

# Development Control A Committee Agenda



**Date:** Wednesday, 21 February 2018

**Time:** 10.00 am

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

## **Distribution:**

**Councillors:** Tom Brook, Stephen Clarke, Mike Davies (Vice-Chair), Margaret Hickman, 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, Peter Westbury, Alex Hawtin, Angelo Calabrese, Laurence Fallon, Jon Fellingham, Rachael Dando, David Fowler (Members' Office Manager (Conservative)), Stephen Fulham, Zarah Jama and Paul Shanks

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**Date:** Monday, 12 February 2018



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 4 - 5)

## 2. Apologies for Absence and Substitutions

## 3. 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.

## 4. Minutes of the previous meeting

To agree the minutes of the last meeting held on Wednesday 10<sup>th</sup> January 2018 as a correct record.

(Pages 6 - 18)

## 5. Appeals

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

(Pages 19 - 27)

## 6. Enforcement

To note recent enforcement notices.

(Page 28)

## 7. 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 5pm on Thursday 15<sup>th</sup> February 2018.**

Petitions and Statements - Petitions and statements must be received on the



working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest **by 12pm on Tuesday 20<sup>th</sup> February 2018.**

**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.**

## **8. Planning and Development**

To note the following Planning Applications for consideration

**(Page 29)**

- a) **17/06021/F 21 Lansdown Road** **(Pages 30 - 49)**
- b) **17/05140/F 67 and 69 Whiteladies Road and 16a and 17a Aberdeen Road** **(Pages 50 - 67)**
- c) **17/04263/F and 17/04264/LA Former Redland High School, Redland Court Road, Bristol BS6 7EF** **(Pages 68 - 98)**

## **9. Date of Next Meeting**

The next meeting of the Committee is scheduled for **6pm on Wednesday 4<sup>th</sup> April 2018.**



# Public Information Sheet

Inspection of Papers - Local Government  
(Access to Information) Act 1985

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

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You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

## Public Forum

Members of the public may make a written statement ask a question or present a petition to most meetings. Your statement or question will be sent to the Committee and be available in the meeting room one hour before the meeting. Please submit it to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) or Democratic Services Section, City Hall, College Green, Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement

contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

### Process during the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions. **This may be as short as one minute.**
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

### Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.



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



**10 January 2018 at 6.00 pm**

**Members Present:-**

**Councillors:** Tom Brook, Stephen Clarke, Mike Davies (Vice-Chair), Richard Eddy, Margaret Hickman, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens, Chris Windows (Chair) and Mark Wright

**Officers in Attendance:-**

Gary Collins - Head of Development Management, Jim Cliffe - Planning Obligations Manager, Laurence Fallon - Transport Development Manager, Angelo Calabrese, Matthew Bunt - Planning Officers, Allison Taylor – Democratic Services.

**1. Welcome, Introductions and Safety Information**

These were done.

**2. Apologies for Absence and Substitutions**

Apologies were received from Councillor Jones with Councillor Eddy attending as substitute.

**3. Declarations of Interest**

Councillor Sergeant declared that she lived near the development but was open minded. Councillor Clarke declared that he used to be a Governor of Redland High School and was open minded. Councillor Wright declared that he had previously visited the site at the invitation of the applicant but this had not influenced him and he remained open minded.

**4. Minutes of the previous meeting**

These were agreed as a correct record of the meeting.

**Resolved - that the minutes be agreed as a correct record and signed by the Chair.**



## 5. Appeals

These were noted.

## 6. Enforcement

These were noted.

## 7. 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 is held on public record in the Minute Book)

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## 8. Planning and Development

The following items were considered:

### a. Planning Application Number 17/04263/F - Redland High School

An amendment sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The Head of Development Management made the following points by way of introduction:-

1. The application was for the redevelopment of the former school into residential use for 43 dwellings with a mix of number of bedrooms;



2. Strong objections were received from Historic England, BCC City Design, the Georgian Group and other amenity groups regarding the loss of heritage assets. Planning officers considered the objections and concluded that there was less than substantial harm;
3. No objections were made to the demolition of the east range, the removal of the Sports Hall and the reinstatement of the Belvedere Terrace which were considered positive elements of the proposal;
4. It was acknowledged that the proposal would impact on the silhouette and prominence of the main building on the skyline. However, the view of the building from the south would be significantly improved by the removal of the large Sports Hall, reinstatement of the cupola, and the removal of the ancillary tennis structures with the return of the landscaped garden;
5. There was no design objection by officers to the proposed town houses and the scale next to the science block was considered acceptable. The main issue was the impact on neighbouring houses with overshadowing to the North and objections from local residents had been received. A light assessment was undertaken and it found there would be a suitable level of daylight but officers accepted there would be a significant impact on the amenity of neighbouring occupiers;
6. Officers were comfortable with the overlooking on Woodstock Road;
7. Regarding the West Villa, officers agreed that this would have a negative impact on the setting and views of the main building and the 'secret garden';
5. There would be a new vehicular access point and 44 on-site car parking spaces sub-divided into 18 within the existing external courtyard, 17 within the basement and 4 adjacent to the frontage of the properties on Woodstock Road, with the remaining in the form of garages to the town houses. Traffic calming would be provided along Redland Court Road;
6. In summary, the impacts from the less than substantial harm should be given considerable weight and the Committee had to consider whether there were other material planning considerations and public benefits that were sufficient to outweigh that harm;
7. The Planning Obligations Manager stated that the primary issue for this application in relation to affordable housing was viability. The applicant had bought the site for £7.4m unconditionally and without the benefit of it being allocated for housing in the Local Plan or the site having residential planning permission. On a per unit basis, the amount paid was significantly more than comparable sites that traded with planning permission. The applicant's viability consultant stated that the Site Value was £5.4m, £2m less than the applicant had paid for it. A key consideration when bidding for a Site was government guidance and Local Plan policies. There was no evidence that the applicant had taken account of affordable housing policies. The Council's consultant concluded the site's existing use value as a school was unknown as there was a limited market for the sale of educational establishments for their continued use as schools. The conversion of the site for residential purposes therefore represented the optimum use of the site and valued it as Alternative Use Value with policy compliant use of 40% affordable housing at £3.118m. However, this would need to be increased in order to incentivise the site to come forward for redevelopment and it was considered that £4.3m was appropriate and would generate a surplus of £1.6m. The applicant in their initial application made an off-site offer of £115,000 and on 18 December this was increased to £500,000, then on 21 December it was increased to £750,000 which was £250,000 higher and the equivalent of holding costs during the period for pursuing an appeal if planning permission was refused. The applicant had been adamant that it was not possible to provide affordable housing, only an off-site contribution. However, an offer was received the day before this meeting of on-site provision of 12% (5 units) and was subject to a Housing Association taking the site on. This was welcomed by





officers and showed a willingness to make progress and should be given due weight by the Committee. However, Officers stood by the robust Consultant's report and that £1.6m which would provide 10 units representing 23% affordable housing remained the position, and that the application should be refused for the lack of affordable housing;

8. Officers therefore concluded that the application be refused for harm to heritage assets and for lack of affordable housing.

The following points arose from discussion:-

1. The Chair stated that he had visited the site and greatly admired the building. He felt it would be a great shame to allow such an historic building to deteriorate if planning permission was not granted. He did not believe the value of the site was a big issue. He would vote against the officer recommendation to refuse;
2. Officers confirmed that they were not comfortable with the level of development and its impact on heritage assets and on the sub division of the main building;
3. Councillor Eddy did not understand the concerns for the price paid for the land and its perceived value. He believed this was a unique application that would preserve and enhance a grade II\* listed building and meet some of the city's housing needs. The development did not impact negatively on neighbours and was in a good location. If this did not proceed the site would be left for years and the listed buildings would deteriorate. Finally, he believed that the applicant's offer for affordable housing was satisfactory in this unique circumstance;
4. Councillor Davies asked whether site ratios took account of Grade II\* listed buildings and was informed that they often did not. Developers had to bid high to secure land but a guide for land value was planning policies and therefore a bid should be based on providing 30/40% affordable housing. If a site did not have planning permission the risk was increased. In this case, the value was out of kilter with other sites with planning permission;
5. Councillor Stevens noted that 1400 square feet was a big area and it might be possible to increase the gross number of affordable housing units. The Planning Obligations Manager replied that officers had to assess what was before them. The vast number of units were larger than standard which provided better living conditions;
6. In response to an enquiry regarding the likely success of an appeal, the Head of Development Management replied that this was a judgement call, officers stood by their recommendations following careful assessment and internal debate;
7. Councillor Wright did not feel the site was overdeveloped – the bulk, mass and numbers were just about acceptable. He agreed with the viability appraisal. He was minded to abstain at this point. He would vote to refuse if it was on the basis of insufficient affordable housing only;
8. Councillor Sergeant had sympathy for neighbours but on balance accepted the development. However, she could not accept the level of affordable housing and suggested that the applicant could make an off-site contribution to push towards the amount officers sought, which might persuade her to vote against the officer recommendation;
9. Councillor Brook did not feel the proposal was overdeveloped but the viability was an issue. The developer had paid too much and had not taken account of affordable housing policy. He did not expect



40% but the current offer was too low. He would vote to refuse the application if only on the grounds of lack of affordable housing and he supported Councillor Sergeant's suggestion that an additional offer off-site could be made;

10. Councillor Eddy proposed a one-year planning consent. He wanted the application to proceed as soon as possible;

11. Councillor Clarke supported Councillor Sergeant's suggestion. The only reason to refuse the application would be on the level of affordable housing offered;

12. Councillor Stevens noted that the density of the development drove the ability to make money. He was minded to put forward an amendment that the application be refused on the grounds of the level of affordable housing;

13. Councillor Sergeant noted that if the number of units was increased on site, the size of the units would have to be reduced and therefore off-site provision might be better. She also expressed some concern about this becoming a gated community and suggested a condition regarding access to the site by the public on specific occasions ;

14. The Head of Development Management acknowledged the clear steer from the Committee on not refusing the application on the grounds of harm to heritage assets. He advised that it would be better to positively decide on the application by the following:-

- Referring the application to the Secretary of State because of the Grade II\* listed building element and;
- Instruct officers to negotiate a s106 agreement for an affordable housing contribution to include an on-site offer and an additional off-site offer of £925,000 and an obligation regarding the access to the site on specific occasions. He added that it would be more problematic to reduce the size of units in order to increase numbers as that was redesigning the scheme.

15. The Planning Obligations Manager added that applicant had calculated 5 units on shared ownership providing a £750,000 contribution which left a shortfall of £925,000 to reach the £1.6m contribution recommended by the consultants. Granting on this basis would give the applicant an opportunity to move forward but they could also appeal the decision;

16. Councillor Clarke supported the on-site contribution but believed the off-site contribution was too large a burden for the developer but agreed an additional offer should be made;

17. It was noted that the profit was likely to be 20% and the provision of affordable housing would come out of their profit which was likely to be in the region of £6m;

18. Councillor Wright supported the officer advice but felt the off-site amount was implausible. He suggested that £750,000 which doubled the on-site offer was satisfactory;

19. Councillor Steven moved that the application be referred to the Secretary of State with respect to the Grade II\* listed building and that permission be granted subject to conditions and a S106 agreement relating to TRO's, 5 shared ownership affordable housing units on site and an off- site affordable housing contribution of £750,000. This was seconded by Councillor Brook. On being put to the vote it was:-

**Resolved (10 for, 0 against, One Councillor did not take part) –**



**1. That the application together with responses to the publicity and consultations, the Committee report and members' comments be referred to the Secretary of State for Communities and Local Government.**

**If the Secretary of State makes no comment within the 21 day period from receipt of notification, then planning permission be granted subject to conditions.**

**2. That planning permission be granted subject to conditions and a Section 106 agreement relating to TRO's, 5 shared ownership affordable housing units on site and an off- site affordable housing contribution of £750,000.**

**b. Planning Application Number 16/06594/P - Land At the Adjoining Callowhill Court, Broadmead and the Horsefair**

An amendment sheet was provided to the Committee in advance of the meeting, detailing changes since the publication of the original report.

The Head of Development Management made the following points by way of introduction:-

1. The wider planning context when considering the application was set out. The Call-In Public Inquiry relating to proposals at Cribbs Causeway in South Gloucestershire had taken place towards the end of last year. Whilst the Inquiry hearings ended back in September, the Inspector held open the Inquiry until the new year (primarily to consider new transport modelling evidence) and the Inquiry remained open until early February. The Callowhill Court application had last been considered in September and a decision was deferred. The Committee now had an opportunity for Bristol City Council as Local Planning Authority to take a view on this application and express its support whilst the Call-In Inspector was able to receive further evidence and representations before making a recommendation to the Secretary of State on the Mall expansion planning application.

**2. IT WAS COMMONLY RECOGNISED THAT THERE WOULD BE ONE MAJOR INVESTMENT IN RETAIL-LED DEVELOPMENT IN THE WEST OF ENGLAND SUB-REGION DURING THE NEXT 10-15 YEARS. THIS WAS LIKELY TO BE EITHER AT CRIBBS CAUSEWAY OR AT THIS APPLICATION SITE. THE RETAIL-LED MIXED USE REDEVELOPMENT OF THE BRISTOL SHOPPING QUARTER WAS SUPPORTED BY POLICIES WITHIN THE ADOPTED BRISTOL LOCAL PLAN WHICH WAS OUR DEVELOPMENT PLAN, PARTICULARLY:**

- **POLICY BSC2 OF THE CORE STRATEGY (BRISTOL CITY CENTRE'S ROLE AS A REGIONAL CENTRE TO BE PROMOTED AND STRENGTHENED)**
- **POLICY BCAP 13 OF THE CENTRAL AREA PLAN (MAJOR RETAIL GROWTH TO BE FOCUSED ON SITES IN THE BRISTOL SHOPPING QUARTER)**
- **POLICY BCAP 36 OF THE CENTRAL AREA PLAN (THE HORSEFAIR & CALLOWHILL COURT ALLOCATED FOR MAJOR RETAIL-LED MIXED USE REDEVELOPMENT)**



It was very important that the Secretary of State's Planning Inspector received a clear message from the City Council about its support for the redevelopment of the site in central Bristol, so that the Inspector could weigh this up when advising the SoS on the proposals at Cribbs Causeway.

