of Paragraph 133 of the NPPF, this harm was outweighed by the importance of bring the site back into use as much needed housing in a sustainable location and Officers therefore recommended approval. This is subject to a referral process to the Planning Casework Unit (PCU) whereby there is a period of 21 days for the PCU to consider whether to call in the application for determination.

The following points arose from discussion:-

1. Councillor Dudd asked about parking and expressed concern that the developer was using two separate applications to avoid affordable housing obligations and was informed that the car park site was under the threshold for small site affordable housing. If the applications had been submitted as one it would still be under the requirements for affordable housing. The planning officer explained that this had been explored but the adjoining site was below the threshold for Affordable Housing and as the Empire Sports application site has the benefit of Vacant Building Credit (and is therefore exempt from Affordable Housing requirements) there would be no benefit of reviewing the two sites together as opposed to one application with regard to gaining Affordable Housing on the site. With respect to parking, the applicant had advised that residents would not be able to apply for a permit, with a standard informative added setting out this process;
3. The application had been submitted in November 2015 but Historic England had not been informed of the application until April 2017 as this was the point all amendments to the application were completed and the Conservation Team had requested that Historic England be consulted. The Service Manager explained that arrangements for consulting Heritage England on Grade II listed buildings were currently being reviewed to avoid similar delays in the future.
4. Councillor Stevens had been informed that advice note 1 regarding resident's parking was unenforceable. The representative of the Service Director – Planning expressed surprise with this information as the informative was regularly used and currently recommended by Transport Development Management for inclusion. He would investigate this further with Transport colleagues and provide an update to Members;
5. A 6 month marketing exercise had taken place alongside a community consultation exercise inviting comments for other uses for the site. Given the costs it was very difficult to bring forward other uses other than residential but the marketing exercise had been out in the public domain for all to comment;
6. Councillor Sergeant expressed concern about proceeding with a decision until the arrangements regarding parking and enforcement were clear and was informed that if the Committee was minded to support the application the planning permission would not be immediately issued as it would be referred to the Secretary of State for determination and would hence have a delay. The Head of Development Management confirmed that it would therefore be possible to update Lead members at the next DC A Committee agenda meeting. If this could not be confirmed at that stage the application would come back to Committee;



7. Councillor Alexander expressed the view that damage would be caused whether the permission was granted or refused. It was important that every effort had been made to access conservation grants and that all appropriate voluntary sectors and charities had been consulted;
8. Councillor Wright gave weight to Historic England's response and noted the similarity with the Whiteladies Road Cinema restoration where Historic England had also objected but the objections of residents had been a big factor. He could not see any other use where funds would be available to restore the site. Its future, if refused, was a derelict site or the Committee could accept that this was the best proposal for the site and saved the fabric of the building. He would therefore support the application on balance;
9. Councillor Davies, as ward Councillor, stated that a lot of work had taken place to ensure a sensitive scheme for the site. In the worst case, the building would deteriorate further. He would therefore support the proposal;
10. The Chair commended the preservation of the building, noting that there were no beneficiaries if the building fell down and would therefore vote for grant of the application;
11. Councillor Mead supported the application but proposed caution regarding listed buildings in the future. He expressed the view that he would have benefited from a site visit and was minded to abstain;
12. The Chair summarised that if the Committee was minded to approve it would be subject to restricting future residents' eligibility to the Residents' Parking Scheme being clarified at the next DC A Committee agenda meeting (and coming back to Committee if required);
13. Councillor Davies moved the recommendation subject to Residents' Parking being clarified at the next DC A Committee agenda meeting. This was seconded by Councillor Sergeant.

On being put to the vote it was :-

**Resolved – (8 for, 3 abstentions) that:-**

- 1. Planning permission be granted subject to conditions as set out in the report and subject to clarity regarding future residents' eligibility to the Residents' Parking Scheme being reported back to the next DC A Committee agenda meeting (and back to a Committee meeting if required);**
- 2. That the Planning Permission be referred to the Planning Casework Unit (Secretary of State).**

### **13 Date of Next Meeting**

This was noted as 26 July at 6pm.

The Meeting finished at 4pm



CHAIR \_\_\_\_\_



## DEVELOPMENT CONTROL COMMITTEE A

26 July 2017

### REPORT OF THE SERVICE DIRECTOR - PLANNING

#### LIST OF CURRENT APPEALS

##### Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	Hengrove & Whitchurch Park	131 East Dundry Road Bristol BS14 0LP First floor extension to the rear of the property. Appeal against refusal Delegated decision	06/06/2017
2	Clifton	Trinity House Kensington Place Bristol BS8 3AH Remodelling of the front boundary treatment to form vehicular access. Appeal against refusal Delegated decision	06/06/2017

##### Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
3	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
4	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
5	Avonmouth & Lawrence Weston	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
6	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
7	Avonmouth & Lawrence Weston	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
8	Brislington West	65 Winchester Road Bristol BS4 3NH Erection of detached dwelling house. Appeal against refusal Delegated decision	03/05/2017
9	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
10	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

11	Central	<p>Southey House 33 Wine Street Bristol BS1 2BQ</p> <p>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.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	08/05/2017
12	Horfield	<p>73 Filton Grove Bristol BS7 0AW</p> <p>Removal of existing garage and construction of a 2 bedroom attached dwelling.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	08/05/2017
13	Filwood	<p>129 Leinster Avenue Bristol BS4 1NN</p> <p>1 no detached 2 storey house.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	23/05/2017
14	Windmill Hill	<p>164-188 Bath Road Totterdown Bristol BS4 3EF</p> <p>Removal of the three existing advertisements (2x 12mx3m displays, 1x 6mx3m display), to be replaced with two internally illuminated digital advertisements.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	12/06/2017
15	Bedminster	<p>(Land At 64) Bedminster Down Road Bristol BS13 7AB</p> <p>Removal of the existing illuminated advertisement, measuring 12m x 3m, to be replaced by an internally illuminated digital advertisement, measuring 6m x 3m.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	12/06/2017
16	Hotwells & Harbourside	<p>13 Christina Terrace Bristol BS8 4QB</p> <p>Installation of a new side elevation window, at ground floor level.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	12/06/2017
17	Windmill Hill	<p>Land At St Johns Lane Site Adjacent To South-east Corner Of Railway Bridge Bristol BS3 5BE</p> <p>Replacement of an existing 48-sheet advertising display with a 48-sheet LED advertising display.</p> <p>Appeal against refusal</p> <p>Delegated decision</p>	12/06/2017

18	Henbury & Brentry	191 Passage Road Henbury Bristol BS10 7DJ Outline application for the construction of a house and two garages in garden of 191 Passage Road (with access and siting to be considered). Appeal against refusal Delegated decision	13/06/2017
19	Lockleaze	Land To Rear Of 1 Dorchester Road Bristol BS7 0LA Application for planning permission for a new two bedroom dwelling. Appeal against refusal Delegated decision	13/06/2017
20	Horfield	47 Montreal Avenue Bristol BS7 0NB Erection of a single dwellinghouse, attached to existing property. Appeal against refusal Delegated decision	13/06/2017
21	Filwood	32 Creswicke Road Bristol BS4 1UD Proposed two storey side extension. Appeal against refusal Delegated decision	27/06/2017
22	Hengrove & Whitchurch Park	Parkview Office Campus Whitchurch Lane Whitchurch Bristol BS14 0TJ Prior approval for the change of use from office floor space within Use Class B1 (a) to 305 units of residential accommodation falling within Class C3 (dwelling houses). Appeal against refusal Delegated decision	06/07/2017
23	Hartcliffe & Witherwood	5 Crosscombe Drive Bristol BS13 0DN Demolition of garage and erection of two storey, 2 bed dwelling. Appeal against refusal Delegated decision	10/07/2017
24	Stoke Bishop	Land Between Ladies Mile & Clifton Down Bridge Valley Road Bristol BS8 Proposed pedestrian/cycle bridge over Bridge Valley Road. Appeal against refusal Committee	10/07/2017
25	Stockwood	52 Dutton Road Bristol BS14 8BW Erection of 2 storey, 2 bed dwelling. Appeal against refusal Delegated decision	10/07/2017

## List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
26	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	Appeal allowed 14/06/2017
27	Hengrove & Whitchurch Park	1 Cranleigh Road Bristol BS14 9PL Appeal against an enforcement notice for erection of a rear roof dormer extension. Appeal against an enforcement notice	Appeal dismissed 06/06/2017
28	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	Appeal allowed 12/07/2017
29	Bishopston & Ashley Down	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	Appeal dismissed 11/07/2017
30	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	Appeal allowed 12/07/2017
31	Bishopston & Ashley Down	(Garage Site Next To) 2 Brent Road Bristol BS7 9QZ New one-and-part- two storey coach house. Appeal against refusal Delegated decision	Appeal dismissed 09/06/2017

32	Westbury-on-Trym & Henleaze	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	Appeal dismissed 13/06/2017  Costs not awarded
33	Lawrence Hill	16 West Street St Philips Bristol BS2 0BH Conversion of existing fourth floor attic roof space to form single bed apartment, including extension of existing stair from third to fourth floor. Removal of existing upper rear mansard allowing extension of existing lower mansard to adjoin new profile rear mansard roof. Appeal against non-determination Delegated decision	Appeal dismissed 16/05/2017
34	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	Appeal dismissed 28/06/2017
35	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	Appeal allowed  28/06/2017  Costs awarded
36	Hillfields	75 Abingdon Road Bristol BS16 3NZ To erect an attached dwelling. Appeal against refusal Delegated decision	Appeal dismissed 05/06/2017

37	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	Appeal allowed 29/06/2017  Costs awarded
38	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	Appeal dismissed 13/07/2017
39	Ashley	(IT Center) 14 Mina Road Bristol BS2 9TB Erection of internally illuminated digital display and associated structure. Appeal against non-determination Delegated decision	Appeal dismissed 04/07/2017
40	Hengrove & Whitchurch Park	12 Widcombe Bristol BS14 0AS Proposed driveway and 2no. parking spaces with access onto Bamfield, to front of property. Appeal against refusal Delegated decision	Appeal allowed 06/07/2017
41	Horfield	Adjacent 2 Filton Road Bristol Erection of an internally illuminated 48-sheet digital display. Appeal against refusal Delegated decision	Appeal dismissed 05/07/2017
42	Clifton	8 Clifton Park Road Bristol BS8 3HL Removal of rear elevation balcony and construction of conservatory. Appeal against refusal Delegated decision	Appeal dismissed 03/07/2017

## **DEVELOPMENT CONTROL COMMITTEE A**

**26<sup>th</sup> July 2017**

REPORT OF THE SERVICE DIRECTOR - PLANNING

LIST OF ENFORCEMENT NOTICES SERVED

No Enforcement Notices to report

## Development Control Committee A 26 July 2017

### Report of the Service Director - Planning

#### Index

#### Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Clifton	Grant	16/03473/F and 16/03474/LA - Goldney Hall Lower Clifton Hill Bristol BS8 1BH Felling of 31no. trees, removal of section of wall to create vehicle access from Randall Road, creation of temporary track and contractors compound, insertion of drilled piles to stabilise land. Subsequent site restoration including removal of temporary track and compound, compensatory tree planting and repair and rebuild of southern boundary wall and section of eastern boundary wall.
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)
3	Hartcliffe & Withywood	Refuse	17/01813/F - 135 Highridge Road Bishopsworth Bristol BS13 8HT Erection of a Passive house: sustainable 5-bedroom family home.

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**Development Control Committee A – 26 July 2017****Application No. 16/03473/F and 16/03474/LA: Goldney Hall Lower Clifton Hill Bristol BS8 1BH**

## THE SITE / SURROUNDINGS AND PROPOSALS

These applications relate to substantial stabilization (engineering) works required within the grounds of Goldney Hall, Clifton following the partial collapse of the listed wall which forms the rear boundary of 1 - 51 Ambra Vale East. It collapsed in January 2014 causing damage to gardens; rear windows and doors. Following geotechnical investigations it was determined that the collapse was caused for the most part by a land slip, most likely triggered by heavy rainfall over the preceding months. In order to stabilize the land and re build the wall (for which listed building consent is also required), the excavation of earth; insertion of drilled piles and new drainage is required. Such works will necessitate the felling of a number of trees; to be compensated for in the form of new planting and landscaping once the engineering works are complete.

Goldney Hall itself is a grade II listed building and there are also a number of listed buildings within the grounds including towers, grotto; walls and gate piers. The grounds to which this application relates are subject to a number of designations; a registered Grade II\* Listed Park and Garden; Local Historic Park and Garden; Site of Nature Conservation Interest and Important Open Space. A number of trees within the grounds have Tree Protection Orders. The whole site is located within the Clifton and Hotwells Conservation Area.

In order to carry out the works a temporary vehicle access track and site compound will be required within the grounds and temporary access gained to the site from Randall Road. This necessitates the temporary removal of a segment of listed boundary wall (and small gate) which also forms part of the proposals.

Essentially the planning application relates to the engineering works; the associated landscaping of the site and the re building of the wall and the listed building application relates to the re building of the listed wall and creation of temporary access through it.

The application is referred to committee given the level of objection to the scheme which relates in the main to the temporary access to the site and the impacts of such upon the amenities of residents in the local area and highway safety. This is addressed in Key Issue 6 of the report.

## COMMUNITY INVOLVEMENT

A Community Involvement Statement was submitted as part of the application.

In terms of the process and since the collapse of the wall the statement advises that the University have been in contact with and updating local residents and ward members, initially with regard to site investigations and possible engineering solutions. In late 2015 consultants were brought in to continue this liaison and to assist with pre application consultation. The SCI sets out the meetings held; minutes and letters sent. In terms of the outcomes, the community involvement in this case had value in continuing dialogue with residents since the wall collapse.

## RELEVANT PLANNING HISTORY

None.

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## 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 determination of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

## RESPONSE TO PUBLICITY AND CONSULTATION

The proposals have been advertised by way of Site and Press notices and letters. Following the submission of revisions to the supporting documents and some of the plans two further round of public consultation have taken place. The following responses have been received:-

## Third Parties / Neighbours

## a) Original Proposals - (access to the site for construction purposes from Goldney Road)

Twenty three letters have been received in relation to the original proposals the majority of those letters related to the access issues with criticisms of the submitted Construction Management Plan.

## b) Amended Proposals - (Construction access to be from Randall Road instead of Goldney Road) A further forty two letters have been received following these revisions. The comments are precised below:-

Stability of Properties and Land - major concerns regarding the stability of properties given the lasting effects of multiple heavy vehicles using Randall Road. There is already evidence of subsidence in some of the properties, which can only be made worse by the proposals.

Construction Traffic Management Plan - objections made to the content of the CMP - refer to Key Issue 6.

Highway Safety - this is a considerable issue with the proposed increase in construction traffic which includes heavy lorries. The area is accessed constantly by pedestrians; school children; parents with buggies and students.

Congestion - will result and be unacceptable.

Car Parking - the situation will be wholly unmanageable with not enough space in the neighbourhood to accommodate the displaced vehicles if the whole of one side of Randall Road is rendered unavailable.

Pollution Increase in pollution both exhaust fumes and noise.

The Lowering of the Wall - Affected residents of Ambra Vale request the lowering of the wall, potentially with railings atop; to provide light and to avoid re occurrence and fear of re occurrence.

## c) Further Amended Proposals - (revision limited to showing tie bars and weep holes in re built wall and provision of storage tank rather than open pond for drainage purposes).

A further 8 letters have been received which re iterate the earlier objections. Further there are

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complaints that the applicants have not engaged with residents and the proposals continue to ignore the issues raised.

Cllr Jerome Thomas - objected to the original proposals primarily with regard to the Construction Management Plan.

Historic England - No objections in principle to the rebuilding of the wall which has undergone structural failure. Recommend that the wall be rebuilt to as closely match its historic form as possible. Recommend that the opportunity is taken to reinstate the appropriate soft landscaping/planting in this area, and that the University consider commissioning a landscape restoration and management plan for the whole of this important Grade II\* Registered Landscape.

Avon Gardens Trust - No objections.

Contaminated Land Officer - No objections, subject to a condition regarding unexpected contamination during works.

Arboricultural Officer - no objections subject to a number of conditions.

Conservation Team / City Design Group - consider that the proposed works are essential to ensure the continued preservation of the boundary wall and request that the wall be restored to its original height as defined by the current application. "We accept that there are issues of light to the adjoining properties to the south, but this is an historic issue dating from the construction of those properties and the restoration of the historic fabric of the pre-existing wall should take precedence. We require the restoration of the whole of the wall to the same height to ensure that its evidential integrity is preserved". "We accept that the proposed works on the southern wall will require the taking down and re-erection of substantial sections. We recommend approval based on the assumption that the stonework and mortar will be restored to match existing. Similarly, the work required to the western wall to enable plant access should ensure that it is reinstated and made good to match prior to completion of the works. We are satisfied that there are benefits in the proposed new landscaping proposals, and that the loss of trees, whilst unfortunate, is unavoidable to permit the works to continue". Approval recommended subject to a number of conditions.

Flood Risk Management - Raised issues regarding flood risk to third parties and advised that further details of drainage is required. (Officer note: - this issue was since captured by the appointed consultants who reviewed, amongst other things, the drainage proposals).

Nature Conservation Officer - No objections subject to conditions.

Transport Management - No objections, subject to a number of conditions - see Key Issue below.

Air Quality - The overall impact upon air quality as a result of the increased number of HGV vehicle movements during construction is likely to be relatively low. Institute of Air Quality Management/Environmental Protection UK Guidance: Land-Use Planning & Development Control: Planning For Air Quality states that assessment of an increase in HGV movements is only required if the predicted increased in annual average daily traffic (AADT) movements (HGV's) is >25 inside an air quality management area (AQMA) or an increase of greater than 100 AADT movements outside of an AQMA. On the assumption that the 4 movements per hour extend over an 8 hour working day that would equate to 32 HGV movements per day for a period of less than 6 months and therefore do not require assessment. The AQMA boundary runs through the development site, however, Air Quality in this location is likely to be good and the proposed delivery route is outside of the AQMA.

Contaminated Land Officer - No objections subject to the imposition of a condition which requires remediation measures in the event that any contamination is found during the carrying out of the works.

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## RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations 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 2016 and Lawrence Weston Neighbourhood Development Plan 2017.

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

## 1) IS THE PRINCIPLE OF THE DEVELOPMENT ACCEPTABLE?

The site is identified as an Important Open Space where development will not be permitted unless it is ancillary to the open space use (Policy DM17). Essentially these proposals relate to engineering works required to stabilise land and the re building of an existing listed boundary wall. Once completed the only visible differences will be the repaired / rebuilt section of the southern boundary wall and the new landscaping arrangements. In light of the above the principle of the proposed works is considered acceptable subject of course to all the more detailed material considerations as set out below.

## 2) WILL THE PROPOSED WORKS ADDRESS THE LAND STABILITY ISSUES AND MINIMIZE RISK TO ADJOINING OCCUPIERS?

The Local Planning Authority (LPA) has an important role in minimising the risk and effects of land stability on property, infrastructure and the public (NPPF). Policy DM37 requires that relevant information is provided to inform any proposed development. A full Geotechnical Report; two structural reports and a Land Stability Report were submitted with the application.

The LPA appointed consultants to review the submitted information and they concluded that the scope and extent of the desk studies and ground investigation appeared generally appropriate for the nature of the project. Concern was raised that the proposed works did not include any attempt to improve the structural condition of the existing masonry wall (other than the short section of rebuilding between no. 43 and 49). Whilst the proposed works would enhance the global stability of the slope behind the wall, protection against future deterioration and possible instability of the existing wall due to local influences was not considered to be assured. It was strongly recommended by the consultants that consideration be given to providing a positive connection between the existing wall and proposed piled ground beam, which could take the form of a series of tie bars installed through both structures using hand held equipment. In addition amendments to aid drainage were recommended in the form of weep holes through the wall and the installation of a tank rather than open pond. Following further discussions with the applicants these measures, which formed the subject of the third round of consultation, have now been incorporated into the proposed scheme. On this basis Officers consider that the proposals sufficiently minimize the risk of further instability with regard to both the land and the listed wall.

## 3) WHAT IMPACT DO THE PROPOSALS HAVE UPON THE DESIGNATED HERITAGE ASSETS?

Goldney Hall is a Grade II listed building; within its grounds are a number of listed structures which include the Grotto (Grade 1); a pair of Corinthian columns (Grade II); the Tower (Grade II\*); the statue of Hercules (Grade II\*, the Rotunda, Bastion and connecting wall (Grade II\*) the Canal (Grade II\*) and the Orangery (Grade II\*). To the south east is Clifton Wood House on Randall Road (Grade II) and

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former stables. The grounds are in the Register of Parks and Gardens of Special Historic Interest Grade II\*. It is also identified as a Local Historic Park and Garden. The site is also located within the Clifton and Hotwells Conservation Area. The trees on the site are subject to further protection of a TPO. These are the Heritage Assets which are positively identified as having a degree of historic significance meriting consideration in any planning decision.

The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, 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.

Section 12 of the 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 states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy BCS22 of the Bristol Development Framework, Core Strategy and Policy 31 of the Site Allocations and Development Management Policies seeks to ensure that development proposals safeguard or enhance heritage assets in the city. A Heritage Assessment was submitted with the application with the aim of setting out the heritage issues relating to Goldney Hall and its surrounding environs.

a) The Listed Wall and Buildings

The Heritage Assessment identifies the heritage assets within the site and then proceeds to focus on the listed wall and garden in relation to Heritage Values and presents an assessment of its significance. The report concludes that overall the wall has a moderate level of significance (weighing up the evidential; historical; aesthetic and communal value) based on its strong associative historical value. It concludes that the proposals would involve moderate harm to the heritage asset by the removal of 5 - 10 % of the wall and the alteration of the existing landscape. The report however concludes that this harm would be offset by the removal of the potential hazard to the public; i.e. the subsidence and collapse of the wall.

Officers concur with this conclusion; that the proposal would result in less than substantial harm to the significance of the listed wall and that this has to be weighed against the public benefit, which in this instance relates primarily to the eventual stability of the land for the residents of Alma Vale. It is recommended that a number of conditions are placed on any permission which ensure the full recording of the wall fabric before any further dismantling; an agreed detailed working methodology and specifications before any work starts on site and archaeological monitoring and recording in accordance with an agreed Written Scheme of Investigation.

Requests from the occupiers of those properties where the wall has collapsed (no's 43 - 49 Alma Vale East) have been made for the wall to be re built at a lower level, perhaps with railings on top, to provide more light to the properties and to reduce the fear of re occurrence. This request was considered by the conservation officer who states that "We accept that there are issues of light to the adjoining properties to the south, but this is an historic issue dating from the construction of those properties and the restoration of the historic fabric of the pre-existing wall should take precedence. We require the restoration of the whole of the wall to the same height to ensure that its evidential integrity is preserved". Historic England are also of the same view. Officers concur with this advice and as such would advise that the wall is re built to its original height as per the proposals that have been submitted. The wall is an historic heritage asset that is irreplaceable and as such any harm or

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loss (including partial loss) should not be permitted or should be wholly exceptional. The proposals will result in the wall being sufficiently stable in the future and as such there is no justification for its partial loss.