3. The Committee in September resolved to defer as follows:

"...the Committee strongly supports the redevelopment of the site but considers the car park access via Brunswick Square to be unacceptable; therefore the car park must be reduced and possibly moved or eliminated to allow for a more sensitive solution. If this is achieved, the Committee would be disposed to grant outline planning permission, subject to detailed air quality assessment."

4. Since then the Applicants have amended the application in the following respects:

- Revised customer vehicular access arrangement is proposed – access was still to be taken from Bond Street, but no longer included circulation access via Brunswick Square. Access to the proposed multi-storey car park would be via a new signalised junction from Bond Street, with a right-in/left-out arrangement
- A reduction in car parking spaces from 580 to 380 spaces.
- The controlling parameter plans to be approved have been updated and included a reduction in height for the blocks on Bond Street and Merchant Street. The detailed design would follow in subsequent reserved matters application(s) which would evolve the illustrative ideas included within the application documents.
- A new pedestrian link from Bond Street had been included.

Additional information relating to this had been submitted, including the submission of an addendum to the Environmental Statement, and a further round of consultation had been undertaken. Also, Air Quality had now been fully assessed.

5. The Transport Development Manager set out the revised transport arrangements. The recommendations were based on evidence derived from network-wide traffic modelling using the Council's microsimulation program. The originally submitted scheme was not supported as the impact of 1,000 parking spaces and an all-movements junction was unacceptable;

6. The revised scheme that came to committee in September was for a reduced car park of 580 spaces with vehicle entry via York Street only and exits (in both directions) to Bond Street. The applicant and officers had taken account of the Committee's decision and a number of changes were now proposed. The fundamental changes were: the right turn lane into the car park from Bond Street; the removal of the right-turn out onto Bond Street and the reduction in spaces to 380, of which 292 were new spaces (88 being relocated from elsewhere). Bond Street;

7. There is an existing pedestrian Toucan Crossing to the east of the access which is part of the SCOOT system and therefore, the signal access to/from the car park would work in conjunction with the crossings to minimise the amount of red time for through traffic. The SCOOT system prioritises major routes over side roads and therefore officers were satisfied (with associated management of the right turn lane) that this would not have a detrimental impact upon Bond Street. There was a condition requiring this lane to be closed on occasions to prevent tail backs to St James Barton. The applicant had modelled the junction and the queues were not forecast to overrun with the 380 spaces;



8. The amount of green time on the left turn out was 8 seconds in an 80 second cycle time;
10. Contributions had been obtained for works between Stokes Croft and York Street in order to get cyclists safely across the dual carriageway and this had been reflected in the condition, as there were still a number of outstanding matters before the design can be finalised in detail.;
11. The Local Plan maximum standard for a car park for the net additional uses proposed is 1250. The 380 space car park was therefore a 70% reduction. There are 88 existing parking spaces being relocated to the new car park from Horsefair, Penn Street, Callowhill Court and Cabot Circus Car Park and Penn Street. The undercroft at Cabot Circus has 42 of the above spaces and is proposed to provide space to accommodate the relocation of coaches boarding and alighting facilities which would be subject to a new application;
12. A Parking survey was undertaken on 25 November 2017 and considered the worst case scenario when the highway network and parking provision is at greatest (worst-case) demand. Accepting the high peak, there were other occasions when the car parks filled up;
13. A key issue to consider with regard the increase in parking was that the development would bring expenditure to Bristol and with increased leisure uses dwell times would increase, therefore leading to existing car parks remaining full for longer;
14. The trip generation was set out in the report. Additional activity would mean additional traffic and without an additional car park, there would be additional traffic congestion caused by motorists circulating the central area to find parking spaces to that already being experienced;
15. The impact forecasts were set out in the report. There would be a very small increase in queuing from the car park and modelling supported that and it was not therefore possible to justify refusal on that basis;
16. As a Regional Shopping Centre there would be significant contributions to CIL which could be channelled towards the wider public transport improvements specified in the Joint Spatial Plan and its accompanying Joint Transport Strategy such as Park and Ride, Rapid Transit and improved rail facilities. The application provided a balance for motorists but safeguarded other modes. If the Horsefair and Penn Street is to benefit from pedestrianisation, traffic movements, including deliveries, disabled parking and public transport has had to be relocated elsewhere;
17. Detailed analysis of public transport had been undertaken and concluded that the scheme was workable and therefore compatible with the emerging City Centre Movement Strategy, which is also considering the potential of a right turn from Lewins Mead into Union Street, which would reverse the current one-way order to become southbound for buses only, freeing up further kerb space for additional bus stops.
18. Work was still needed on the East to West cycle routes. 3-4 cycle hubs providing 670 cycle parking spaces were proposed. It was proposed to make a feature of these hubs to stand out and attract users;
19. In summary, the following key aspects to the proposal were highlighted:

- There was more detail to come regarding delivery service and waste strategy, subject to a condition;
- Signage and Wayfinding would be conditioned;
- A Construction Management Plan was conditioned;
- Off-site works would be phased;
- Potential access from Lewins Mead into Union Street (southbound);
- A cycle route on Bond Street and Horsefair;
- A full Travel Plan for all users;
- There would be zero parking for the residential development save a car club and disabled residents;
- TV screens and digital advertising would be subject to a condition to prevent glare / distraction to motorists;
- A Section 106 obligation for bus shelters, RTI and raised kerbs;



- Section 106 contributions identified for cycle routes;
- A section 106 contribution for VMS/driver information;
- Travel Plan monitoring which could now be done in-house, and requires a section 106 contribution;
- CIL contributions had not yet been quantified.

20. The Head of Development Management concluded that the Committee would need to give weight to the following:-

- The proposals were Development plan and NPPF compliant and there was a S.38(6) statutory duty on the Council to determine in accordance with the development plan unless material considerations indicated otherwise.
- The impact upon heritage assets was in a form consistent with legislation and in particular NPPF i.e. none/enhancement or 'less than substantial harm' with significant public benefits balance.
- The environmental impacts of significance and their mitigation was acceptable.
- The benefits that would flow from the development.

The following points arose from discussion:-

1. All Reserved Matters would come before a Committee;
2. The S106 agreement required a 40% level of Affordable Housing. The outline application could not be more than 150 units in total but this was often amended in a subsequent application so could be higher;
3. Councillor Davies noted that the Bristol Cycling Campaign found the scheme unacceptable at the Horsefair. The Development Transport Manager reported that the junction had been designed next to a Toucan crossing in order to address where cyclists crossed. Work was underway on getting cyclists off Stokes Croft and onto quiet routes such as York Street and Brunswick Square and through to Penn Street which would be safe and traffic free. Fairfax Street was also being considered for a cycle route given the flat nature of this route;
4. A west facing car park was best suited for the geographic spread of customers and kept traffic on the major road network and provided better access from the west and kept traffic off of the network;
5. There was no change to the application with regards to the retention of 5 trees. These trees would either have a TPO or other mechanism to protect them;
6. S106 arrangements would ensure that the land was maintained by the new developer;
7. Councillor Stevens referred to the flows of traffic into the car park at different times of day and calculated that it would only be 40% full from 12-3. The Transport Development Manager replied that this car park would have longer dwell times and forecasts indicated it would (at busiest times) be full by 11am, drawing on the survey data collected. Councillor Stevens questioned the robustness of the traffic flow modelling and referred to BCAP 29 paragraph 7.15. He believed this policy had not been adhered to in this proposal as this was more than an element of car park. The Transport Development Manager stated that more work was needed in respect of accumulation at early times, but again referred to the evidence collected in November that car parks fill up and this is to the detriment of the free flow of traffic around the City Centre. It was important to be clear on classifications – 7/8 hours for long stay and 2/3 for short stay. The Head of Development Management added that this proposal was not contrary to BCAP 29



which referenced a 'sustainable means of transport, particularly short stay but not exclusively' and had an 'important part to play in supporting retail policy particularly leisure'; The Transport Development Manager added that the proposal was not comprising private long-stay parking, but public short-stay parking. Current dwell times at Cabot Circus are between 90 minutes and 3 hours which, if subject to an increase raises the issues of additional congestion due to traffic circulation.

8. Councillor Mead appreciated the importance of the development. He asked whether the developer could guarantee that the development would go ahead prior to Cribbs Causeway as he had seen a press article regarding the merger of the two developers. He asked whether the S106 agreement could include road improvements to enable buses to navigate new routes. He felt that the car park being used only as an overflow for Cabot Circus discriminated disabled users as it would not be accessible at times when not required, given the number of spaces provided for disabled users within the car park. The Chair asked the developer's representative if they would wish to respond. The representative commented that the press article referred to an intention, a number of steps would be required before a merger. At this time both corporate entities remained separate;

9. Councillor Sergeant referred to the zero parking for residents but noted that residents were often assured that this could be overcome. She was informed that the advice included on this development would request that parking permits were not to be issued and that the RPS orders were being updated to reflect new developments. She also referred to the lack of diversity in the units which would be large chains only, how difficult it would be to compete with Cribbs Causeway because parking was free and the pressure for the Council to improve on air quality, the possibility of increasing car parking charges if public transport improved and the waiting times on lights of 8 seconds. The Transport Development Manager responded that the cycle time modelled was 80 seconds from start to finish, 62 seconds to the main road, 8 to turn left. Modelling had been undertaken on air quality and its impact and the proposal could not be refused for the reason of traffic congestion. He added that it was well documented and modelling compared to Cribbs Causeway demonstrated how the same level of net additional development at The Mall at Cribbs Causeway was forecast to generate ten times the amount of net additional traffic of the Callowhill Court scheme (using The Mall's own figures)

The Head of Development Management added that there was no specific policy on diversity for A1 units for this site, however this could be influenced in other localities;

10. Councillor Stevens referred to disabled parking in the overflow car park and asked whether this could be overcome by shifting access to the goods vehicle route. He was informed that this would raise concerns regarding the operation of the bus lane when waiting for the bollards to be lowered and would lead to regular blockage of buses in addition to the requirements of delivery vehicles to access the premises;

11. Councillor Eddy welcomed the proposal noting it had been awaited for years. He hoped the Committee would fully support it. He feared that if any element was not supported it would send out a message that Broadmead was closed for business and the public should go to Cribbs Causeway;

12. Councillor Wright believed that that the proposal was now good enough. He had considered the suggestion of the car park as an overflow but believed this was much worse as a prime piece of land in the City Centre would be left empty for 90% of the time. He would vote in support of the proposal;

13. Councillor Mead supported the proposal, and in particular the Quakers Friars enhancement. He asked that consideration be given to the concerns of the Cycling Campaign's concerns, the routing of buses for easy access, disabled access in the car park;



14. Councillor Davies acknowledged the compromise in this application and the applicant's constructive response. He would vote for the application;
15. Councillor Clarke supported the proposal except for the car park and believed the car park as an overflow was a good solution. The car park would lead to even greater air quality and congestion problems than currently experienced;
16. Councillor Brook noted the compromise and the applicant had taken into account the Committee's concerns. On balance, he would vote for the application;
17. Councillor Stevens acknowledged that the development needed to go ahead but wanted improvements in modelling, stating that air quality would lead to more deaths;
18. Councillor Mead moved the officer recommendations to grant and this was seconded by Councillor Eddy;
19. Councillor Clarke moved an amendment that the car park be used only as an overflow in the event that Cabot Circus is 90% full and this was seconded by Councillor Stevens. The amendment was put to the vote and it was lost (3 for, 6 against, 1 abstention). The substantive motion was then put to the vote and it was:-

**Resolved (8 for, 2 abstentions) – That planning permission be granted subject to a legal agreement and conditions as set out in the report.**

Councillor Hickman left the meeting during the debate for this item.

**c. Planning Application Number 17/04132/F - Olympia House, 36-38 Beaconsfield Road, St George**

Councillor Eddy left the meeting.

**9. 17/04132/F – Olympia House, 36 – 38, Beaconsfield Road, St. George.**

The representative of the Head of Development Management made the following points by way of introduction:-

1. The application had been referred to Committee by Councillor Asher Craig;
2. This application was for full planning permission for the redevelopment of Olympia House to provide 26 residential flats whilst retaining the historic and architecturally important elements of the site;
3. The rearshed-like structures would be demolished to facilitate a 12 space car park and a new build of 4 flats;
4. The development also included refuse and bicycle storage and a landscaped area adjacent to Beaconsfield Road;
5. The number of units proposed triggered the Affordable Housing policy but as the building was vacant it benefited from Vacant Building Credit and was not therefore obliged to provide affordable housing. This fact should not be held against it when considering the application;





6. The objections received related to residential amenity including noise, disturbance and privacy, the amount of the proposed development and its impact on on-street parking, the lack of affordable housing and the lack of 3 bedroom units;
7. A condition requiring windows to be glazed on the elevation over-looking residences and even without that condition, officers believed the overlooking was acceptable;
8. A Construction Management Plan condition would ensure that buildings were demolished as the area was developed so that there would not be a large number of vehicles and cranes on site at one time;
9. The applicant had submitted information that the 12 parking spaces could accommodate the 26 flats and a survey of nearby streets showed that there was capacity for overspill parking. A TRO would ensure that there would be no parking near or at the junction of the site so as not to cause disruption;
10. The renewable energy target was not quite met given the nature of the proposal. There was a condition requiring solar panels;
11. In summary, the conversion was sensitive, the 26 flats would help the housing supply and the development benefited from Vacant Building Credit. Officers recommended grant subject to conditions and a legal agreement and a contribution to the TRO's.