The submission does not present an assessment of the significance of any of the other listed buildings. Clearly Goldney Hall is significant heritage asset in itself as are the structures within the grounds identified above. The works however relate to lower grounds of Goldney Hall and are sufficiently distant from these structures to have less than substantial harm to their setting, certainly once the engineering works are completed and the land is restored and re landscaped.

b) The Landscape / Historic Park and Garden and Conservation Area

The submitted Heritage Assessment does not address the issue of the designation of an Historic Park and Garden. The Planning Statement does address this to a degree stating that "This area would not historically have been as densely populated with trees as it currently is. Indeed most of the existing trees are self-seeded. Therefore whilst the existing trees contribute somewhat to the character of the Conservation Area and historic park, they are not 'original features as such and their loss can be mitigated with high quality scheme of compensatory planting" It goes on to state that "should the LPA consider that 'less than substantial harm will be caused to the significance of designated heritage assets as per the NPPF 134, then the following public benefits should be counted in the balance - stabilising the slope and preventing further slippage; thereby protecting the form of the historic garden; protection of property and well- being of residents and delivery of conservation gain by repairing and reconstructing the southern boundary wall". It concludes on this point that "it is clear that any works considered to cause 'less than substantial harm are outweighed by the public benefits associated with providing protection to the residents of Alma Vale East". Officers concur with this view; that the works result in less than substantial harm to the significance of the heritage assets and that public benefits outweigh any such harm.

c) Trees

The most noticeable impact of the proposals will be with regard to the loss of the trees and in this regard Core Strategy BCS9 and 11 requires an appropriate type and amount of new or enhanced green infrastructure to be incorporated into new development. Policy DM15 Green Infrastructure Provision sets out the criteria for such provision and in respect of trees emphasises the importance of design, size, species and placement as part of overall landscape treatment. The importance of the visual and natural environment on people's health and well- being is also recognised. Policy DM17 requires that valuable existing trees to be incorporated into new developments or adequately compensated for if they are to be removed.

Submitted with application was an Arboricultural Impact Assessment; an outline and subsequent full Arboricultural Method Statement and a Tree Protection Plan. The majority of the trees within the application site are covered under a Tree Preservation Order and further protected given that they are located within a designated conservation area.

Essentially 31 trees are identified to be removed out of the 74 trees in the woodland area, 6 of which are Category B trees and the remainder category C trees. The woodland consists mainly of broadleaved trees, predominately ash and sycamore, but also includes beech, elm holly and hickory. The applicants state that their removal is necessary in order for the project to go ahead, the impact of which will be mitigated through the implementation of re planting and a Woodland Management Strategy. Remaining trees will require both above and below ground protection during the required works and a protection plan details how this will be achieved.

The applicants have identified that 85 trees will be re planted and this accords with the Bristol Tree Replacement Scheme. These will be planted during the first planting season following practical completion. The submitted Assessment identifies the replacement trees and shrub species, which is

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considered acceptable; to be conditioned should permission be granted. The landscaping works do also provide for the opportunity to restore the historic views from the site from The Bastion looking south and south west over the floating harbour.

#### 4) IMPACT UPON THE ECOLOGY AND NATURE CONSERVATION

The proposal directly affects a designated Site of Nature Conservation Interest (SNCI), Clifton Wood. Policy DM 19 of the Site Allocations and Development Management Policies provides detailed criteria for the consideration of proposals affecting nature conservation sites and builds upon policy BCS9 of the adopted Core Strategy. The relevant surveys and studies have been carried out and submitted to the LPA and officers are satisfied that the necessary ecological protection is afforded, subject to the imposition of a number of conditions on any permission.

#### 5) CONTAMINATION / UNEXPLODED ORDNANCE

An Unexploded Ordnance Threat Assessment Report was carried out on the site to assess the potential risk during the ground - intrusive operations. It identifies an area of low risk (front of houses fronting onto Ambra Vale East) and an area of Medium to High Risk Zone (majority of the site) and provides advice regarding a number of mitigation measures to reduce the risk in both zones for to employees and the general public. It is recommended that these measures be conditioned on any permission.

#### 6) CONSTRUCTION TRAFFIC

The proposed development under consideration relates to the engineering works to stabilize the land; the consequent felling of trees and re landscaping proposals as well as the permanent and temporary alterations to the listed wall. The work programme is to be approximately 24 weeks.

As with any development, the proposals will generate construction traffic. Given the tight residential streets; steep gradients and limited options for access to the site through this sensitive environment a Construction Traffic Management Plan was submitted as part of the application.

The original Traffic Management Plan identified the main access road to the site to be that of Goldney Road to the west, however concerns were raised by highway officers with regard to the steep and narrow section of Constitution Hill east of Clifton Wood Road which was not deemed an appropriate route for construction traffic. In addition the number of existing on-street car parking activities that would need to be displaced as a result of the required temporary waiting restrictions was high.

In light of this the scheme was amended; the access is now proposed to be from Randall Road to the east with the full route being that of Merchant's Road, Regent's Street, Lower Clifton Hill (top section), Clifton Wood Road and Randall Road.

It is stated that there would be approximately 4 lorry (8 wheeler, 20 tonne tipper or 6 wheeler concrete) movements per hour (2 arrivals and 2 departures). There will inevitably be other deliveries and it is envisaged that there "may be 1 delivery by an articulated vehicle per week. Staff vehicles will park within the compound of the site, (6 - 10 staff are anticipated). All vehicles can enter and turn within the site.

In order to achieve adequate access and mitigate impact, parking restrictions are to be proposed (between 08:00 and 17:00) Monday to Friday and 09:00 to 13:00 on Saturdays for which temporary traffic regulation orders will be required for Randall Road itself and Clifton Wood Road. This would reduce the capacity on Randall Road by 14 cars and capacity on Clifton Wood Road by 3 cars; reducing overall capacity by 17 spaces during these times. Displaced vehicles will have to park on adjoining roads and the survey has shown that this is achievable although it is recognised that at times residents will have to travel along a number of roads searching for a parking space which is

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clearly inconvenient.

There are a number of objections to the proposed route, primarily from residents of Randall Road and Clifton Wood Road. Issues relating to highway safety; the resultant lack of car parking and concerns regarding an increase in pollution in terms of both exhaust fumes and noise have been raised. Such concerns are to be expected but officers are of the view that this is the least, worst option and that with the proposed mitigation measures, such impacts, ( which are of a temporary nature) are acceptable. As such a number of conditions are proposed to be attached to any permission with regard to hours of operation; the layout of the compound (to ensure sufficient staff parking and turning area) and to ensure mechanisms in place to reduce the amount of dust and mud on the road. With regard to air quality members will note that the Authorities Scientific Officer does not raise any objections to the route.

A number of residents raise concerns with regard to the impact of the heavy traffic on the structure of their properties given the anticipated vibration. In response the applicants state that "Randall Road is a Public Highway and therefore had been built to take vehicles the size and weight to be used for this project. Whilst the traffic in the construction period will be more than they are used to in Randall Road, it will be no more than many roads in Bristol. Most of the traffic into and out of the site will be normal sized vehicles and the soil removal vehicles are subject to all highway regulations in respect to size and weight. Therefore highway traffic should not cause any damage to property that is in sound condition. The contractor will be responsible for insurance for works on site as defined under the building works contract and to also provide insurance for their vehicles for use on all public highways whether this is Randall Road or indeed any other road in and around Clifton needing to be driven on in order to access the site. The University would not undertake any assessment or inspection of any properties or land on any part of the route that contractor vehicles may take in order to enter the site and so are unable to comment on any pre-existing subsidence issues on properties owned by others, such as that raised by the neighbours".

It is understandable that residents have concerns in this regard, but this is an issue that arises on many development projects across the city. In terms of the highways, officers are of the view that the road network can accommodate the construction traffic. With regard to the individual properties this is a civil matter for individual owners to address with the applicants should such an issue occur.

## CONCLUSION

The proposals will ultimately ensure that the land within Goldney Hall and the curtilage wall will become more stable and minimise any further impact therefore upon the neighbouring occupiers. The engineering works are relatively extensive but with the careful re building of the listed wall and re landscaping of the grounds, the proposals are considered acceptable; having due regard to heritage assets. It is acknowledged that the construction period will be disruptive to some residents for a temporary period but this has been mitigated where possible.

**Development Control Committee A – 26 July 2017****Application No. 16/03473/F and 16/03474/LA: Goldney Hall Lower Clifton Hill Bristol BS8 1BH****A) Application No. 16/03473/F****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. 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 on Drawing No. 170324-GHC-TPP-Rev B-L1 & AM. 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 tree(s) give(s) and will continue to give to the amenity of the area.

3. Prior to the commencement of development hereby approved a Dust Assessment and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified in the Mitigation Plan shall be adhered to throughout the construction period.

Reason: In order to ensure that sensitive receptors are not adversely impacted by the works.

## 4. Highway Condition Survey

No development shall take place until a survey of the condition of the existing public highway has been carried out and in agreement with the Local Planning Authority.

Reason: To ensure that any damage to the highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

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5. The development shall be carried out in accordance with the Written Scheme of Investigation ref: T23011.11 dated February 2017.

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

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

Reason: To record remains of archaeological interest before destruction.

7. The development shall be carried out in accordance with the submitted Work Method Statement - Boundary wall removal, repair and reinstatement and the Work Method Statement - Randall Road wall removal and reinstatement document submitted on 21st February 2017.

Reason: In order that the special character of the Conservation Area and Registered Landscape and the architectural and historic interest of the Listed Buildings is safeguarded.

8. All new external 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 character of the Conservation Area and Registered Landscape and the architectural and historic interest of the Listed Buildings is safeguarded.

9. Following the completion of the development hereby approved and prior to the re landscaping of the site, the made up land identified on drawing no. 4126-405 Rev F surrounding the site access and compound shall be removed and the land restored to its former profile to the reasonable satisfaction of the Local Planning Authority.

Reason: To ensure that this historic park and garden is restored to its original profile.

10. The contractors compound shall be laid out in accordance with the layout plan (Drwg: GRA-GOLD-PLAN-001) received on 3rd March 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no harm is posed to the terrace wall on the north of the site and for highway safety reasons.

11. The development shall be carried out in full accordance with the recommendations contained within the Ecological Survey dated Augusts 2015; the appraisal with regards to roosting bats and badgers dated 13th October 2016 and the Additional Ecological Information submitted to the Local Planning Authority and dated 20th march 2017.

Reason: In the interests of nature conservation.

12. Following the completion of the piling works hereby approved, a Woodland Conservation Management Plan (10 year) shall be submitted to and approved in writing by the Local Planning Authority. This shall include consideration of features of nature conservation interest, objectives, management compartments and prescriptions, a work schedule including a 10 year

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annual work plan, resourcing including a financial budget and ecological monitoring. The development shall be carried out in accordance with the approved plan or any amendment as approved in writing by the local planning authority.

Reason: To conserve and enhance the nature conservation, arboricultural and landscape features on the site.

13. Following the completion of the piling works hereby permitted a Planting Plan and Landscaping Scheme (to include tree locations; species; stock size and maintenance schedule) shall be submitted to and approved in writing by the Local Planning Authority, to be in general accordance with the submitted Woodland Survey and Management Prescriptions Rev A documents dated November 2016. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the completion of the development hereby approved. 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.

14. The development shall be carried out in accordance with the submitted Arboricultural Method Statement Revision B March 2017.

Reason: To ensure that the implications of the proposed works in relation to arboricultural and landscape value of the trees on the site have been fully considered.

15. 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.

16. The development shall be undertaken in full accordance with the approved mitigation measures outlined in the Explosive Ordnance Desktop Threat Assessment dated 15th September 2015, reference 6174TA. If, during development, any suspected historic ordnance is found to be present, no further development shall be undertaken until the object has been assessed by an appropriately qualified person, appropriate actions taken to remove or make safe the object, have been undertaken, and the Local Planning Authority notified. The provisions of the approved protocol shall be observed throughout the undertaking of all relevant construction activities (i.e. installation of foundations, buried services & SUDS).

Reason: To ensure that development can take place without unacceptable risk to workers and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of evacuation/s associated with the mitigation of UXO.'

**Development Control Committee A – 26 July 2017****Application No. 16/03473/F and 16/03474/LA: Goldney Hall Lower Clifton Hill Bristol BS8 1BH**

17. The development hereby approved shall be carried out in full accordance with the submitted Construction Traffic Management Plan Rev B dated November 2016. The approved plan/statement shall be adhered to throughout the construction period.

Reason: In the interests of safe operation of the highway and in order to protect where possible the amenities of adjoining occupiers.

18. During the period of construction the development shall be carried out in full accordance with the submitted Wheel Wash Strategy dated 2nd March 2017.

Reason: In order to ensure the prevention of mud being carried onto the highway in the interests of highway safety.

**List of approved plans**

19. 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.

L (0) 01B Site plan, received 1 July 2016

L (0) 02A Block plan, received 1 July 2016

L (0) 03 Existing and proposed elevations of boundary wall repairs for 25, 33 and 35 Ambra Vale East, received 1 July 2016

L (0) 04A Existing and proposed elevations of boundary wall repairs for 37, 39 and 41 Ambra Vale East, received 1 July 2016

L (0) 05A Existing and proposed elevations of boundary wall repairs for 43-49 Ambra Vale East, received 1 July 2016

L (0) 06 Rebuilding of gate pier plans and elevations, received 1 July 2016

4126-401M General Arrangement, received 1 July 2016

4126-402E General arrangement section, received 1 July 2016

4126-403B Slip sections, received 1 July 2016

4126-405K Working area and cut and fill for access, received 1 July 2016

4126-406C Drainage details, received 1 July 2016

4126-407B Repairs to existing wall, received 1 July 2016

4126-408A Construction details, received 1 July 2016

4126-409A Construction details, received 1 July 2016

4126-410A Construction details, received 1 July 2016

4126-411A Extent of unstable ground, received 1 July 2016

4126-412C Site area, received 1 July 2016

4126-413A Wall tie bar position elevation and details, received 1 July 2016

See planning statement, page 5-6, received 1 July 2016

Reason: For the avoidance of doubt.

**Development Control Committee A – 26 July 2017**

**Application No. 16/03473/F and 16/03474/LA: Goldney Hall Lower Clifton Hill Bristol BS8 1BH**

**B) Application No. 16/03474/LA**

**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

1. Listed Building Consent or Conservation Area Consent

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

Reason: As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004.

**Post occupation management**

2. The development shall be carried out in accordance with the Written Scheme of Investigation ref: T23011.11 dated February 2017.

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

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

Reason: To record remains of archaeological interest before destruction.

4. The development shall be carried out in accordance with the submitted Work Method Statement - Boundary wall removal, repair and reinstatement and the Work Method Statement - Randall Road wall removal and reinstatement document submitted on 21st February 2017.

Reason: In order that the special character of the Conservation Area and Registered Landscape and the architectural and historic interest of the Listed Buildings is safeguarded.

5. All new external 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 character of the Conservation Area and Registered Landscape and the architectural and historic interest of the Listed Buildings is safeguarded.

**List of approved plans**

6. 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.

L (0) 01B Site plan, received 1 July 2016

L (0) 02A Block plan, received 1 July 2016

L (0) 03 Existing and proposed elevations of boundary wall repairs for 25, 33 and 35 Ambra Vale East, received 1 July 2016

**Development Control Committee A – 26 July 2017**

**Application No. 16/03473/F and 16/03474/LA: Goldney Hall Lower Clifton Hill Bristol BS8 1BH**

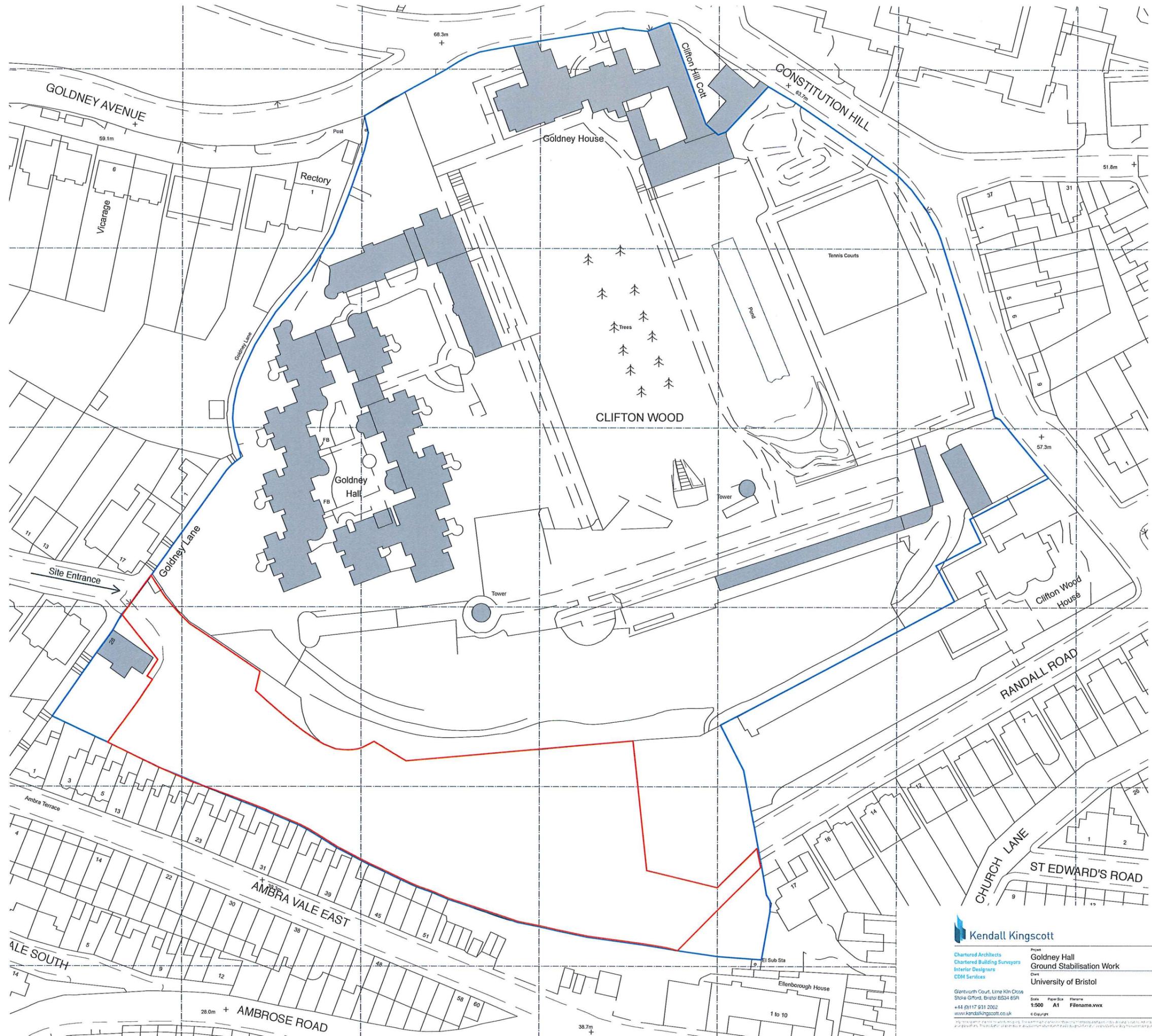
- L (0) 04A Existing and proposed elevations of boundary wall repairs for 37, 39 and 41 Ambra Vale East, received 1 July 2016
- L (0) 05A Existing and proposed elevations of boundary wall repairs for 43-49 Ambra Vale East, received 1 July 2016
- L (0) 06 Rebuilding of gate pier plans and elevations, received 1 July 2016
- 4126-401M General Arrangement, received 1 July 2016
- 4126-402E General arrangement section, received 1 July 2016
- 4126-403B Slip sections, received 1 July 2016
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- 4126-407B Repairs to existing wall, received 1 July 2016
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- 4126-409A Construction details, received 1 July 2016
- 4126-410A Construction details, received 1 July 2016
- 4126-411A Extent of unstable ground, received 1 July 2016
- 4126-412C Site area, received 1 July 2016
- 4126-413A Wall tie bar position elevation and details, received 1 July 2016
- See planning statement, page 5-6, received 1 July 2016

Reason: For the avoidance of doubt.

## Supporting Documents

### 1. **Goldney Hall**

1. Site Plan
2. General Arrangement Plan



**Kendall Kingscott**

Chartered Architects  
Chartered Building Surveyors  
Interior Designers  
CDM Services

Glentworth Court, Lime Kiln Close  
Stoke Gifford, Bristol BS34 6SR  
+44 (0)117 931 2062  
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Project  
**Goldney Hall  
Ground Stabilisation Work**  
Client  
**University of Bristol**

Scale  
**1:500**  
Paper Size  
**A1**  
Filename  
**Filename.vwx**  
© Copyright

B 15/9/16 RT MD Site area revised.  
A 2/10/16 RT MD Site area added. Boundary line colours amended.

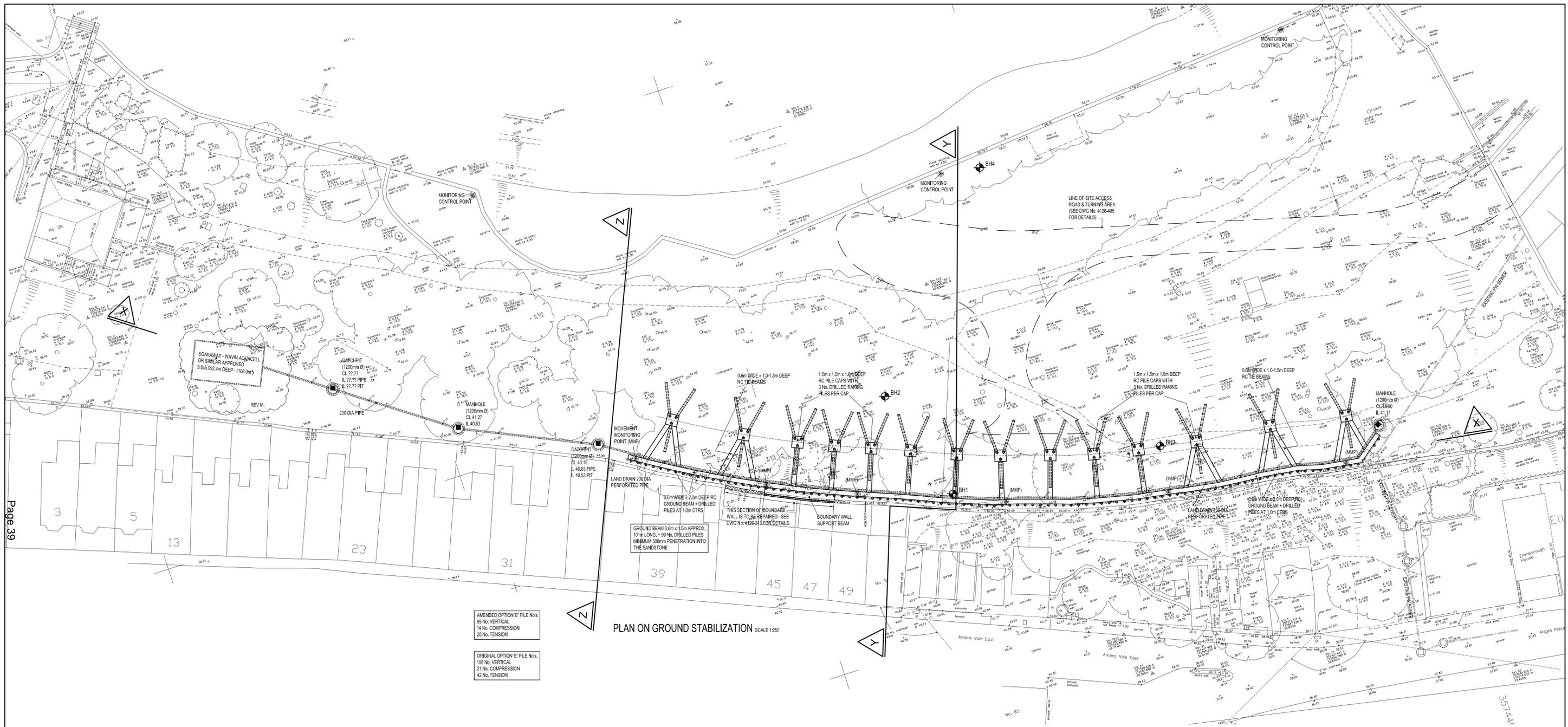
Rev Date By Ap Note

Drawing Title  
**Site Plan**

Project Number Drawing Number - Revision  
**150406 L(0)01 B**

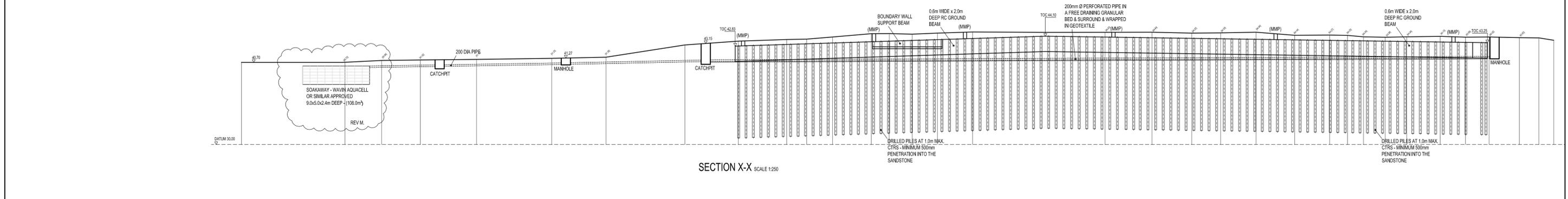
Date	Drawn	Checked	Status
13/4/16	RT	MO	PLANNING

Check all dimensions and levels on site



Page 39

AMENDED OPTION 'E' PILE Nos.	89 No. VERTICAL	14 No. COMPRESSION	28 No. TENSION
ORIGINAL OPTION 'E' PILE Nos.	108 No. VERTICAL	21 No. COMPRESSION	42 No. TENSION



**NOTES :-**  
 GENERAL :-  
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS & SPECIFICATIONS.  
 DO NOT SCALE THIS DRAWING USE FIGURED DIMENSIONS ONLY.  
 FOR SECTIONS Y-Y & Z-Z REFER TO DRAWING No. 4126 - 402.