The following points arose from discussion:-

1. Councillor Sergeant questioned the level of parking provision given the development was not in the City Centre and was informed that the development was within walking distance of Church Road which was considered a distinct centre and was therefore sustainable. It was accepted that parking was limited but there was sufficient parking near the site for overspill;
2. The site was advertised for use for 12 months since the date of the report;
3. Officers would have preferred more 3 bedroom units but the applicant had increased the number so was on balance better;
4. Councillor Stevens stated that electric heating was wasteful and a rough deal for owners and asked whether a condition requiring ground source heat pumps had been considered. He was referred to Condition 16 which required the applicant to provide details of the proposed heating controls to minimise energy use;
5. A number of conditions imposed provided sufficient controls to ensure the development was carried out as proposed. If not developed as planned enforcement measures could be used;
6. Councillor Davies did not accept that the developer could not meet the 20% reduction Carbon Dioxide emissions from residual energy use. He also shared concerns about parking and suggested that the application be deferred and a less intensive proposal be submitted;
7. Councillor Clarke agreed with the previous comments regarding 20% reduction in Carbon Dioxide.
7. Councillor Mead believed the site was not appropriate for an intensive housing development and that it lent itself more to an artist's studio and that criteria A & B argument regarding its use for employment had not been properly made. He asked that the application be refused; The Head of Development Management responded that the policy test had been met. There had been a limited number of enquiries when marketed. It was not possible to hold out for a wider aspiration and refusing the application on that basis would be difficult to defend;



8. Councillor Sergeant did not support the application as she believed it would lead to increased traffic congestion as there were insufficient spaces in the car park. She acknowledged the lack of affordable housing was not a reason to refuse but was nevertheless disappointed that there was none;
9. Councillor Brook stated that the site was not overdeveloped and there was a need to densify in order to meet housing targets. He noted there was insufficient parking but there was a need to reduce car use and there were good public transport links. The loss of privacy had been well conditioned. There were no grounds to refuse the application;
10. Councillor Stevens asked if Condition 16 could be enhanced to ensure the 20% reduction in CO<sub>2</sub>;
11. Councillor Wright stated that there were some issues with the application but not enough to merit refusal. He added the 20% reduction should be imposed as a minimum. He would vote for the approval of the application;
12. Councillor Brook moved the recommendations as set out in the report with the addition of an amendment to Condition 16 to ensure the 20% reduction in Carbon Dioxide emissions from residual energy use was met and this was seconded by Councillor Stevens. On being to the vote, it was:

**Resolved (6 for, 3 against) – That planning permission be granted subject to a Section 106 agreement and conditions as set out in the report save for an amendment to condition 16 so that the condition also requires the development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the building(s) by at least 20% as required by Core Strategy policy BCS14.**

## **9. Date of Next Meeting**

21 February 2018 at 10am

Meeting ended at Time Not Specified

**CHAIR** \_\_\_\_\_



## DEVELOPMENT CONTROL COMMITTEE A

21 February 2018

### REPORT OF THE SERVICE DIRECTOR - PLANNING

#### LIST OF CURRENT APPEALS

##### Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	Avonmouth & Lawrence Weston	448 Portway Bristol BS11 9UA Application for retention of 1.65m high, featherboard fencing around the front boundary wall of the property (approximately 22m in length) with an additional 3.5m of fencing to run up to meet the existing fencing for the side garden. Appeal against refusal Delegated decision	22/11/2017
2	Frome Vale	12 Reedling Close Bristol BS16 1UG Two storey, side extension. Appeal against refusal Delegated decision	15/01/2018
3	Frome Vale	49 Manor Road Fishponds Bristol BS16 2HX Second storey side & rear extensions over existing single storey. Appeal against refusal Delegated decision	16/01/2018
4	Westbury-on-Trym & Henleaze	8 Newcombe Road Bristol BS9 3QS Erection of a double storey, side and a single storey, rear extension after part demolition of the garage. Appeal against refusal Delegated decision	16/01/2018

## Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
5	Central	<p>Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU</p> <p>Demolition of the existing buildings and redevelopment of the site to provide a part 7, 8 and 9 storey building fronting Marlborough Street, comprising 715 student bedspaces; communal areas and central courtyard; and erection of part 4, 5 and 6 storey building to the rear to accommodate a mix of uses, including office floorspace (Use Class B1) and/or medical school (Use Class D1) equating to 6,860sqm and a small commercial unit; associated access road, landscaping, public realm improvements, undercroft car parking and cycle parking. (MAJOR).</p> <p>Appeal against non-determination Committee</p>	TBA

## Written representation

Item	Ward	Address, description and appeal type	Date lodged
6	Hartcliffe & Withywood	<p>85 Fair Furlong Bristol BS13 9HY</p> <p>Proposed new dwelling on the land at the rear of 85 Fair Furlong</p> <p>Appeal against refusal Delegated decision</p>	29/09/2017
7	Bishopston & Ashley Down	<p>29 Church Road Horfield Bristol BS7 8SA</p> <p>Erection of a single storey, rear extension and a rear roof extension.</p> <p>Appeal against refusal Delegated decision</p>	26/10/2017
8	St George West	<p>9 Ebenezer Street Bristol BS5 8EF</p> <p>Appplication to approve details in relation to conditions 2 (Windows details), 3 (Construction Management Plan), 4 (Solar Panels), 5(Further details) and 6 (Premises Management Plan) of permission 16/06074/F Conversion of existing film studio to provide 3 No cluster flats and 1 No single flat.</p> <p>Appeal against refusal Delegated decision</p>	03/11/2017

9	St George West	9 Ebenezer Street Bristol BS5 8EF Variation of conditions 6 (premises management) and 12 (on-site supervision) attached to planning permission 16/06074/F (for the conversion of existing film studio to provide 3 No cluster flats and 1 No single flat). Appeal against refusal Delegated decision	03/11/2017
10	Ashley	10 Williamson Road Bristol BS7 9BH Enforcement notice appeal for excavation and engineering works at the front of the property to form an off street parking area. Appeal against an enforcement notice	28/11/2017
11	Avonmouth & Lawrence Weston	448 Portway Bristol BS11 9UA Enforcement notice appeal for the erection of fencing in excess of 1 metre high around the boundary of the property facing the highways of Hung Road and the Portway. Appeal against an enforcement notice	28/11/2017
12	Westbury-on-Trym & Henleaze	Red Maids School Westbury Road Bristol BS9 3AW Erection of modular classroom building to provide music and art space, shared between Senior and Junior School, together with external works to provide footpath links. Appeal against refusal Delegated decision	30/11/2017
13	Clifton Down	Avon Court Beaufort Road Clifton Bristol BS8 2JT Proposed replacement of external windows and doors with UPVc replacement windows with wood effect and UPVc doors to residential apartments and aluminium door to communal areas. Appeal against refusal Delegated decision	30/11/2017
14	Bishopsworth	Site To Rear Of United Reformed Church Church Road Bishopsworth Bristol Proposed construction of 6 no, 3 bedroom town houses each with an integral garage and parking place with associated external works and bin stores with removal of existing modern red brick wall building and vehicular access via fernsted road. Appeal against refusal Delegated decision	01/12/2017

15	Frome Vale	1 Eaton Close Fishponds Bristol BS16 3XL Enforcement notice appeal for the change of use of the property and its occupation as an 8 bedroom House in Multiple Occupation. Appeal against an enforcement notice	04/12/2017
16	Redland	13 Purton Road Bristol BS7 8DB Excavation and construction of structure to create a Car Port accessed from Elton Lane. Appeal against refusal Delegated decision	14/12/2017
17	Southmead	Southmead Convenience Store 327 Southmead Road Bristol BS10 5LW Retention of an ATM installed through the shop front, two user protection bollards and alteration to existing security shutter to allow access to the ATM. Appeal against refusal Delegated decision	14/12/2017
18	Southmead	Southmead Convenience Store 327 Southmead Road Bristol BS10 5LW Illuminated polycarbonate black and green surround signage with illuminated white lettering "cash withdrawals and free balance enquiries" and "cash zone" Halo illumination to polycarbonate surround. Illuminated signage to ATM fascia. Green acrylic sign with white lettering "cashzone" and accepted card logos. Appeal against refusal Delegated decision	14/12/2017
19	Central	Outside 5-7 Bridewell Street Bristol Application for prior notification of proposed development by telecommunications code system operators - Telephone Kiosk - replacement of existing kiosk with new design. Appeal against refusal Delegated decision	14/12/2017
20	Hillfields	1A Fitzroy Road Bristol BS16 3LZ Single storey extension to rear of ground floor flat. Appeal against refusal Delegated decision	14/12/2017
21	Avonmouth & Lawrence Weston	163 Long Cross Bristol BS11 0LZ Demolition of existing outbuildings (garage and store) and erection of 1 no. dwelling. Appeal against refusal Delegated decision	19/12/2017

22	Eastville	60 Thingwall Park Bristol BS16 2AE Demolition of existing garage, conservatory and flat roof extension to side elevation. Conversion of existing dwelling into 5 x 1-bedroom flats. Erection of dormer window to side elevation and insertion of roof light to front elevation. Appeal against refusal Delegated decision	19/12/2017
23	Clifton Down	First Floor Flat 35 Upper Belgrave Road Bristol BS8 2XN Proposed balcony fitted to the rear of the property. Appeal against refusal Delegated decision	21/12/2017
24	Hengrove & Whitchurch Park	53 Loxton Square Bristol BS14 9SE Proposed two storey side extension and conversion into new 2no. bed dwelling house. Appeal against refusal Delegated decision	21/12/2017
25	St George West	270 Church Road St George Bristol BS5 8AH The addition of a new two-storey unit to provide new dwelling, with minor extensions and alterations to the existing unit. Appeal against refusal Committee	22/01/2018
26	Lawrence Hill	6 Claremont Street Bristol BS5 0UH Replacement of an existing 48-sheet backlit advertising display with a digital LED advertising display. Appeal against refusal Delegated decision	22/01/2018
27	Frome Vale	19 Lambrook Road Bristol BS16 2HA Erection of two, two storey dwellings. Appeal against refusal Delegated decision	22/01/2018
28	St George Central	Lane Leading To Former Wesleyan Methodist Chapel Bristol Residential development comprising of two dwelling houses with vehicle access through the approved former Wesleyan Chapel car park, together with associated landscaping. Appeal against refusal Delegated decision	22/01/2018
29	St George Central	Lane Leading To Former Wesleyan Methodist Chapel Bristol Residential development comprising of two dwelling houses with vehicle access through the approved former Wesleyan Chapel car park, together with associated landscaping Appeal against refusal Delegated decision	22/01/2018

30	Lawrence Hill	Kingsland House Kingsland Close Bristol BS2 0RJ Proposed change of use of existing industrial building from storage (B8 use class) to a day nursery and education/training facility within D1 use class. Appeal against refusal Delegated decision	23/01/2018
31	Central	O & M Sheds Welsh Back Bristol BS1 4SL Proposed retention and repair of the two historic buildings O & M sheds, including reconstruction of the northern gable wall of O Shed, provision of new roofs, and associated surrounding landscaping for the purpose of providing three restaurants (within A3 use class) and outdoor seating area to Welsh Back. Appeal against refusal Committee	23/01/2018
32	Southville	Regent House Lombard Street Bristol BS3 1AL Application to approve details pursuant to conditions 2(Highway Work), 3 (Environmental management Plan), 4(Road Condition Survey), 5(Car Club/Electric Vehicle), 6 (Unexploded Ordnance), 7 (Traffic Management Plan), 8 (Remediation Scheme), 10(Archaeological Works), 11 (Recording Fabric), 12 (Bird and Bat), 13 (Vegetation Clearance), 17 (Energy Strategy) and 25 (Travel Plan) of permission 15/04731/F (for change of use of Regent House and Consort House from offices (use class B1(a)) to residential (use class C3) (80 units) along with external alterations and retained offices (use class B1(a)) accommodation of 481sq m. Extension of commercial unit in Consort House (use classes A1, A2, A3, D1) of 36sq.m. Construction of new residential blocks (use class C3) (151 units) and associated landscaping and car parking to the rear of Regent House and Consort House. Construction of new residential accommodation (use class C3) (4 units) and ground floor commercial units (use classes A1, A2, A3, D1) of 395.sq.m on land at Lombard Street. Alterations to public realm along Bedminster Parade and Lombard Street). Major Application Appeal against refusal	07/02/2018
33	Avonmouth & Lawrence Weston	1 - 3 High Street Shirehampton Bristol BS11 0DT First and second floor extensions to provide 6 flats. Appeal against refusal Delegated decision	07/02/2018
34	St George West	387 Church Road St George Bristol BS5 8AL New build 2 bed house to the rear of the site at 387 Church Road. Appeal against refusal Delegated decision	08/02/2018



35	Cotham	Kirwin House (& Lansdowne House) Cotham Park North Bristol BS6 6BH Erection of 4no. single storey wheelchair accessible houses on land to the rear of Kirwin & Lansdowne houses. Appeal against refusal Delegated decision	08/02/2018
36	Southmead	471 Southmead Road Bristol BS10 5LZ Retention of an ATM installed through existing glazing to the right hand side of the shop entrance. Appeal against refusal Delegated decision	08/02/2018
37	Southmead	7 Lorton Road Bristol BS10 6DG Erection of two storey dwelling house and associated works. Appeal against refusal Delegated decision	08/02/2018