**DRAINAGE :-**  
 ALL LEVELS AND DIMENSIONS TO BE VERIFIED ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER.  
 ALL PIPES TO BE LAID WITH SOFFITS LEVEL. ALL INVERT LEVELS SHOWN ARE TO THE OUTLET PIPE (UNO.) ALL PIPE RUNS TO BE LAID TO INVERT LEVELS SHOWN. PIPE GRADIENTS SHOWN ARE APPROXIMATE.  
 THE LOCATION, SIZE AND DEPTH OF ALL EXISTING DRAINS WHICH ARE RELATED TO THE NEW DEVELOPMENT SHALL BE ESTABLISHED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORKS. ANY DISCREPANCIES FROM THAT SHOWN TO BE IMMEDIATELY REPORTED TO THE ENGINEER.  
 ALL ADAPTABLE DRAINAGE MANHOLES & ASSOCIATED PIPEWORK & PIPE BEDDING TO BE CONSTRUCTED IN ACCORDANCE WITH SEWERS FOR ADOPTION 7TH EDITION & IN ACCORDANCE WITH THE LATEST REVISIONS OF WESSEX WATER STANDARD DETAIL DRAWINGS STD / 200, STD / 201 AND STD / 220.

no.	revision	by	chk'd	date
M	SOAKAWAY AMENDED	RKL	TMV	20.06.17
L	SOAKAWAY MOVED	RKL	TMV	14.06.17
K	SOAKAWAY ADDED	RKL	TMV	05.06.17
J	NOTES REGARDING GROUND ANCHORS REMOVED	TJB	TMV	03.05.17

no.	revision	by	chk'd	date
H	SOAKAWAY POND PROFILE ADDED	RKL	TMV	25.04.17
G	SOAKAWAY & SECTION W-W ADDED	TJB	TMV	22.03.17
F	SITE ACCESS & TURNING AREA AMENDED	TJB	TMV	17.10.16
E	RE-TENDER ISSUE	TJB	TMV	07.09.16
D	PILE & BEAM LAYOUT AT EASTERN END OF SITE AMENDED	TJB	TMV	02.09.16
C	PILE & BEAM LAYOUT ADJACENT EX. FW SEWER AMENDED	TJB	TMV	31.08.16
B	PILE & PILE CAP ARRANGEMENT AMENDED	TJB	TMV	30.08.16
A	ALTERNATIVE SITE ACCESS & TURNING AREA ADDED	TJB	TMV	18.08.16
-	FIRST ISSUE	TJB	TMV	22.07.16

project  
**GOLDNEY HALL  
 CLIFTON  
 BRISTOL**

drawing title  
**PROPOSED GROUND  
 STABILIZATION - OPTION 'E'  
 SHEET 1**

status  
 RE-TENDER

date  
 JULY 2016

Structural Engineers  
 184 Kellaway Avenue  
 Bristol  
 BS5 7YL  
 Tel: 0117 9421199  
 Email: terry@tmventham.com

**TM Ventham**  
 Practice

scale@A1  
 1:250

drawing number  
 4126-401

revision  
 M



**Development Control Committee A – 26 July 2017****Application No. 15/05673/F & 15/05674/LA: 223 Newfoundland Road Bristol BS2 9NX**

UPDATE FOLLOWING DC COMMITTEE A - 14 JUNE 2017:

Further to the Development Control Committee A meeting on the 14<sup>th</sup> June 2017, the planning application and application for listed building consent at 223 Newfoundland Road were referred to the Planning Casework Unit (PCU) for consideration. Notification has been given by the PCU that the Secretary of State does not wish to call in the applications. Following committee's resolution on the 14<sup>th</sup> June to grant planning and listed building consent, subject to conditions, the City Council is now in a position to approve the applications.

At the 14<sup>th</sup> June Committee meeting, Councillor Stevens queried the inclusion of an advice to the planning consent. The advice recommends that resident parking permits are not issued to future residents of the development, to enable the scheme to be 'car free'. Councillor Stevens raised concern that the advice was unenforceable and has discovered that parking permits have been issued to residents of other developments where this advice has been included to the planning consents.

Wording of advice note 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'.*

The Head of Development Management confirmed that it would be possible to update Lead members at the next DC A Committee agenda meeting on this issue. If this could not be confirmed at that stage the application would return to Committee.

Following liaison with Transport Development Management it is understood that the team responsible for the Resident Parking Scheme (RPS) are amending all RPS Traffic Regulation Orders (TROs) to prevent residents of low/zero car developments being eligible for vehicle permits. It has been agreed that this exemption will not be applied retrospectively and will only become effective after new TROs are operational. With the exception of one or two resident parking schemes, the majority will have new TROs in spring/summer 2018 at the earliest.

This means any residents in developments with this advice applied to the planning consent are legally entitled to apply for parking permits before new TRO's are operation. It is understood that The Council does have discretion on issuing permits and it is recommended that the advice note is still included on relevant planning applications, including this proposal. However, the decision taken will be at the discretion of the RPS team, based on demand and they can choose to act on our advice, or take a different view.

OFFICER REPORT FROM DC COMMITTEE A - 14 JUNE 2017:

## 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.

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX**

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."

**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:

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX**

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].

**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.

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX**

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.

Vehicle Parking

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.

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX****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 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.

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX****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 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.

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.

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX**

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.

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.

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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 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

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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 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

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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 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

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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, 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 to 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.

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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 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

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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 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

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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....."

"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

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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**

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.

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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:

- 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.

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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 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.

## (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

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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-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

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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).

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

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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 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.

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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 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

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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 240 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.

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 (6 no. 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

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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. 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

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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 ACCPETABLE?**

Apart from the removal of the 20<sup>th</sup> 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 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.

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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 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

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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.

**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.

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- 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,
- \* 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

**Development Control Committee A – 26 July 2017****Application No. 15/05673/F: 223 Newfoundland Road Bristol BS2 9NX**

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).

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.

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## 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.

## 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.

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## 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.

## 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.

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## 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.

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.

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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.

**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.

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## 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 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

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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.

**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.

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Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://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](http://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.

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ITEM NO. 3

WARD: Hartcliffe & Withywood CONTACT OFFICER: Matthew Bunt

SITE ADDRESS: 135 Highridge Road Bishopsworth Bristol BS13 8HT

APPLICATION NO: 17/01813/F Full Planning

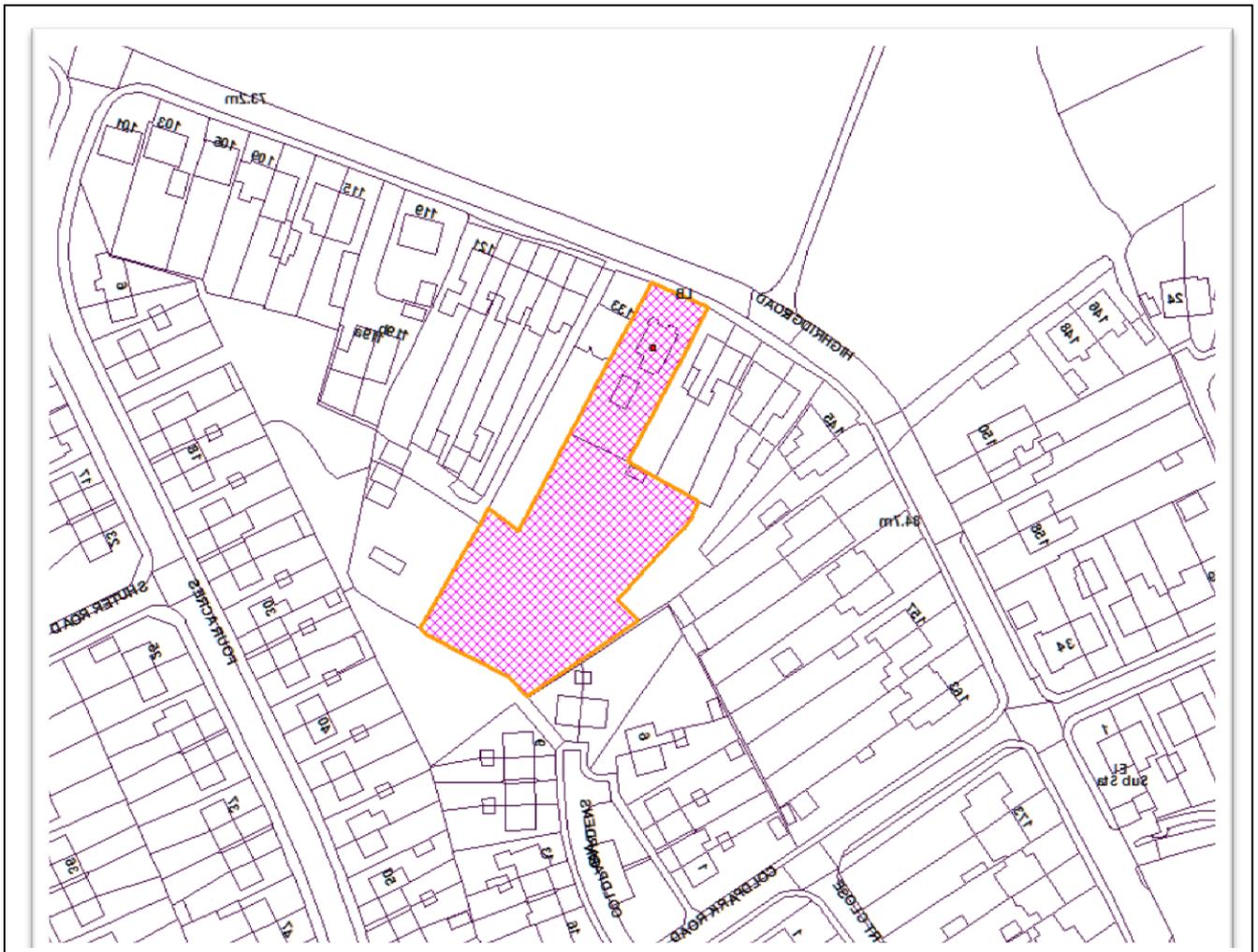
DETERMINATION DEADLINE: 4 July 2017

*Erection of a Passive house: sustainable 5-bedroom family home.*

## RECOMMENDATION:

AGENT: APPLICANT: Doctor Daniel Noble  
135 Highridge Road  
Bishopsworth  
Bristol  
BS13 8HT

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



**Development Control Committee A – 26 July 2017****Application No. 17/01813/F: 135 Highridge Road Bishopsworth Bristol BS13 8HT****SUMMARY**

This application was referred by Cllr Helen Holland and Cllr Paul Goggin. The reason provided for referral is included below:

- *This application is for a sustainable family house on the site of a previously permitted scheme (never implemented) for flats.*
- *There is precedent along the road for back land developments, again, some much more extensive than the proposed development.*
- *The plans have been altered from a previous application (by the same applicant) to accommodate suggestions by Planning Officers.*

**SITE DESCRIPTION**

The application site is composed of no. 135 Highridge Road, a detached two storey five bedroom dwelling set back from the highway within the ward of Hartcliffe and Withywood. The site is currently served by one vehicular access which is positioned to the north western side of the application site. The site is large for a residential dwelling in this area, in that the rear section of site expands to the east and west in a non-linear fashion. This area of the application site is composed largely of lawn, a polytunnel, a chicken coop and a pigsty. Approximately 75% of the application site itself is within the Bishopsworth and Malago Conservation Area, the very rear of the application site is not with the Conservation Area. A large section of the site is also within an area designated as Important Open Space, specifically the section of the application site to the south east of the rear garden boundaries of nos. 135, 137 and 139. The majority of the proposed access to the proposed dwelling is outside of the area designated as Important Open Space. On the northern side of Highridge Road is the Highridge Common Site of Nature Conservation Interest (SNCI), which is also designated green belt – for the avoidance of doubt the application site is not within these designations.