### List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
38	Avonmouth & Lawrence Weston	16 Portview Road Bristol BS11 9GQ Proposed erection of a two storey two bedroom semi detached dwelling, sited on the land adjoining the property. Appeal against refusal Delegated decision	Appeal dismissed 18/01/2018
39	Filwood	24 Kildare Road Bristol BS4 1PS Erection of attached two storey dwelling. Appeal against refusal Delegated decision	Appeal withdrawn 17/01/2018
40	Hillfields	70 Thicket Avenue Bristol BS16 4EH Two storey extension to accommodate single dwelling. Appeal against refusal Delegated decision	Appeal allowed 02/02/2018
41	Clifton	North Villa 48 Canynge Road Bristol BS8 3LQ Erection of extension to side. Appeal against refusal Delegated decision	Appeal dismissed 26/01/2018
42	Stoke Bishop	9 Bowerleaze Bristol BS9 2HJ Proposed first floor side extension. Appeal against refusal Delegated decision	Appeal dismissed 30/01/2018

43	Westbury-on-Trym & Henleaze	23 Eastover Close Bristol BS9 3JQ Re-ordering and excavation of front garden to create a single parking space. Appeal against refusal Delegated decision	Appeal allowed 30/01/2018
44	Brislington East	2 Newbridge Road Bristol BS4 4DH Replacement of a 48-sheet advertising display with an illuminated 48-sheet digital advertising display. Appeal against refusal Delegated decision	Appeal dismissed 22/01/2018
45	Bishopston & Ashley Down	332 Gloucester Road Horfield Bristol BS7 8TJ 1 x fascia sign. Appeal against refusal Delegated decision	Appeal allowed 22/01/2018
46	Brislington East	Land At St Anne's Road St Annes Road St Annes Bristol Replacement of existing 1no illuminated 48 sheet advertising display with 1no illuminated 48 sheet digital LED advertisement. Appeal against refusal Delegated decision	Appeal dismissed 22/01/2018
47	Bishopston & Ashley Down	10 Brent Road Bristol BS7 9QZ Notification of prior approval for the erection of a single storey, rear extension that would extend beyond the rear wall of the original house by 5.5 metres, have a maximum height of 3.97 metres and have eaves that are 2.79 metres high Appeal against refusal Delegated decision	Appeal dismissed 08/01/2018
48	Brislington West	72 Callington Road Bristol BS4 5BP To remove wall to front garden. To create new tarmac area for parking. To drop kerb to allow access. Appeal against refusal Delegated decision	Appeal allowed 10/01/2018
49	Central	White Harte 54-58 Park Row Bristol BS1 5LH Installation of replacement signs to include 2no. written house name logos and 2no. pictorial projecting signs attached to existing hanging frame (externally illuminated). Appeal against refusal Delegated decision	Appeal allowed 07/02/2018
50	Lawrence Hill	Land Adjacent To 90 West Street St Philips Bristol Removal of two illuminated 96-sheet advertisements and installation of a single 96-sheet digital display. Appeal against refusal Delegated decision	Appeal dismissed 07/02/2018

51 Lawrence Hill

90 West Street St Philips Bristol BS2 0BW

Application to retain non-illuminated display of 48-sheet advertisement hoarding to side of the building gable.

Appeal against refusal

Delegated decision

Appeal dismissed

07/02/2018

**DEVELOPMENT CONTROL COMMITTEE A**  
**21 February 2018**

**REPORT OF THE SERVICE DIRECTOR - PLANNING**

**LIST OF ENFORCEMENT NOTICES SERVED**

<b>Item</b>	<b>Ward</b>	<b>Address, description and enforcement type</b>	<b>Date issued</b>
1	Bishopston & Ashley D	91 Ashley Down Road Bristol BS7 9JT Erection of structure without planning permission. Enforcement notice	25/01/2018
2	Eastville	Aldi 670-680 Fishponds Road Bristol Breach of condition 3 (controlling deliveries) of planning permission 09/00094/F which consented new retail store. Breach of conditions notice	25/01/2018
3	Eastville	631-633 Fishponds Road Fishponds Bristol BS16 3BA Outdoor seating and smoking shelter to rear. Enforcement notice	30/01/2018

## Development Control Committee A 21 February 2018

### Report of the Service Director - Planning

#### Index

#### Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Cotham	Grant	17/06021/F - 21 Lansdown Road Redland Bristol BS6 6NR Change of use from 5 bedroom HMO to a 7 bedroom HMO.
2	Clifton Down	Grant subject to Legal Agreement	17/05140/F - 67 & 69 Whiteladies Road And 16A & 17A Aberdeen Road Bristol BS8 2NT Change of use of the existing Kwik Fit unit located at the junction of Whiteladies Road and Aberdeen Road from Use Class B2 (General Industrial) to Use Class A1 (Retail).
3	Redland	Refuse	17/04263/F and 17/04264/LA - Redland High School Redland Court Road Bristol BS6 7EF Residential conversion, including limited demolition and new build development, to form 43 new dwellings associated car and cycle parking and refuse storage. Internal and external refurbishment to all retained buildings.

Development Control Committee A – 21 February 2018

ITEM NO. 1

**WARD:** Cotham **CONTACT OFFICER:** Alex Hawtin  
**SITE ADDRESS:** 21 Lansdown Road Redland Bristol BS6 6NR

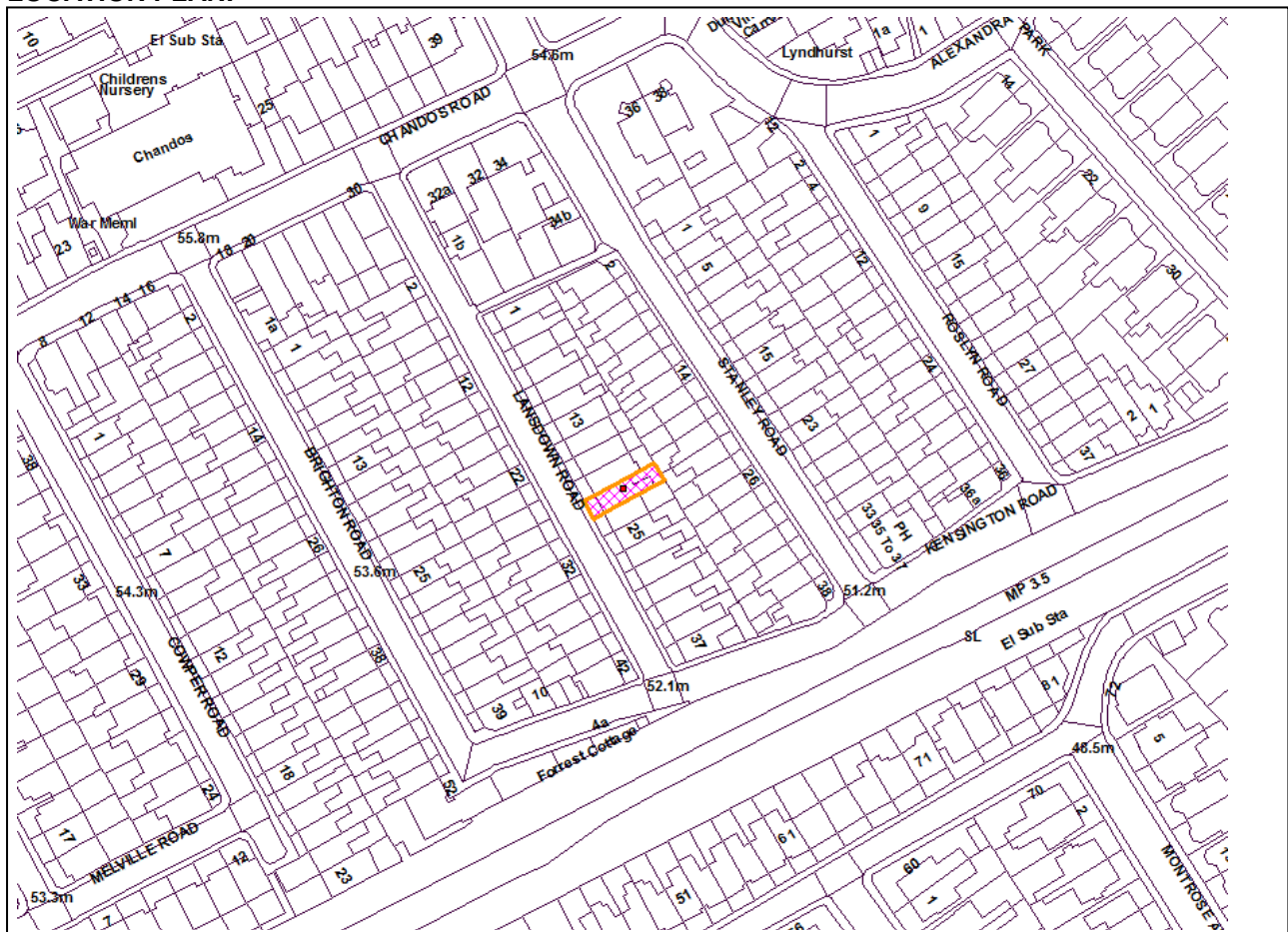
**APPLICATION NO:** 17/06021/F Full Planning  
**DETERMINATION DEADLINE:** 12 January 2018  
**Change of use from 5 bedroom HMO to a 7 bedroom HMO.**

**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Jackson Property Management  
141A St Michaels Hill  
Kingsdown  
Bristol  
BS2 8DB  
**APPLICANT:** Studhome (1992) Ltd  
The Lodge  
Park Road  
Shepton Mallet  
BA4 5BS

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

**LOCATION PLAN:**



**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

## BACKGROUND AND SUMMARY

This application is being presented to Development Control Committee following the Ward Member referral by Councillor Negus. The application was submitted following a planning enforcement investigation. As part of that planning enforcement case, the planning department notified both the Building Regulations Team and the Private Sector Housing Team (who oversee the regime of house in multiple occupation (HMO) licencing under the Housing Act 2004).

Following the notification, it has been confirmed that the works have been found to comply with the building regulations and the Council has issued a HMO Licence under the Housing Act. There have been a relatively large number of public objections to the application which are set out in full in the report below.

The report below assesses the retrospective application against the required planning policies, the development is found to be acceptable and the recommendation of this report therefore is that full planning permission is granted.

## SITE DESCRIPTION

This application relates to a house in multiple occupation (HMO) known as 21 Lansdown Road in Cotham, north Bristol. The Victorian mid-terrace dwelling is of three-storeys with a single storey extension to the rear.

Prior to the alterations, the dwelling consisted of a bedroom to the front of the property, with a living room and kitchen to the rear at ground floor level. The first floor consisted of two bedrooms, one at the front and one at the rear, and a shower room. The second floor consisted of a bedroom to the front, and a bedroom and a shower room to the rear.

The dwelling is situated within the Cotham and Redland Conservation Area.

This application retrospectively seeks full planning permission for the change of use of the property from a small HMO (Use Class C4) with 5 bedrooms to a large HMO (Sui Generis) with 7 bedrooms. This application seeks to regularise the use following an enforcement case (17/30468/COU), which ascertained that the property was being converted to provide 7 bedrooms.

An Article 4 Direction for Lawrence Hill, Ashley, Cabot, Cotham, and Clifton East (2011) relating to removal of permitted development rights to move from residential dwellinghouse (Use Class C3) to a small HMO (Use Class C4) without planning permission is not relevant or applicable to this case as the property was already in use as a small HMO (Use Class C4).

Planning permission is always required for a change of use from C4 to Sui Generis.

The enforcement case was able to ascertain that the lawful use of the dwelling was as a small HMO (Use Class C4). It is considered that this use pre-dates the introduction of the Article 4 Direction for Cotham in 2011. As a result, this report solely considers the intensification of the use from a 5 to 7 bedroom HMO.

The proposed plans show the reconfiguration of the ground floor, including the introduction of a utility room and toilet within the single storey extension and creation of a kitchen/dining room in place of the living room. It should be noted again that the works have already taken place so this is a retrospective application.

**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

The works have resulted in the subdivision of the first floor front bedroom and the second floor front bedroom.

The existing staircases have been removed and replaced to incorporate a landing at both first and second floor level to enable access to the subdivided rooms.

External changes are included in the form of replacement windows and a replacement door in the single storey rear extension.

Refuse and recycling bins are proposed to be stored to the front of the dwelling. A cycle store is proposed in the garden to the rear of the building.

Revised plans were submitted to confirm that the rooms are of sufficient size to meet the Technical Housing Standards (Dept. for Communities and Local Government, March 2015).

#### RELEVANT PLANNING HISTORY

17/30468/COU - Enforcement Enquiry – PENDING CONSIDERATION. This case is being held in abeyance pending the outcome of this planning application.

#### RESPONSE TO PUBLICITY AND CONSULTATION

27 interested parties have made a total of 36 comments in objection to the proposed development; including three no. residents groups.

The following planning issues have been raised:

- Concerns about the concentration of houses of multiple occupation in the area and the impact upon the balance of the community.
- Concerns about excessive occupation and the configuration of the proposed layout.
- Concerns about noise.
- Concerns about parking.
- Concerns about storage of refuse and recycling and its collection.

#### INTERNAL CONSULTEES

Transport Development Management (surgery item): No objection

"The transport impacts of the proposed change of use are considered acceptable given the change of use from a 5 bedroom HMO to a 7 bedroom HMO. It is anticipated that there would not be a significant increase in movements to and from the property.