**APPLICATION**

The planning application subject to this report seeks planning permission for the erection of a two storey detached dwelling to the rear of no. 135 Highridge Road, the proposed dwelling itself will be situated within designated important open space as well as the Conservation Area. The proposed north elevation has limited fenestration and is largely composed of profiled black metal sheeting, whilst the single storey section would be finished in timber cladding. The side elevations are fairly similar being finished in timber cladding, although the west elevation does include a balcony at first floor level as well as extensive glazed doors. The south facing elevation is composed of timber cladding and the roof elevation is composed of profiled black metal sheeting, the elevation has a first floor balcony across its majority, and the elevation has extensive fenestration. The single storey element of the proposal has a green roof, and the south facing roof elevation includes photovoltaic panels.

As is evident from the planning history section of this report, there have been numerous attempts to gain planning permission for residential development at this site, only one of which has been successful, however given this application was never implemented, and in excess of 3 years has passed since this permission was granted, this planning permission has now lapsed. The application subject of this report is near identical to previously submitted planning applications 17/00493/F and 16/01947/F which were both refused, however, this planning application differs in



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07/04435/F	Withdrawn	07/01/2008
Erection of 2 no. two-storey apartment blocks (including some roof level accommodation) to accommodate 10 no. flats. Change of use of existing house to 1 no. two bedroom and 1 no. one bedroom flat, including alterations to reduce its width. Alteration and extension of existing driveway access and provision of 12 car parking spaces. Retention of part of site as a Nature Conservation Area. Retention of existing barn as refuse and cycle storage. Associated provision of additional cycle parking and landscaping.		
73/04170/P_U	Refused	23/10/1973
Erection of two blocks of three storey flats and provision of a new cul-de-sac.		
65/00567/P_U	Refused	11/08/1965
Outline application to use land edged red on plan to erect three pairs of semi-detached houses and a block of five lock-up garages.		

**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 neither the approval nor refusal of this application would have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

**RESPONSE TO PUBLICITY AND CONSULTATION**

Nearby neighbours were consulted in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, in response to such consultation, 7 letters were submitted to the Council from members of the public, four of which were in objection to the development and the remaining three were in support of the development (one of the submitted comments of support was from the applicant). The comments expressed in such letters will be summarised below.

**Support Comments**

- The proposed development will have a minimal impact on the residents of Coldpark Gardens and Fouracres (residential dwellings to the rear);
- Sightlines of the development are already obscured due to trees;
- No intention for building traffic through Coldpark Gardens;
- The proposed development is preferential to the previously approved development at the site;
- Confusion as to why the previously approved scheme was approved, whereas more recent applications have been refused.

**Objection Comments**

- Privacy concerns;
- Compensation will be sought if consent granted due to lack of privacy;
- More time should be provided for those who need larger homes;
- Development behind no. 119 Highridge Road should not be seen as a precedent;
- Character of the area – backland development;
- Conservation Area – development should be in line with current housing patterns;

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- Property value concerns (Officer comment: this is not a material planning issue and cannot be given weight in the decision on the application);
- Highway safety concerns – Highridge Road is a fast moving road with cars travelling at 60mph in some cases.

**Transport Development Management** has commented as follows:-

I can confirm that TDM have no objections to the proposals. Cycle parking is provided within the outbuilding, and there is adequate car parking provision. Refuse storage is to the frontage of the site and is accessible to refuse collectors. The presence of one dwelling's worth of refuse on collection day would not create a material impact on-street.

Visibility is in excess of the posted speed limit and there are several other driveways along this stretch of road and no history of accidents. The use of the access is established.

**Contaminated Land Environmental Protection** has commented as follows:-

The proposed development is situated on land which has been vacant for many years. Our records do indicate the presence of buildings on the land c1950 but the details of land use are not clear on historic mapping. Recent site investigations undertaken in the local area have identified the presence of made ground and asbestos within the soils. Concentrations of various contaminants including arsenic, lead and benzo(a)pyrene have been identified above the screening criteria for the proposed end use. As such a number of conditions are suggested.

**Nature Conservation Officer** has commented as follows:-

No objections subject to a number of advisory notes regarding: green roofs; the recommendations within the ecological appraisal dated December 2015; guidance regarding bat boxes, wildlife ponds and wildflower meadows; fox earth (dens) guidance; and hedgehogs.

## 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

For information, policies starting 'BCS' are policies from the Core Strategy document, whereas policies starting 'DM' are from the Site Allocations and Development Management Policies document.

## (A) PRINCIPLE OF DEVELOPMENT

The proposed dwelling would be located on land that is designated as Important Open Space as designated by the Site Allocations and Development Management Policies document (SADMP). Policy DM17 'Development Involving Existing Green Infrastructure' states that:

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'...development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use'.

The proposal is for a new dwelling, and the Important Open Space subject to this planning application is utilised as a garden space. With this in mind, the proposed development is considered to be wholly inconsistent with policy DM17 as the proposed development would fail to be ancillary to the use of this Important Open Space.

Officers have considered that residential development was permitted in the application site in 2010 (planning ref. 09/04648/F). This permission has now lapsed. Further to this, the development was permitted in 2010, prior to the adoption of the up-to-date Development Plan and also the National Planning Policy Framework. As such officers find this previous consent to constitute limited weight in the assessment of this development.

The proposed development of this garden space has been found to be unacceptable given the Important Open Space designation, it also necessary to consider the development's location, and also the development of a garden. Policy BCS20 'Effective and Efficient Use of Land' is also relevant. This policy encourages higher densities of development in and around the city centre; in or close to other centres; and along or close to main public transport routes. Further to this, the policy goes on to state that individual sites should be informed by the current and future level of accessibility by walking, cycling and public transport to a range of employment, services and facilities. Policy DM21 'Development of Private Gardens' concerns the loss of gardens to development, policy DM21 only permits development involving the loss of gardens where:

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

Points ii and iii are not considered to apply to this development, meaning point i is the key consideration. The application site is within walking distance (400 metres) of the Highridge Common bus stop which has regular bus service to Cribbs Causeway, Patchway, Filton, Gloucester Road, City Centre, Bedminster, Withywood, Hartcliffe and Hengrove Park. Given the development is within walking distance of a main public transport route, officers find point i of policy DM21 and policy BCS20 to be satisfied.

Policy BCS18 'Housing Types' provides further guidance for new residential development, requiring that new residential development maintains, provides or contributes to a mix of housing tenures, types and sizes in order to support the creation of mixed, balance and inclusive communities. The application site is within the Lower Super Output Area of Highridge Common (E01014515) where household accommodation is in the ascendancy (90.4%) with flatted and shared accommodation in the minority (9.6%). Whilst the development does represent a further household that fails to contribute to the mix of housing types, the development will not result in the loss of flatted or shared accommodation. Given the minor scale of the development, combined with its neutral impact on the mix of housing types in the area, officers find the development acceptable with regard to policy BCS18.

In summary the development is unacceptable in principle as the proposal seeks to develop Important Open Space where development is only permitted that is ancillary to the function of that open space. The remaining report will consider the proposal's design and impact on the amenity of the area, including the Bishopsworth and Malago Conservation Area. It is noted that the description of development describes the proposal as a 'sustainable dwelling'. The compliance with the Council's sustainability policies is considered in key issue F below, although it should be noted that

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the development of any site within Bristol is expected to achieve a high degree of sustainability. Further to this, the submitted sustainability and energy statements fail to demonstrate how the proposal goes above and beyond the required sustainability measures. However, for the absence of doubt Officers have considered the merits of the proposal in this regard, and it is not considered to outweigh the loss of open space, as referred to above.

**(B) APPEARANCE, CHARACTER, DESIGN AND IMPACT ON THE CONSERVATION AREA**

The application site is within a Conservation Area. 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 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 Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("*Forge Field*") 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." [48]. This is applicable here because there is harm to the heritage asset caused by the proposals as set out below.

Section 12 of the 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 states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, Paragraph 134 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.

Policy BCS22 'Conservation and the Historic Environment' aims to safeguard or enhance heritage assets, as does policy DM31 'Heritage Assets' which requires new development to preserve, and where appropriate enhance the elements which contribute to the special character and appearance of Conservation Areas.

The Development Plan also has a suite of policies which aim to encourage high quality design which are also material to this assessment. Policy BCS21 'Quality Urban Design' requires development to deliver high quality urban design that contributes positively to an area's character and identity, through creating or reinforcing local distinctiveness. Policy DM21 echoes policy BCS21 through requiring the development of garden land to not result in harm to the character and appearance of an area. Policy DM26 'Local Character and Distinctiveness' further reinforces the importance of development contributing positively to local character and distinctiveness through listing a number of general design principles that will be considered within this section. Also material to the assessing the design of the proposal is policy DM27 'Layout and Form' that requires development to make an efficient use of land and to have a quality urban design that results in healthy, safe and sustainable places. Policy DM29 'Design of New Buildings' is congruous with the design orientated policy discussed within this section in requiring new buildings to be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. Overall both local policy and national guidance (section 7 of the NPPF) recognises the importance of good design meaning development will not be permitted where it would be harmful to the local character and distinctiveness.

The application site is within the Bishopsworth and Malago Conservation Area, for which there is no adopted character appraisal or enhancement statement. As with the previously assessed developments at the application site, officers are of the opinion that the development proposed will

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materially harm the special characteristics of the Conservation Area.

To the rear of a number of dwellings on Highridge Road is a vast open space, the majority of which is designated as Important Open Space. This space is largely composed of trees, residential gardens and general amenity lands covered in vegetation. Although officers are aware of nos. 119 a and b, which are semi-detached dwellings positioned to the rear of 119 Highridge Road, this area is relatively free from any form of substantial backland development, and even nos. 199 a and b are located on the very north eastern edge of the open space. The proposal however would disrupt this open space through locating a large five bedroom dwelling within the open space in the form of a new dwelling. It is not the character of the area to have this form of backland development where a proposal would have no positive affirmation or relationship with a street scene.

Further to this, in the absence of a Character Appraisal, it appears that the features of this part of the Conservation Area are frontage development with plenty of greenery visible in the gaps between houses and long views across the common. Where there are limited trees in the way, meaning there are long views between houses towards the hills to the south and these gaps between the houses provide a verdant open setting to the frontage development along the road. The approved and built backland development at no. 119 illustrates why backland development should not be allowed on this road; it creates a harsh and out of character break in the otherwise green backdrop to the frontage development. That development was approved in 2002, under a different policy regime.

The backland location of the dwelling leads to further design issues with the dwelling when looking at the elevational treatments. The northern elevation, which would be the elevation that would be immediately visible when entering the site from the proposed access is largely devoid of any architectural features that are generally expected. For example the 'front door' for the dwelling is in the form of double glazed doors and as such fails to provide the building with any sense of legibility. Principal elevations of dwellings usually have all main elevational treatments, such as the front door, main windows and key architectural details. The proposed front elevation fails to do so, which is a symptom of the contrived location in which the development is proposed. The dwelling's height, scale and massing are also overly large. If officers were to find the backland location of the development to be acceptable, backland development is expected by policy DM26 to be subservient in height, scale, mass and form to surrounding frontage buildings, the proposal fails to achieve this.

The proposal would also require an additional vehicular access to facilitate a car parking area for the host site. Highridge Road is generally characterised by dwellings set back from the highway with a single access at one side of the plot and a stone/brick boundary wall between the pavement and front garden/parking area. The insertion of a further access at the site would further contribute to the development's poor design and site planning, and harm to the Conservation Area. As the highway is classified, the new access requires express planning permission.

The applicant suggests the dwelling would be screened by planting and existing trees, given the scale of the proposal, officers do not agree. Especially given the proposed paved driveway from which the development would be accessed. This access drive way is nearly 50 metres in length and represents further harm to the street scene, character of the area and Conservation Area given long driveways leading to dwellings in rear gardens is an alien form of development within the area. In summary, the development is contrary to the predominant grain of development in the area which is characterised by dwellings addressing Highridge Road with long rear gardens and views of open green space between such dwellings.

The proposal is therefore considered to be harmful to the Bishopsworth and Malago Conservation Area. Given the location and scale of the development, officers find this harm to be 'less than substantial'.

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In accordance with legislation, the starting point for planning assessments is the Development Plan, as such the proposal's harm must be considered against relevant Development Plan heritage policies. Policy BCS22 requires development to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance, Conservation Areas are heritage assets. The development therefore fails to safeguard the relevant heritage asset appropriately and therefore does not accord with this policy BCS22 as it results in less than substantial harm to the Bishopsworth and Malago Conservation Area. Policy DM31 is also relevant as it provides specific guidance with regard to development that impacts on heritage assets, stating that development within or which would affect the setting of a conservation area will be expected to preserve, or where appropriate, enhance the elements of the conversation area which contribute to their special character or appearance. The policy goes onto state that where the significance of a heritage asset is impacted, as this development does, the applicant will be expected to:

- i. Demonstrate that all reasonable efforts have been made to sustain in the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and
- ii. Demonstrate that the works proposed are the minimum required to secure the long term use of the asset; and
- iii. Demonstrate how those features of a heritage asset that contribute to its historical, archaeological, social, artistic or architectural interest will be retained; and
- iv. Demonstrate how the local character of the area will be respected.

The proposal fails point i as the harm the development represents to the heritage assets cannot be mitigated. Point ii is not overly relevant to this development given the heritage asset is a Conservation Area. Point iii is also not overly relevant given the heritage asset in question is a Conservation Area. The development fails point iii in that it fails to retain the character of the application site or area that contributes to the aforementioned heritage asset's setting and importance. As demonstrated throughout this section the development fails to respect the local character of the area meaning point iv is failed. In summary the development fails all relevant aspects of policy DM31.

Turing to the NPPF which represents a further material consideration that must also be considered further to the Development Plan. Section 12 of the NPPF sets out the procedure for assessing harm to designated heritage assets, Paragraph 132 of the NPPF sets out 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. The more important the asset, the greater the weight should be.'

Importantly, the NPPF provides further clarification in requiring the level of harm to be identified. In the case of this proposal, officers find the level of harm to be less than substantial, meaning paragraph 134 of the NPPF is engaged, this paragraph states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

Accordingly, officers must consider the public benefits that would result from the development. The introduction of a new dwelling to the Council's housing supply is a public benefit, although limited when considering the proposal would only facilitate 1no. new residential unit. Further to this, officers must consider the optimum viable use of the application site subject to the proposed dwelling. The section of the application site where the proposed dwelling is situated is currently used as a garden space. Notwithstanding this, given the designation of this land, its optimum use would be as open space consistent with its designation as Important Open Space. It has been established that the development represents less than substantial harm to a designated heritage asset which in itself attracts 'great weight' against the development. The development fails to represent an optimum

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viable use for the site, and the development is considered to offer limited public benefit. In accordance with paragraph 134 of the NPPF, the development's harm significantly and demonstrably outweighs the benefits associated with the development, and as such should be refused.

The development's poor design and impact on the Bishopsworth and Malago Conservation Area also means the development is considered to fail policies BCS21, BCS22, DM26, DM29 and DM31.

**(C) AMENITY OF NEARBY OCCUPIERS (INCLUDING THE HOST DWELLING NO. 135 HIGHRIDGE ROAD)**

Policy BCS21 requires development to safeguard the amenity of existing occupiers, and states within the extended text that consideration should be given to matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Similarly, Policy DM29 requires development to achieve appropriate levels of privacy, outlook and daylight. Paragraph 17 of the NPPF reinforces that the amenity of nearby occupiers is of the utmost importance, as ensuring a good standard of amenity of all existing and future occupiers of land and buildings is a core principle of the NPPF. The proposal includes a new access which was not proposed within the previously refused development. This access is driven between the host unit and no. 133 Highridge Road, meaning the access would be adjacent to primary rooms within both affected dwellings. This is not considered to be acceptable given no. 133's side elevation, which is set lower than the host unit, is adjacent and forms the boundary treatment with the host unit no. 135 Highridge Road. It is expected that use of this access would materially harm the residential amenity of the occupiers of no. 133, as well as those within the host unit.

The assessment of the previously proposed access' impact on the neighbouring house no. 137 and the host dwelling has not materially changed from the previously refused applications. The use of the access drive would affect occupants of both the existing house at the host unit and the occupants of no. 137. There would be a significant increase in noise and disturbance to occupants of the host unit, as the new driveway would run directly alongside their house and a section of their garden which includes an outbuilding. There would also be an effect on privacy, as without a suitable boundary treatment people using the driveway would be able to see into the rear elevation windows of the host unit.

Whilst driveways adjacent to houses are not uncommon, generally such driveways alongside houses only serve the house itself, so any noise and disturbance only affects the household responsible for the driveway. However, introducing the proposed driveways directly alongside adjacent units, but used by residents of different houses, would result in a direct impact at an unacceptably close distance.

With this in mind, officers find that the proposed accesses are materially harmful to the occupiers of the host unit from the proposed access for the new dwelling (no. 135), and the proposed access for the original dwelling which materially harm the occupiers of no. 133 Highridge Road. Officers have not considered the development to be materially harmful to the occupiers of no. 137 Highridge Road in order to remain consistent with previous decisions at the site.

A number of objections have been received raising concerns with overlooking and loss of light to properties on Cold Park and Four Acres. The new dwelling will be located in excess of 30m to the rear elevations of the houses on Four Acres and Coldpark Road and will not result in any unacceptable overlooking and loss of privacy to neighbouring houses and gardens. The proposal will likely overlook the very rear areas of a number of gardens within Highridge Road, but not in manner significant enough to warrant the refusal of planning permission. The building will also not significantly impact on light to neighbouring properties.

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In summary, officers find that the proposal will have a materially harmful impact on the residential amenity of the occupiers of the host unit and also those within no. 133 Highridge Road. This harmful impact is caused by the requirement for the accesses to stretch past adjacent dwellings, this is required as the development is backland development, and hence the detrimental residential amenity impacts are just further indicators that the proposed backland location is unacceptable. Given the identified harm to residential amenity that this development represents, the proposal is considered to be contrary to policies BCS21, DM27 and DM29.

**(D) AMENITY OF FUTURE OCCUPIERS**

A number of the design considerations included within previously discussed policies requires new development to provide adequate conditions for future occupiers. For example policy DM29 requires new development to provide adequate levels of privacy, outlook and daylight, and policy DM27 expects development to provide adequate appropriate and useable private or communal amenity space. Further to this, policy BCS18 'Housing Type' of the Core Strategy requires residential developments to provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

The proposed dwelling would provide adequate outlook to for the future occupiers of the host dwelling, and the dwelling would also receive adequate levels of daylight and privacy. The relevant space standards are the Department for Communities and Local Government (DCLG) Nationally Described Space Standards for new housing, published March 2015 and later amended in May 2016. The proposed dwelling is in accordance with the standard required by the DCLG. In summary the proposal offers an acceptable standard of private amenity for future occupiers.

**(E) TRANSPORT AND HIGHWAY SAFETY**

Policy DM23 'Transport Development Management' of the SADMP requires development to not give rise to unacceptable traffic conditions, and expects development to provide safe access to the highway network. The proposal includes an additional access, details of the visibility splays have not been submitted, but considering there is sufficient space at the front of the dwelling, such details could be appropriately secured by condition in the event of planning approval.

In order for larger emergency and delivery vehicles to be able to use the existing driveway the front access point would have to be made slightly wider. Another metre width would be required. This could be accomplished without detrimental effect on the street scene if the existing pier was rebuilt, but there is a wall-style post box within the pier and there might be a non-planning agreement required with the Royal Mail.

The proposed house is further back from the road than would normally be accepted by the fire regulations; however the tracking plans show that a delivery vehicle or fire appliance could enter the site and turn in the area in front of the new house. The tracking plans show the vehicles turning on top of two proposed sheds, but the sheds could easily be slightly relocated and if the application was to be approved then a condition would be recommended to secure the turning area required.

Policy DM23 sets out the development must accord with parking schedule included within Appendix 2 of the SADMP. Appendix 2 includes a maximum car parking space standard and a minimum cycle parking standard. The standard is as follows for bicycles:

- Studio or 1 bedroom dwellings: 1 space per dwellings;
- 2 or 3 bedroom dwellings: 2 spaces per dwelling;
- 4 or more bedroom dwellings: 3 spaces per dwelling.

The development provides facilities for five bicycle parking spaces within a secure area meaning Appendix 2 is satisfied.

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With regard to car parking Appendix 2 requires new residential development to provide a maximum of the following:

- 1 bed house/flat: 1 space per dwelling;
- 2 bed house/flat: 1.25 space per dwelling;
- 3 or more bed house/flat: an average of 1.5 spaces per dwelling.

The development provides three car parking spaces which means the car parking provision is in excess of the maximum standard included within Appendix 2. However, the application site is spacious meaning there is sufficient room for three car parking spaces. Further to this, the application site is within a location where car use from 3 cars would not materially harm highway safety. Whilst officers consider the parking provision to be excessive it is not considered that a reason for refusal can be supported on these grounds.

Policy DM32 'Recycling and Refuse Provision in New Development' of the SADMP outlines that all new development should provide bin and recycling storage facilities fit for the nature of development, with adequate capacity for the proposed development, in a location which is safe and accessible for all users and does not harm the visual amenity of the area or neighbouring amenity. The policy states that individual dwellings should provide storage space for one 25 litre organic waste bin, one 44 litre box for dry recyclables, one 55 litre box for further dry recyclables, plus a second wheeled bin for garden waste in some cases. Further to this, policy DM32 requires capacity for general waste to be provided in accordance within the following standard:

- 1-2 bedrooms per dwelling requires capacity for a 140 litre general waste bin;
- 3+ bedrooms per dwelling requires capacity for a 180 litre general waste bin.

Further to this, where individual refuse stores are proposed for single dwellings, a minimum footprint of 0.6 metres by 1.5 metres should be provided, increasing as necessary to accommodate additional space for garden waste bins. The development provides acceptable refuse storage, it is noted that the refuse store is far from the highway, but given there are not adopted standard distances, officers have no objection to the development.

Overall, subject to the discussed conditions, there are no highway safety objections to the development.