It is anticipated that there would be no significant traffic impacts given the sustainable location of the site near the Chandos Road and Whiteladies Road Local Centres and the close proximity to public transport at Redland Station, Redland Road and Whiteladies Road.

The front garden affords the property with sufficient space for storage of refuse and recycling. Further details of the proposed cycle storage should be provided via condition. A minimum of 7 cycle spaces should be provided."

Following the comments above, the applicant provided further details setting out the location and method of storing cycles and bins.



**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

Pollution Control (surgery item): No objection

“The increase in occupation of the building to a 7 bedroom HMO, when compared to a 5 bedroom HMO, would result in a minor increase in noise and disturbance, but would not result in a significant impact upon residential amenity given the retention of residential use and the relatively minor changes proposed.

I would ask for the following conditions should the application be approved:

**Premises Management Plan**

No use of development shall take place until there has been submitted to and approved in writing, by the Council, an Premises Management Plan, setting out details of how the premises, including outside areas will be supervised.”

**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**

**(A) WOULD THE PROPOSED HOUSING TYPE AND MIX BE ACCEPTABLE?**

Policy BCS18 supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents.

Policy DM2 states that proposals for intensification of existing houses in multiple occupation will not be permitted where the development would harm the residential amenity or character of the locality, exacerbate existing harmful conditions or reduce the choice of homes in the area by changing the housing mix.

Further to this, DM2 states that where development is permitted it must provide a good standard of accommodation by meeting relevant requirements and standards set out in other development plan policies.

The existing property’s lawful use is as a 5 bedroom ‘small’ HMO (Use Class C4). The property has been converted to include 7 bedrooms, and is currently let to 7 tenants. This application seeks full planning permission for the change of use from Use Class C4 to Sui Generis Use and the increase from 5 to 7 bedrooms.

21 Lansdown Road is one of 13 licensed HMOs on Lansdown Road, and at the time of the 2011 Census, the Kensington Road LSOA had a student population of approximately 42% and around 30% of dwellings were licensed HMOs. The proposed development would not increase the proportion of HMOs within the LSOA. Whilst the type of occupier of this proposed HMO cannot be controlled through this planning application, were the property to be occupied by students, the proposed development would only increase the student population of the Kensington Road LSOA by 0.002%.

**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

Given that this application is for the intensification of the existing use as a HMO it is considered that the proposed development would not reduce the choice of homes in the area by changing the housing mix. Further to this, it is considered that by intensifying the existing use would help to address demand for student bed spaces whilst protecting existing family dwellings from conversion into HMOs.

The proposed intensification of the use is considered acceptable given the close proximity to local shops and services and public transport. Further detail regarding this issue is provided within Key Issue D.

The proposed bedrooms would meet the standards set out within the Technical Housing Standards and sufficient communal space is proposed. The house has been altered with two additional bathrooms and an additional toilet. As such, it is considered that the dwelling would be of sufficient size for the number of future occupiers proposed.

It should be noted that there have been a several recent cases in which applications for the densification of existing HMOs within the vicinity of Lansdown Road have been refused and then allowed at appeal. These include a retrospective Change of Use application for intensification of a HMO at 18 Stanley Road (12/03789/F).

Within the associated appeal decision, the Inspector noted that whilst there is a high proportion of houses occupied by students and licensed HMOs, this type of application “does not result in an intensification of use of that property so as become of a different character” and “would not result in demonstrable harm to local residents”. Within this appeal, the Council decision was stated to fail to consider the proposal on its individual merits.

It is considered that the proposed use is acceptable in principle.

Policy DM2 states that proposals for the intensification of houses in multiple occupation will not be permitted where the development would cause harm through excessive noise and disturbance, impact upon on-street parking, impact upon the character of the dwelling or inadequate storage for recycling/refuse and cycles. As such, the aforementioned issues are assessed throughout the remainder of this report.

**(B) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE ON RESIDENTIAL AMENITY?**

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers.

Policy DM2 states that proposals for the conversion of existing dwellings or construction of new buildings to be used as houses in multiple occupation will not be permitted where the development would cause harm through excessive noise and disturbance.

The development has increased the size of the HMO from 5 to 7 bedrooms.

Bristol City Council’s Pollution Control team was consulted, and no objections were raised. It is considered given the existing residential nature of the surrounding area and similar level of occupation that there would not be any significant increase in noise and disturbance.

Whilst it is clear that residents perceive that there is a harmful concentration of HMOs within the area, this application would have a marginal effect upon the existing conditions. The two additional bedrooms would not result in harm to residential amenity through those criteria set out within Policy DM2 (i), including noise and disturbance.

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The Pollution Control team requested that a condition to be attached to any permission for a 'premises management plan' to be submitted to the Council for approval. This would ensure tenants obey 'house rules' regarding noise, waste and recycling, and the day to day management of the property.

It is concluded that there would be no unacceptable impacts upon residential amenity.

**(C) WOULD THE PROPOSED DEVELOPMENT BE OUT OF SCALE AND/OR CONTEXT WITH THE CONSERVATION AREA?**

Policy BCS21 sets out that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.

Policy BCS22 states that new development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance.

The designated heritage asset subject to this application is the Cotham and Redland Conservation Area.

Policy DM2 states that proposals for the conversion of existing dwellings or construction of new buildings to be used as houses in multiple occupation will not be permitted where they have an unacceptable impact upon the character of the surrounding area.

External changes are in the form of replacement windows and a replacement door in the single storey rear extension. These changes are considered minor in nature and located to the rear of the dwelling. It is considered that the appearance and character of the existing dwelling and the Conservation Area would be unaffected by the proposals.

The proposed bin store to the front of the dwelling would be constructed from high quality timber and would be sufficiently subservient to the property to not cause harm to the character of the Conservation Area.

It is considered that the development does not have an unacceptable impact upon the character of the existing dwelling or the surrounding area.

**(D) IS THE IMPACT OF THE CHANGE OF USE UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?**

Policy BCS10 states that developments should be designed and located to ensure the provision of safe streets. Development should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

Policy DM2 states that proposals for the conversion of existing dwellings or construction of new buildings to be used as houses in multiple occupation will not be permitted where the development would have an unacceptable impact upon on-street parking or inadequate storage for recycling/refuse and cycles.

Policy d of the Site Allocations and Development Management Policies outlines that development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access onto the highway network.

Transport Development Management was consulted as part of this application. The transport impacts of the proposed change of use are considered acceptable given the continued residential use and minor change in dwelling size from a 5 bedroom HMO to a 7 bedroom HMO. It is anticipated that there would not be a significant increase in movements to and from the property.

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It is anticipated that there would be no significant traffic impacts given the sustainable location of the site near the Chandos Road and Whiteladies Road Local Centres and the close proximity to public transport at Redland Station, Redland Road and Whiteladies Road.

This application provides the opportunity to formalise the solutions for storage of refuse and recycling and cycles.

Details showing the provision of cycle storage for 7 bikes have been provided in accordance of the guidance set out in Appendix 2: Parking Standards Schedule of the Site Allocations and Development Management Policies. This store must be in place within 3 months from the date of any decision. As such, the proposed development would provide a full range of sustainable and active transport routes.

Details have been provided to show the location of a bin store at the front of the property for the storage of refuse and recycling. This store must be in place within 3 months from the date of any decision. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection, and should be secured via condition.

The proposal would sufficiently address transport and highways impacts.

#### EQUALITIES ASSESSMENT

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

These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development.

Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

#### CONCLUSION

The change of use is acceptable in principle, and the intensification of the use is acceptable for the location. There would be no harm to the character of the Conservation Area or to residential amenity. The proposal would sufficiently address highways and transport impacts.

#### COMMUNITY INFRASTRUCTURE LEVY

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

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

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

**Post occupation management**

1. Premises Management Plan

Within three months of the date of this decision, a Premises Management Plan will be submitted to and approved in writing, by the Council. The Plan must set out details of how the premises, including outside areas, will be supervised.

Reason: In interests of protecting residential amenity.

2. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on approved plans

The refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans must be completed in accordance with the approved plans within three months of the date of this decision. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

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

2. Completion and Maintenance of Cycle Provision – Shown on approved plans

The cycle parking provision shown on the approved plans must be completed within three months of the date of this decision, and thereafter, be kept free of obstruction and available for the parking of cycles only.

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

3. External Works to Match

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

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

**Development Control Committee A – 21 February 2018**  
**Application No. 17/06021/F: 21 Lansdown Road Redland Bristol BS6 6NR**

**List of Approved Plans**

4. 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:

Existing floor plans, 1620/01 received 21 December 2017

Existing & proposed sections & elevations, 1620/02 received 21 December 2017

Proposed floor plans, 1620/03 received 21 December 2017

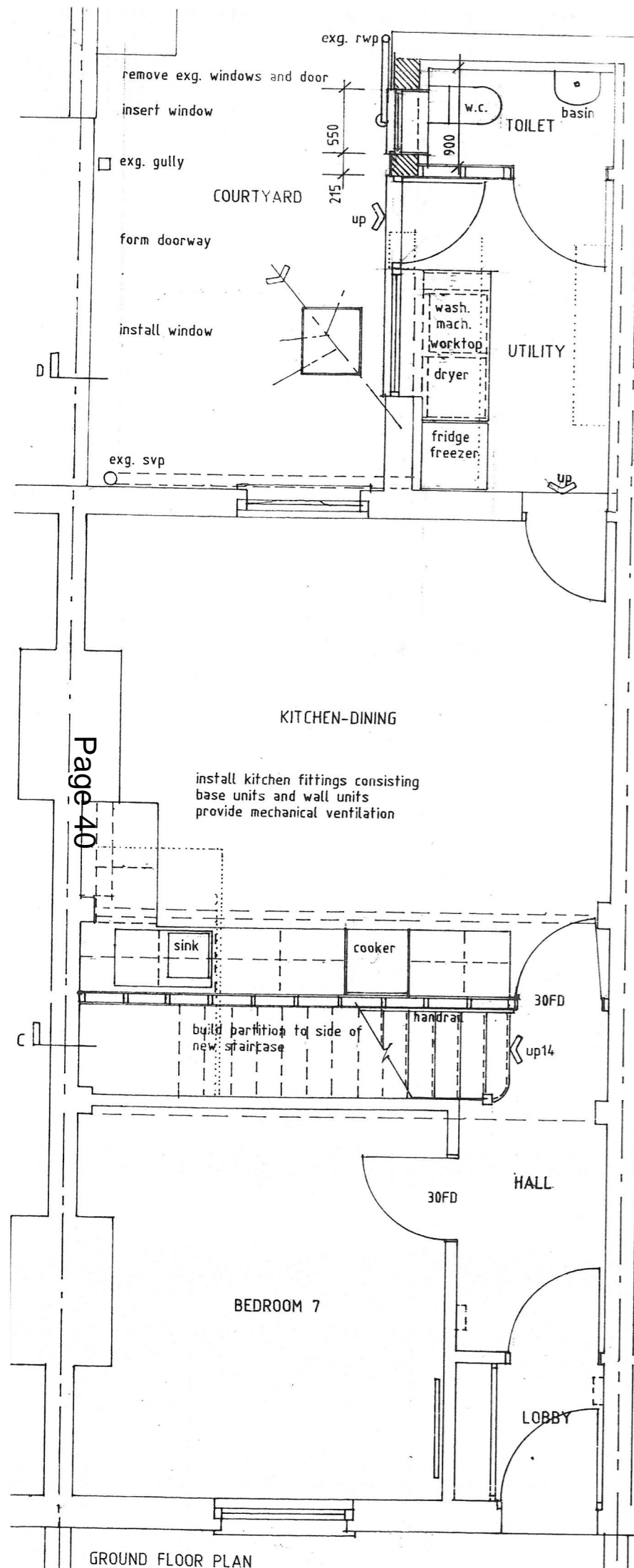
Cycle Store and Wheelie Bin Enclosure Details, 1620/04 received 16 January 2017

Reason: For the avoidance of doubt.

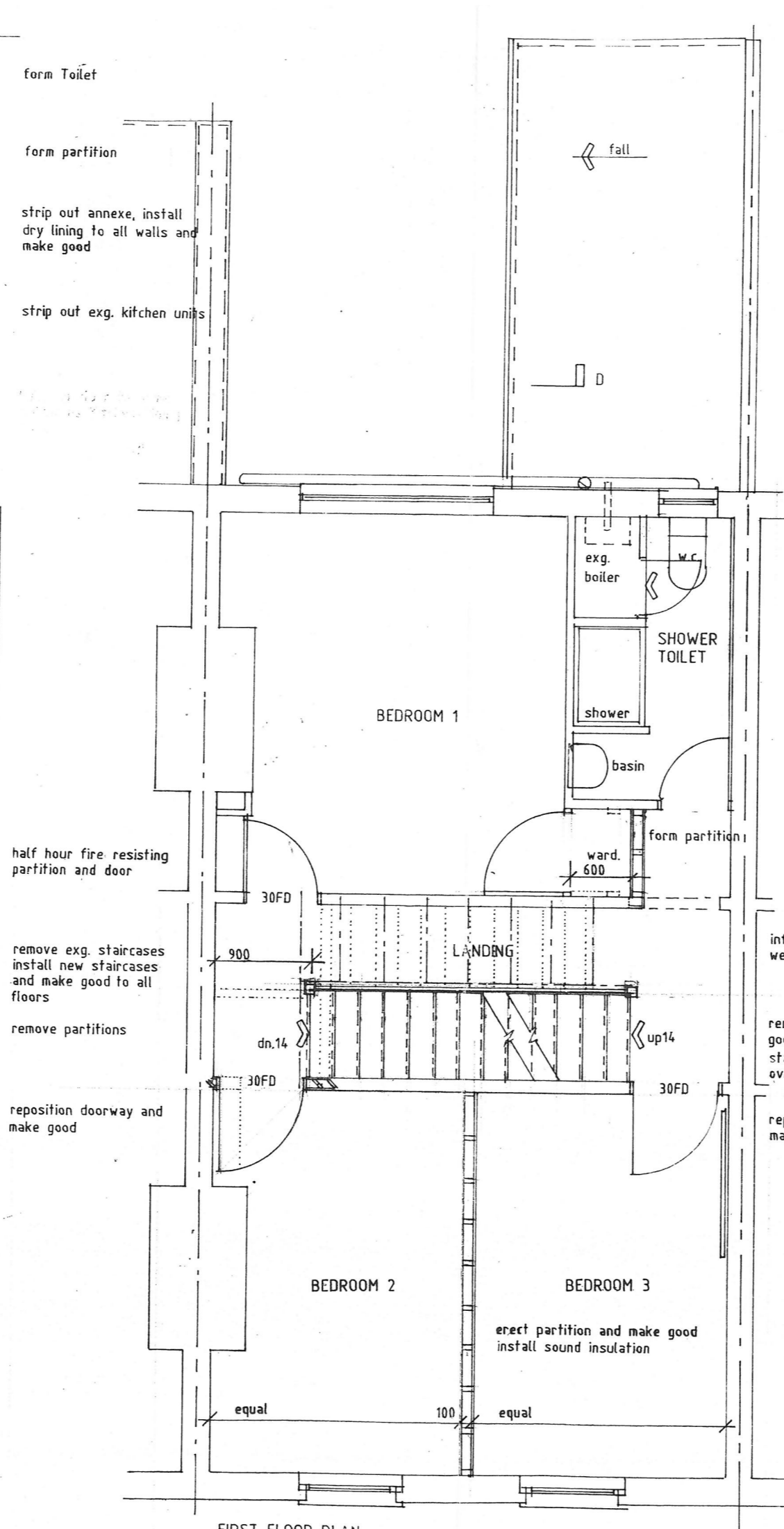
## Supporting Documents

### **1. 21 Lansdown Road**

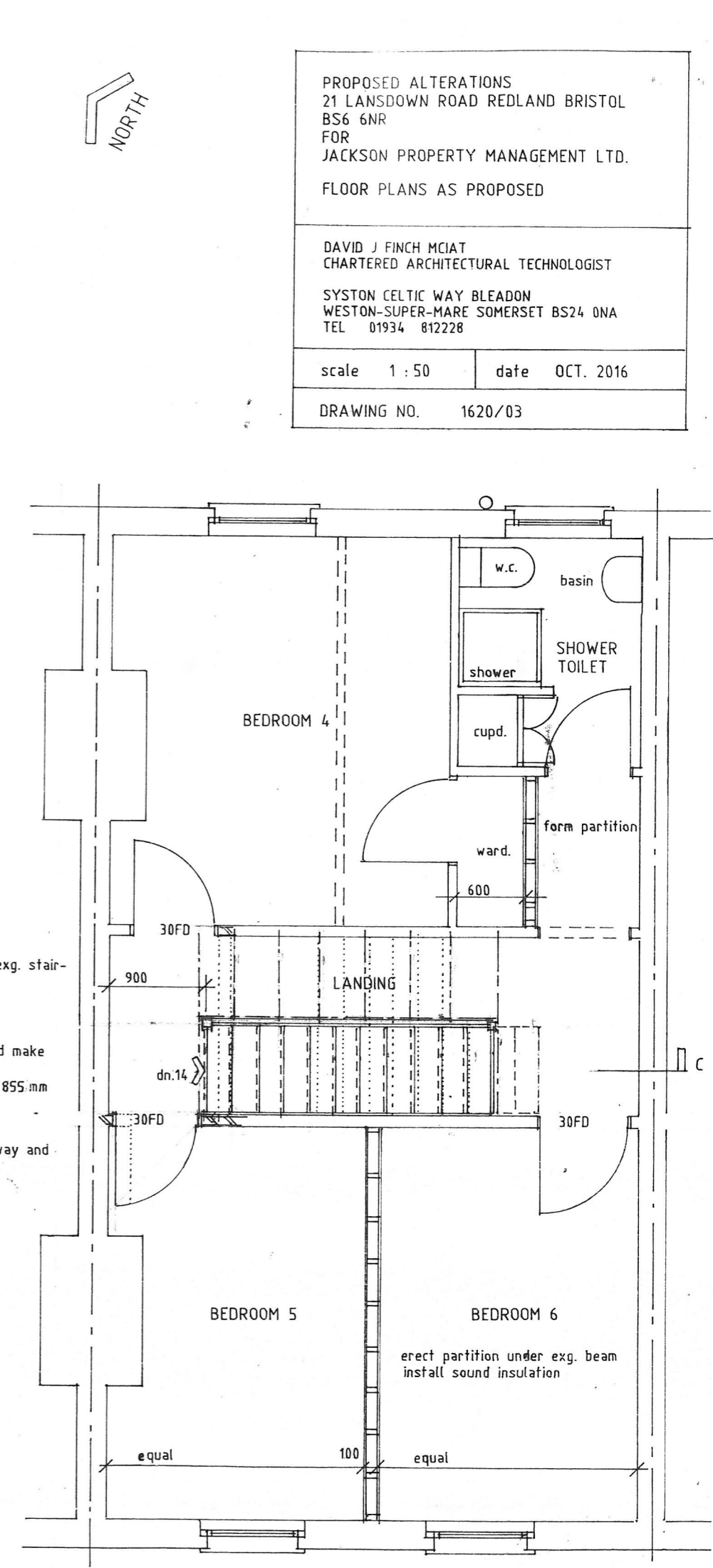
1. Existing and proposed floor plans and elevations
2. Proposed bin and bike storage
3. HMO statistics
4. Appeal Decision – 18 Stanley Road



GROUND FLOOR PLAN



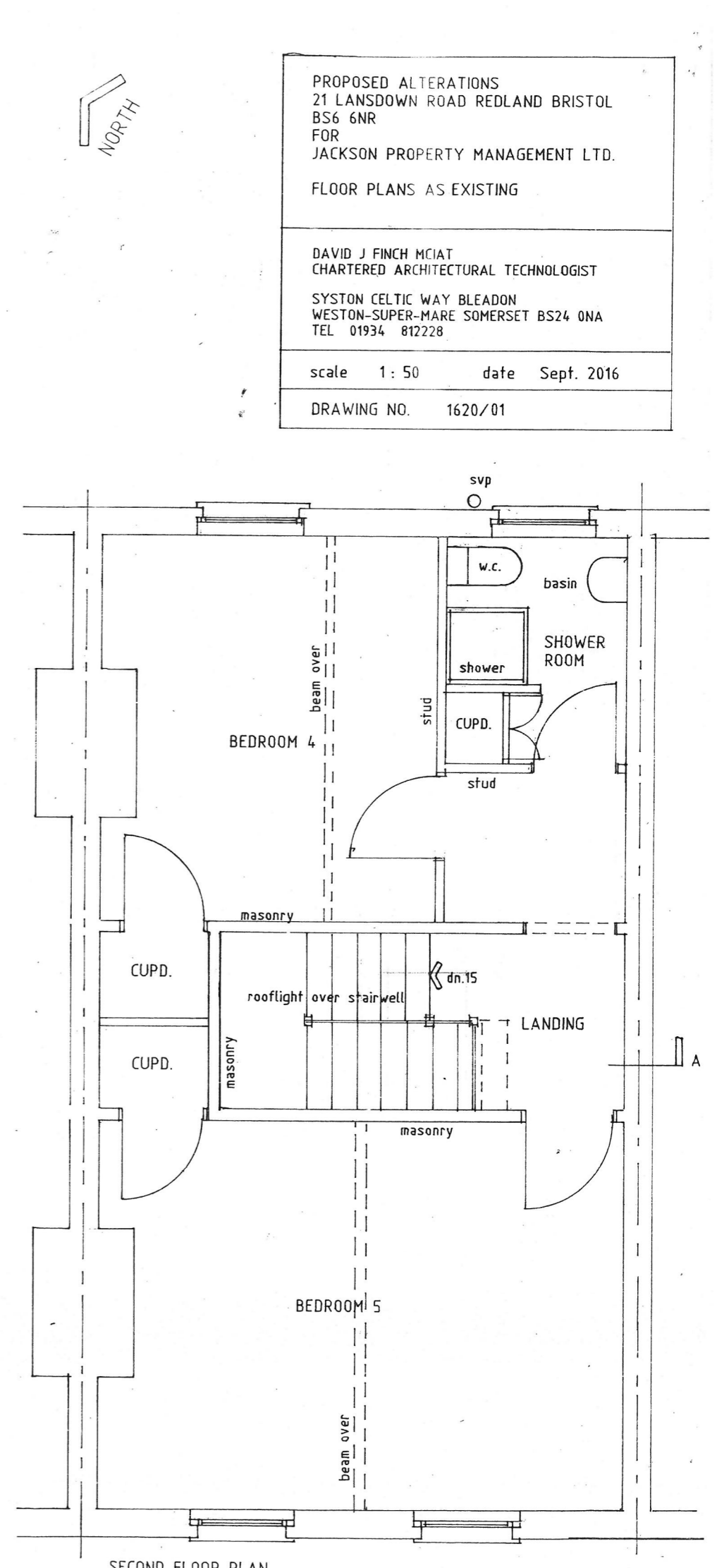
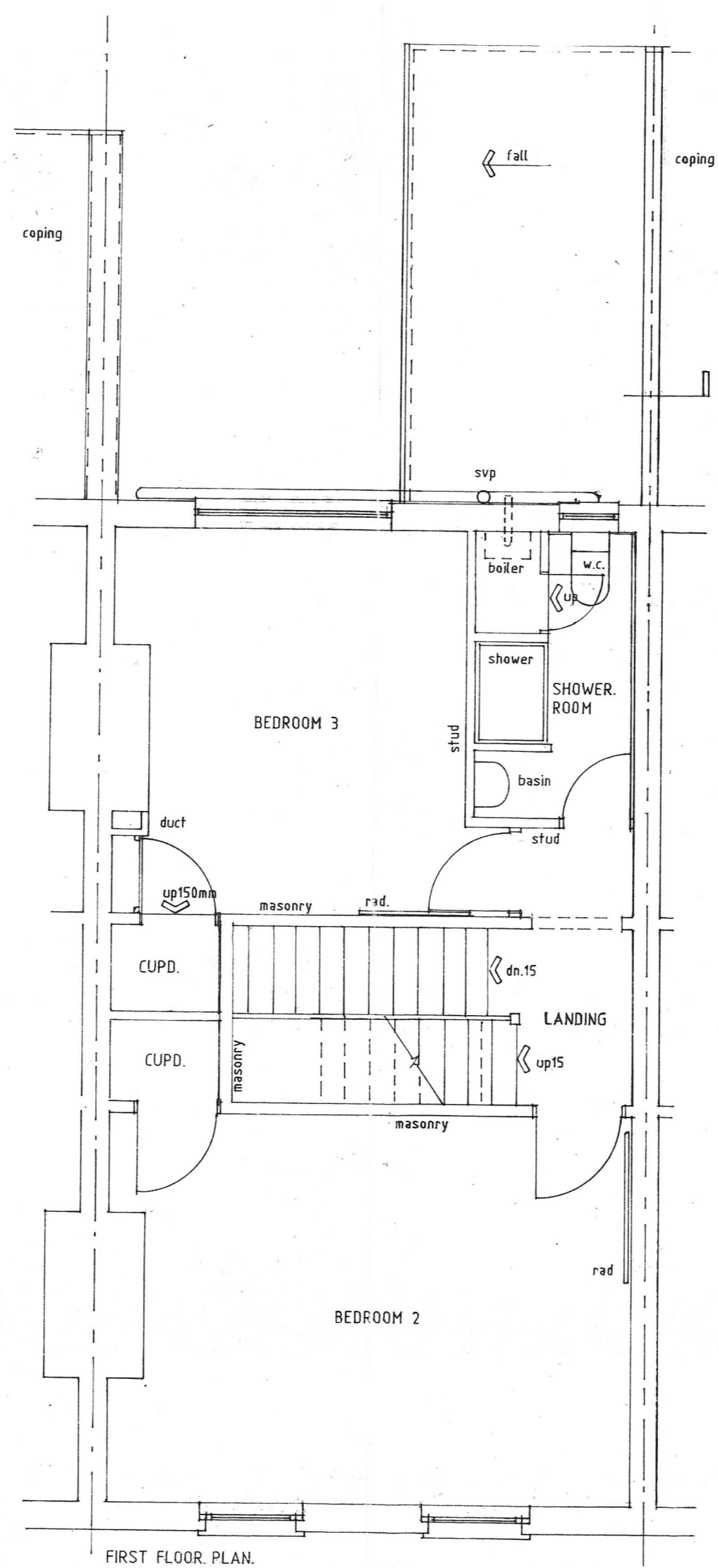
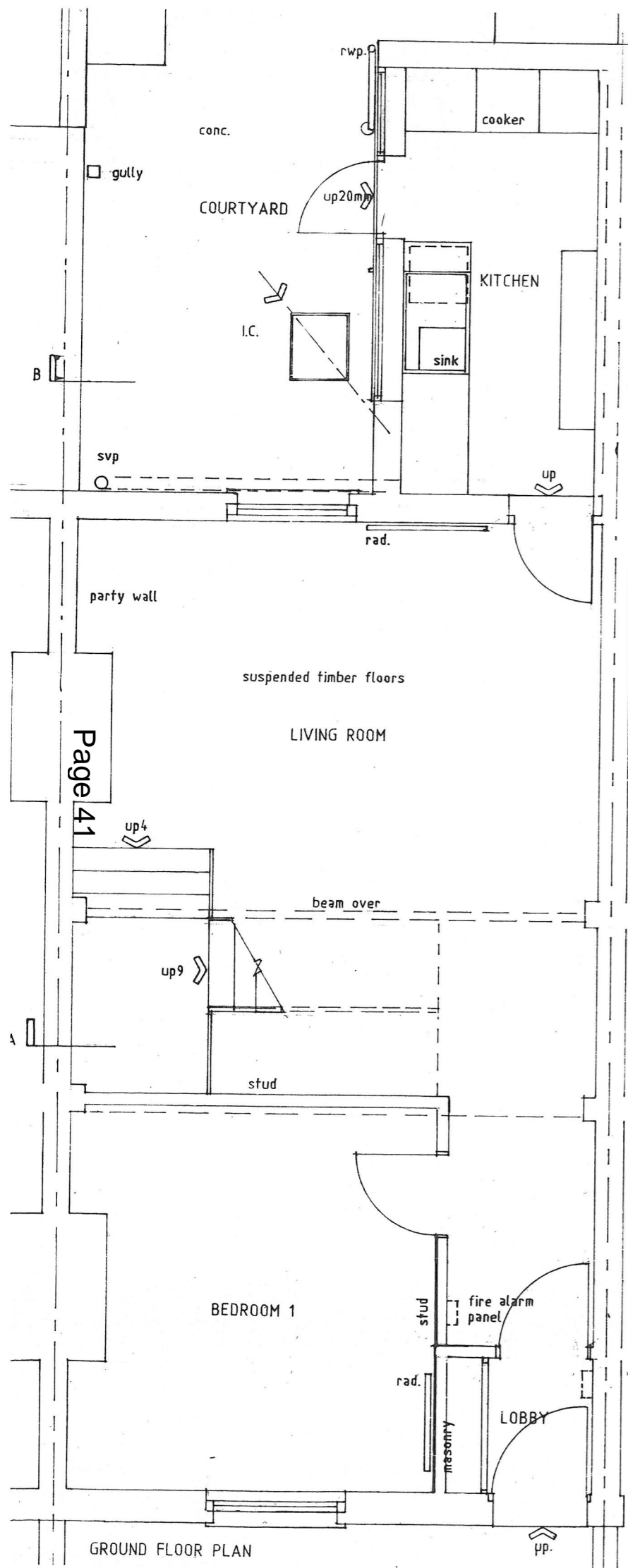
FIRST FLOOR PLAN