**(F) SUSTAINABILITY AND CLIMATE CHANGE**

Policy BCS14 'Sustainable Energy' requires development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the building by at least 20%. A sustainability statement and energy strategy have been submitted in accordance with policy BCS13, BCS14 and BCS15. The energy strategy statement suggests a reduction of 125.5% in carbon dioxide emissions when compared to the baseline of Part L of the 2006 Building Regulations, this reduction is suggested to be gained solely through renewable sources – photovoltaic panels. When reviewing the details pursuant to this claim, officers find error within the submitted details. As such officers find that insufficient information has been submitted with regard to policies BCS13, BCS14 and BCS15. In order to avoid a further refusal reason, a condition can be included that requires a revised sustainability and energy statement to be submitted.

Further to this, officers are aware that the dwelling would be built to Passivhaus standards, whilst limited details of how the development will achieve such standards it is not a reason to refuse the development.

**Development Control Committee A – 26 July 2017****Application No. 17/01813/F: 135 Highridge Road Bishopsworth Bristol BS13 8HT****(G) ARBORICULTURAL ISSUES**

There are a number of trees on and in the vicinity of the site which are likely to be impacted by the proposed development. As such an arboricultural report is required in order to allow the Local Planning Authority to accurately assess the development's impact on the trees on and in the vicinity of the application site. Such a report is yet to be submitted to the Local Planning Authority, but it is understood that such a report will be forthcoming prior to the Committee date, meaning the Local Planning Authority will have sufficient time to assess the development with regard to its impact on trees. Members will be updated with regard to this matter at the Committee.

**(H) WILDLIFE CONSERVATION**

The City Ecologist has raised no objections to the proposal subject to advisory notes attached to the decision which shall safeguard the limited ecological interest of the land.

**(I) CONTAMINATION**

Give the history of the site and proposed use, contaminants do pose a risk to the development, as such condition will be imposed in the event of approval to deal with this risk.

**CONCLUSION**

Whilst the development represents a benefit in the form of a contribution of a new dwelling toward the Council's housing land supply, the principle of the development is unacceptable as it would prejudice the Important Open Space designation in this area. Further to this, the development's quality of design is of a poor quality and in turn is harmful to the character and appearance of the Conservation Area. The proposal also would also materially harm the residential amenity of the occupiers within the existing dwelling, and also the neighbouring dwelling no. 133 Highridge Road. The development's harm therefore acts to significantly and demonstrably outweigh the development's identified benefit. Accordingly, officers recommend that the development is refused.

**COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will this development be required to pay?  
The proposed dwelling is liable for CIL, but the applicant has completed a Self-Build Exemption Claim Form, self-build developments of this kind are exempt from CIL.

**Development Control Committee A – 26 July 2017****Application No. 17/01813/F: 135 Highridge Road Bishopsworth Bristol BS13 8HT****RECOMMENDED REFUSE**

The following reason(s) for refusal are associated with this decision:

**Reason(s)**

1. The site is within an area allocated as Important Open Space. The proposed development is not ancillary to the open space use and therefore the proposal is contrary to Policy DM17 of Bristol Local Plan: Site Allocations and Development Management Policies (adopted) July 2014.
2. The proposed development, by virtue of its backland location within an area of open space and its layout and relationship to existing buildings, would not be in keeping with the established character of the area. It would harm the character and appearance of the area, and would fail to preserve or enhance local elements that contribute to the character of the Bishopsworth and Malago Conservation Area or to respect the existing pattern of development. The proposal is therefore contrary to Policies BCS21 and BCS22 the Bristol Development Framework: Core Strategy (adopted) June 2011 and policies DM21, DM26, DM27 and DM31 of the Bristol Local Plan: Site Allocations and Development Management Policies (adopted) July 2014, and the provisions of the National Planning Policy Framework.
3. The proposed development would as a result of the access layouts required have an unacceptable impact on the amenity of occupiers of the existing house (no. 135 Highridge Road) and the adjacent house (no. 133 Highridge Road). The proposal is therefore contrary to Policy BCS21 of the Bristol Development Framework: Core Strategy (adopted) June 2011 and policies DM21, DM27 and DM29 of the Bristol Local Plan: Site Allocations and Development Management Policies (adopted) July 2014, and the provisions of the National Planning Policy Framework.

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

The plans that were formally considered as part of the above application are as follows:-

Design and access statement, received 9 May 2017

Planning statement, received 9 May 2017

Ecological report, received 9 May 2017

Location plan, received 9 May 2017

Layout plan driveway, received 9 May 2017

Proposed first floor, received 9 May 2017

Proposed ground floor, received 9 May 2017

Proposed east elevation, received 9 May 2017

Proposed north elevation, received 9 May 2017

Proposed south elevation, received 9 May 2017

Swept path delivery lorry within site, received 9 May 2017

Swept path delivery lorry at entrance, received 9 May 2017

Swept path fire appliance at entrance, received 9 May 2017

Swept path fire appliance on site, received 9 May 2017

## Supporting Documents

### 1. **135 Highridge Road**

1. Proposed East and West elevations;
2. Propose North elevation;
3. Proposed South elevation;
4. Site location plan (including proposal).

Revisions



Green roof - sedum planting



Marley eiletmit profile 3 black GQ60



vertical timber cladding



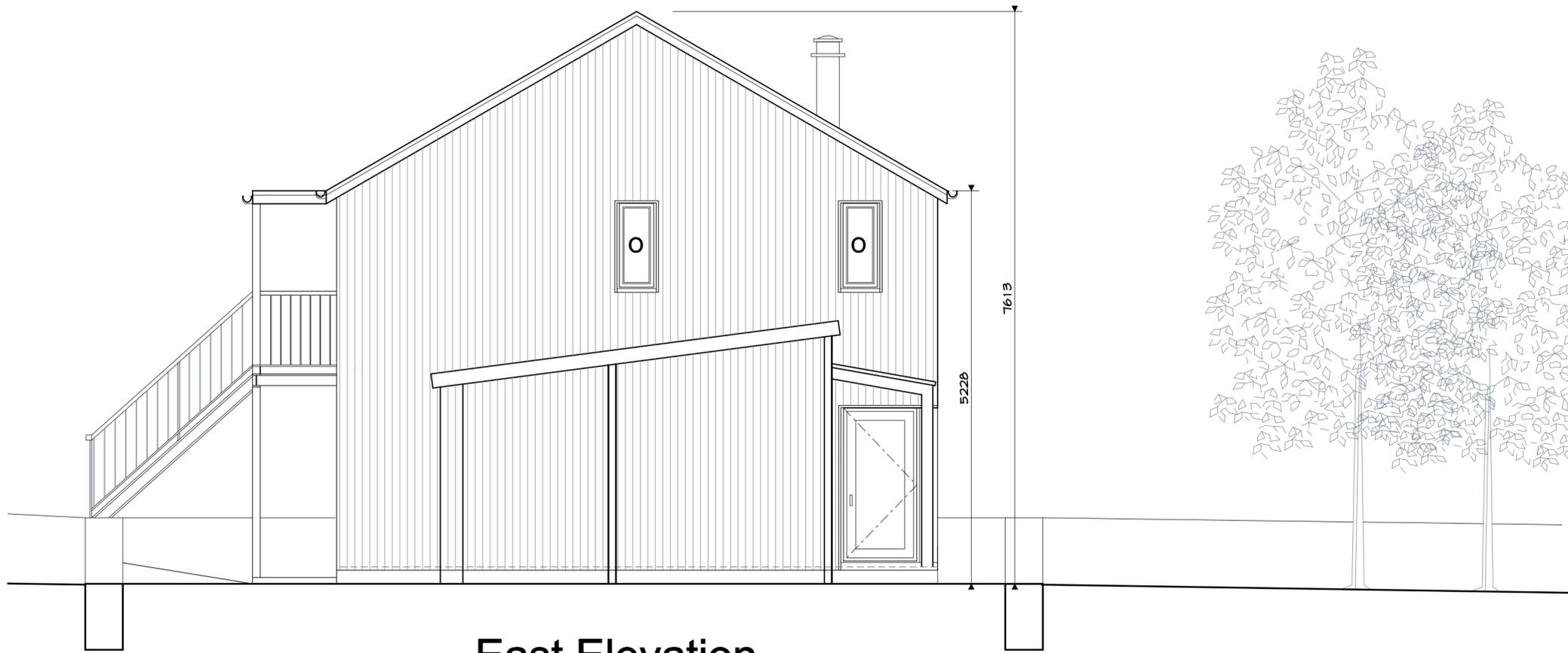
All windows to be double glazed windows ,  
all accessible glazing to be toughened/laminated.  
Colour - RAL 7042 externally.



Obscured glass



aluminium rainwater goods in half round profile.



East Elevation

Page 91



West Elevation

pentan  
architects

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Project  
135 Highridge Road, Bristol

Client  
Dan / Timna

Drawing Title

East Facing Elevation

Date  
Jan '16

Scale  
1:50 @ A2

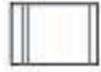
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3370\_29/PL/113

Rev.

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise



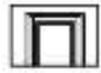
Green roof - rubber planting



Marley cladded profile 3 black G200



vertical timber cladding



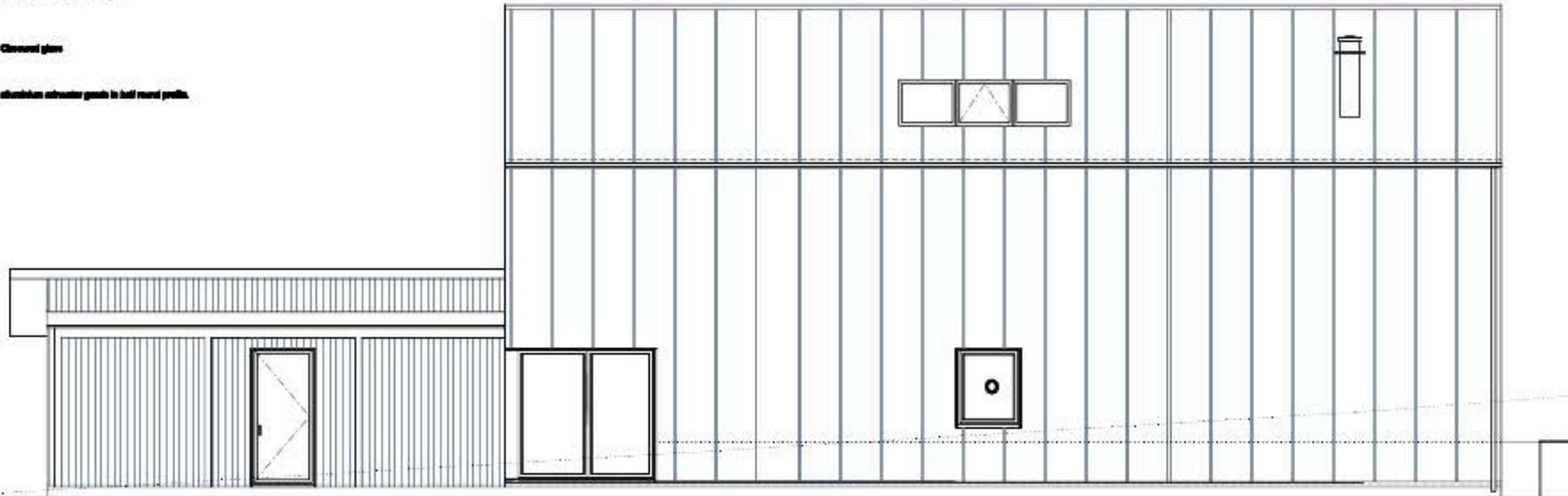
All windows to be double glazed windows, all available glazing to be toughened/tempered. Color -RAL 7042 externally.



Circular glass



aluminum extrusion glazing in half round profile.



North facing elevation as proposed



Green roof - sedum planting



Marley eletrnit profile 3 black GQ60



vertical timber cladding



All windows to be double glazed windows ,  
all accesible glazing to be toughened/laminated.  
Colour - RAL 7042 externally.



Obscured glass



aluminium rainwater goods in half round profile.



South facing elevation as proposed

**pentan**  
architects

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Project  
135 Highridge Road, Bristol

Client  
Dan / Timna

Date  
Jan '16

Drawing Title  
**South Facing Elevation**

Scale  
1:50 @ A2

Drawing No.  
3370\_29/PL/110

Rev.

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise

# HIGHRIDGE ROAD