SECOND FLOOR PLAN

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PROPOSED ALTERATIONS  
 21 LANSDOWN ROAD REDLAND BRISTOL  
 BS6 6NR  
 FOR  
 JACKSON PROPERTY MANAGEMENT LTD.  
 FLOOR PLANS AS EXISTING

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DAVID J FINCH MCIAT  
 CHARTERED ARCHITECTURAL TECHNOLOGIST  
 SYSTON CELTIC WAY BLEADON  
 WESTON-SUPER-MARE SOMERSET BS24 0NA  
 TEL 01934 812228

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scale 1:50 date Sept. 2016

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DRAWING NO. 1620/01

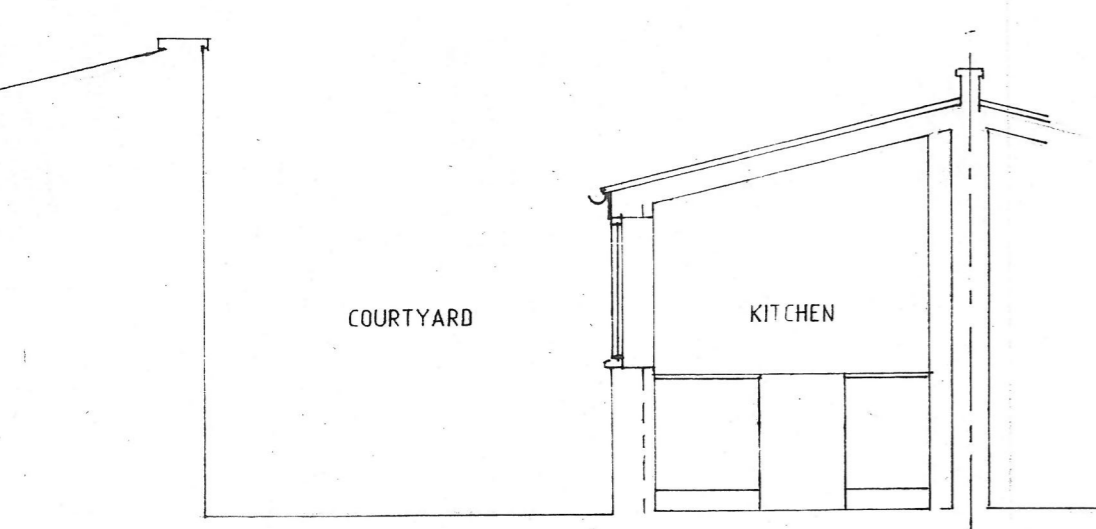


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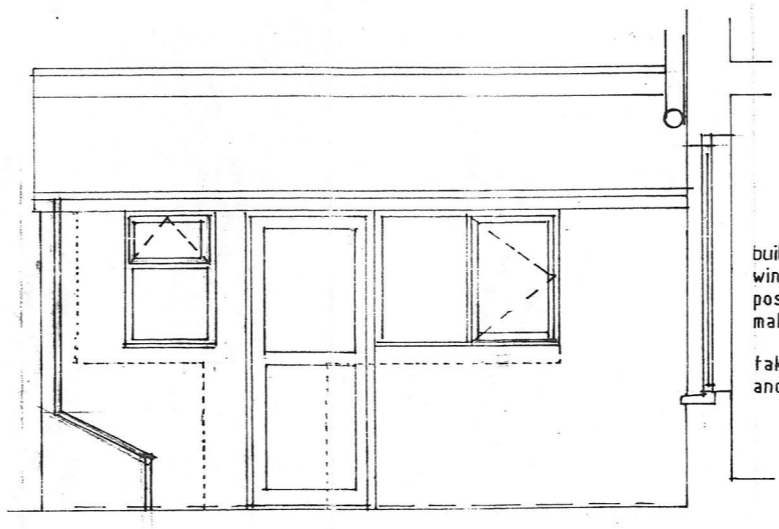
GROUND FLOOR PLAN

FIRST FLOOR PLAN.

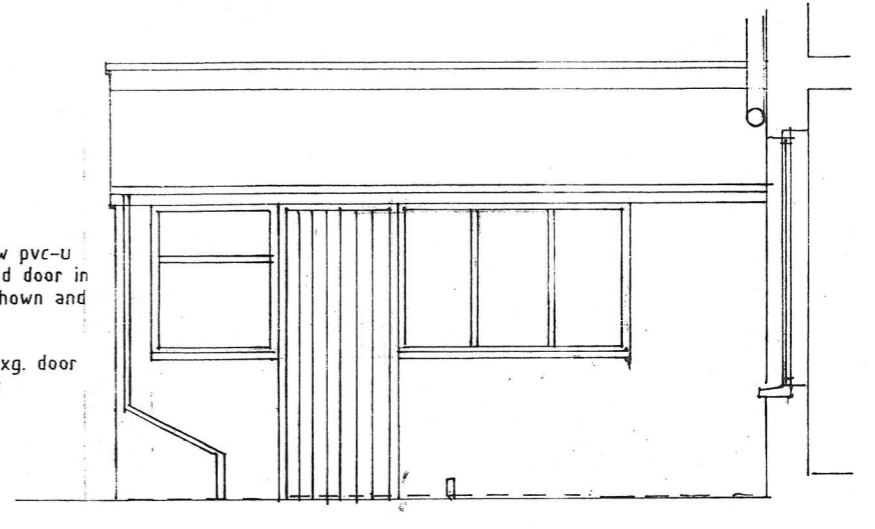
SECOND FLOOR PLAN



SECTION B-B AS EXISTING

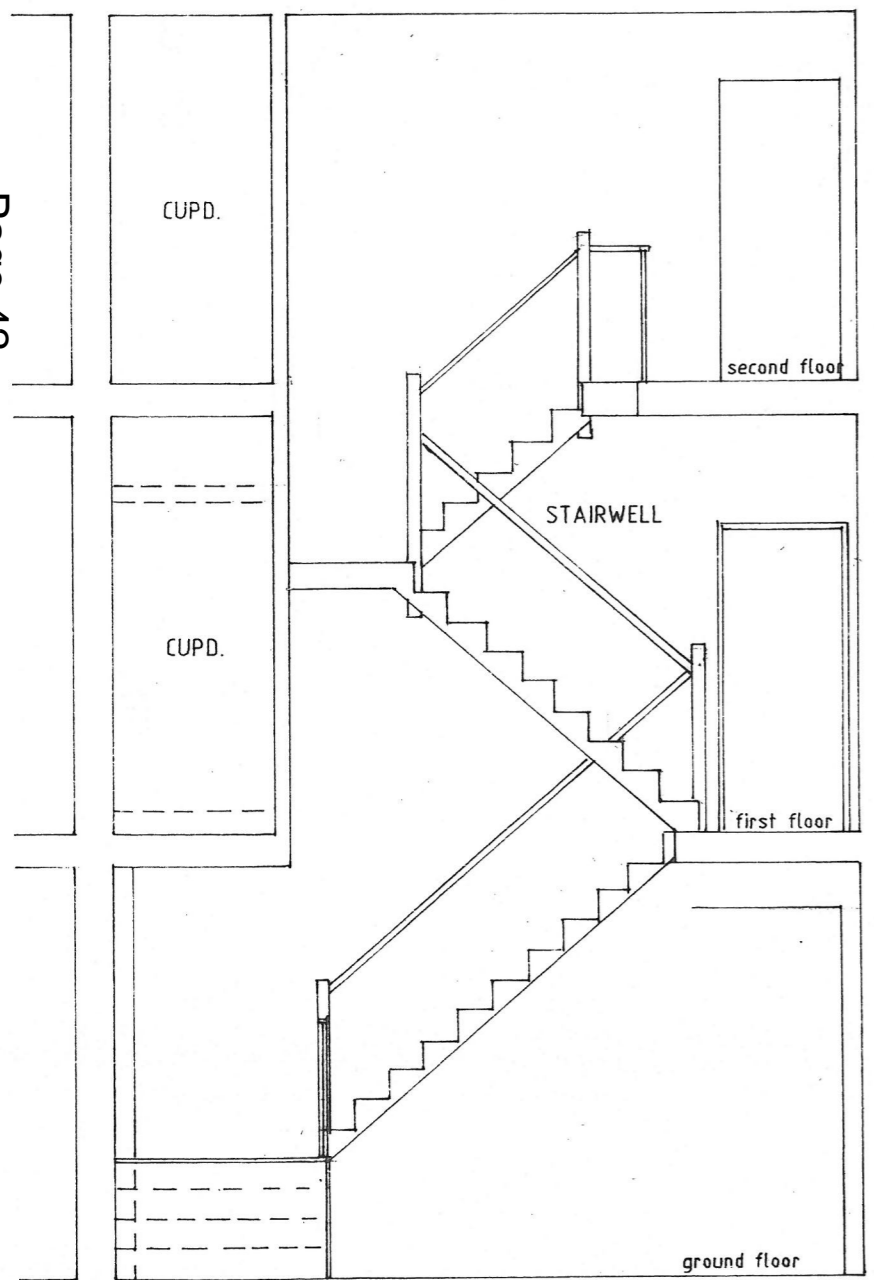


REAR ANNEXE - ELEVATION AS PROPOSED



REAR ANNEXE - ELEVATION AS EXISTING

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SECTION A-A AS EXISTING

remove masonry wall and make good

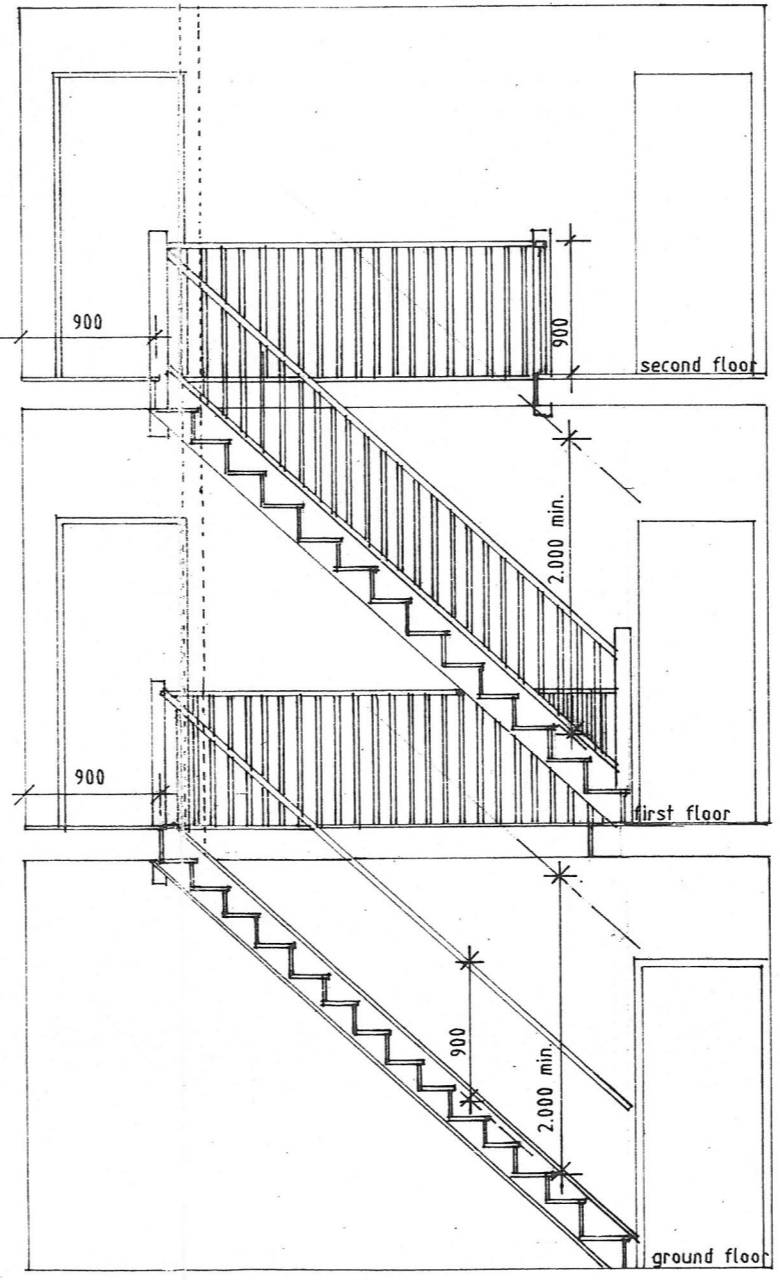
timber balusters with 100mm max. gap between

remove masonry wall and make good

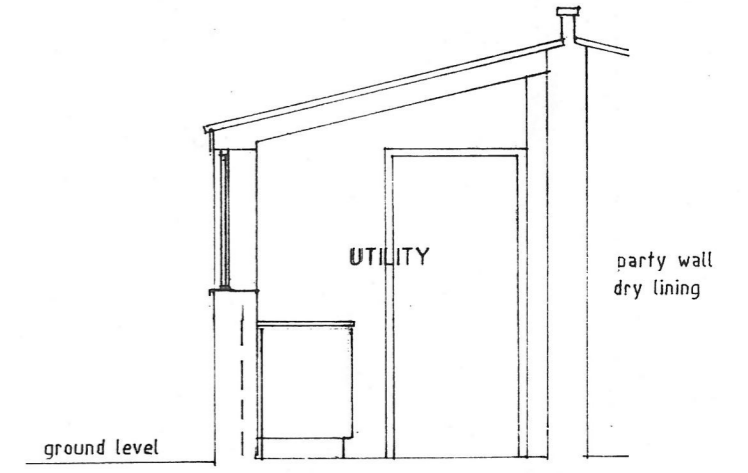
new staircases  
235mm goings  
211mm risers ( to be checked on site )  
42° max. pitch  
width - 855mm overall strings

cut back floor as necessary and make good

remove existing staircases, install new staircases and make good to floors as required



SECTION C-C AS PROPOSED



SECTION D-D AS PROPOSED

form stud-partition with 100  
50 studs at 400 crs. faced  
both sides with 12.5mm  
plasterbd. with 2mm skim coat

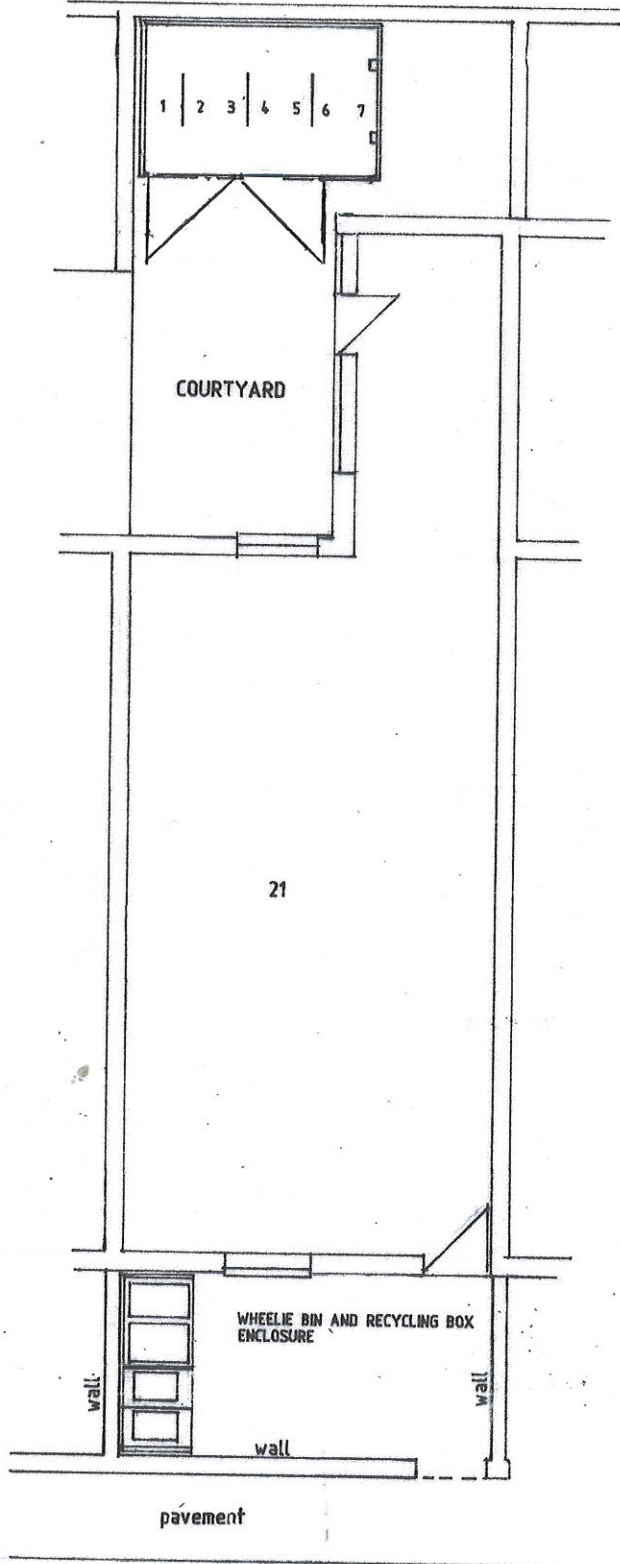
handrail fixed to new wall

PROPOSED ALTERATIONS 21 LANSDOWN ROAD REDLAND BRISTOL BS6 6NR FOR JACKSON PROPERTY MANAGEMENT LTD.	
SECTIONS AND ELEVATION AS EXISTING SECTIONS AND ELEVATION AS PROPOSED	
DAVID J FINCH MCIAT CHARTERED ARCHITECTURAL TECHNOLOGIST SYSTON CELTIC WAY BLEADON WESTON-SUPER-MARE SOMERSET BS24 0NA TEL 01934 812228	
scale 1 : 50	date OCT. 2016
DRAWING NO. 1620/02	



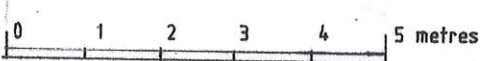
FIT 3 NO. SHEFFIELD STANDS SET IN CONC. AND 2 NO. WALL BARS FOR 7 NO. CYCLES. HIGH SECURITY LOCKS TO DOORS

CYCLE STORE FORMED WITH HIGH QUALITY, TREATED SOFTWOOD HORIZONTAL BOARDING ON TIMBER FRAME WITH VERTICALLY BOARDED DOORS

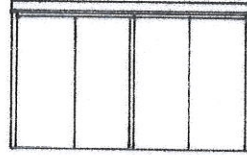


PLAN

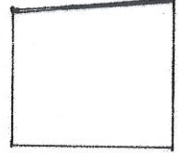
LANSDOWN ROAD



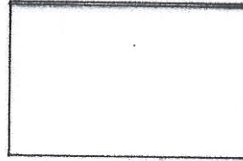
1 : 100 scale



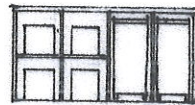
FRONT ELEVATION



SIDE ELEVATION

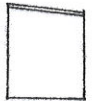


REAR ELEVATION

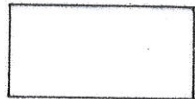


FRONT ELEVATION

WHEELIE BIN AND RECYCLING BOX ENCLOSURE



SIDE ELEVATION



REAR ELEVATION

ENCLOSURE REAR, SIDES AND TOP FORMED WITH TREATED SOFTWOOD BOARDING ON TIMBER FRAME

PROPOSED ALTERATIONS  
21 LANSDOWN ROAD, REDLAND, BRISTOL BS6 6NR  
FOR JACKSON PROPERTY MANAGEMENT LTD.

CYCLE STORE AND WHEELIE BIN ENCLOSURE DETAILS

SCALE 1 : 100 DATE JAN. 2018  
DRAWING NO. 1620/04

## HMO Statistics – 21 Lansdown Road

- 31% of dwellings on Lansdown Road are HMOs *including* 21 Lansdown Road (13 existing HMOs of 42 dwellings).
- 31% of dwellings within the Kensington Road LSOA are HMOs (204 of 655 dwellings).
- 23% of dwellings within Cotham are HMOs (1,220 of 5,189 dwellings).

The figure below is taken from Bristol City Council's Pinpoint mapping system which uses HMO licence data. Each house symbol represents a HMO.

**Figure 1: HMOs within the vicinity of Lansdown Road**



### **HMO licences on Lansdown Road**

The figure below sets out the number of occupants currently allowed under the HMO license for each of the 13 HMOs on Lansdown Road.

**Figure 2: Occupancy of licenced HMOs**

<b>HMO Address</b>	<b>No. of occupants</b>
21 Lansdown Road <i>(application site)</i>	5
1 Lansdown Road	5
3 Lansdown Road	9
4 Lansdown Road	6
5 Lansdown Road	6
9 Lansdown Road	8
11 Lansdown Road	7
20 Lansdown Road	5
22 Lansdown Road	6
27 Lansdown Road	7
28 Lansdown Road	6
34 Lansdown Road	5
36 Lansdown Road	5



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## Appeal Decisions

Hearing held on 3 July 2013

Site visit made on 3 July 2013

**by A R Hammond MA MSc CEng MIET MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 July 2013**

---

### **Appeal A Ref: APP/Z0116/C/13/2192971 18 Stanley Road, Cotham, Bristol, BS6 6NW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr S Harvey against an enforcement notice issued by Bristol City Council.
  - The Council's reference is 13/00794/2.
  - The notice was issued on 17 January 2013.
  - The breach of planning control as alleged in the notice is without the benefit of planning permission, the change of use of the property from a house in multiple occupation within Use Class C4 (use of a dwellinghouse by not more than 6 residents) to a house in multiple occupation with more than six residents within Use Class Sui Generis.
  - The requirements of the notice are cease the use of 18 Stanley Road as a House in Multiple Occupation with more than 6 residents within the Use Class Sui Generis and return the property to a House in Multiple Occupation within the Use Class C4 – reducing the number of residents to 6 or less.
  - The period for compliance with the requirements is six months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
- 

### **Appeal B Ref: APP/Z0116/A/13/2192975 18 Stanley Road, Cotham, Bristol, BS6 6NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Harvey against the decision of Bristol City Council.
  - The application Ref 12/03789, dated 28 August 2012, was refused by notice dated 13 December 2012.
  - The development proposed is retrospective change of use from a House in Multiple Occupation of 3-6 people (Use Class C4) to a House in Multiple Occupation with 7 residents (Sui Generis) and the replacement of one window to the rear elevation at upper ground floor level with two windows.
- 

### **Decision Appeal A**

1. The enforcement notice is corrected by the deletion of the words "within use class Sui Generis" from both the Breach of Planning Control Alleged and the requirements of the notice and their replacement in both instances with the words "(Sui Generis)". The enforcement is further corrected by the deletion of the words "and return the property to a House in Multiple Occupation within use class C4 – reducing the number of residents to 6 or less" from the requirements of the notice. Subject to these corrections the appeal is allowed and the enforcement notice is quashed

## **Decision Appeal B**

2. The appeal is allowed and planning permission is granted for change of use from a House in Multiple Occupation of 3-6 people (Use Class C4) to a House in Multiple Occupation with 7 residents (Sui Generis) and the replacement of one window to the rear elevation at upper ground floor level with two windows at 18 Stanley Road, Cotham, Bristol, BS6 6NW in accordance with the terms of the application, Ref 12/03789, dated 28 August 2012, subject to the following conditions:
  - 1) The cycle parking provision within the front garden area shall be retained and kept free from obstruction and available for the parking of cycles only.
  - 2) All refuse and recyclable materials associated with the development shall be stored within the dedicated store/area to the front garden or internally within the building. No refuse or recyclable material shall be stored or placed for collection on the public highway or pavement except on the day of collection.
  - 3) The development shall conform in all respects with the plans 0158/74522 location plan, received by the Council on 30 August 2012, and 50462-1B existing and proposed floor plans and elevations, received by the Council on 5 November 2012.

## **Reasons – Appeal A**

3. It was agreed by the parties that the lawful use of 18 Stanley Road was as Use Class C4, that is a use of a dwellinghouse by not more than six residents as a “house in multiple occupation” (HMO). Two rooms in the dwellinghouse have been subdivided so as to provide a total number of 7 single bedrooms and the property has been licensed by the Council as an HMO for up to 7 residents.
4. Circular 08/2010: *Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation* states at paragraph 17 of annex A that “Although the control limit of six persons defines the scope of the C3 (b) and (c) dwellinghouses and C4 houses in multiple occupation classes, this does not imply that any excess of that number must constitute a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character or the residents in relation to C3 no longer constitute a single household.”
5. Stanley Road and the surrounding streets have a high proportion of houses occupied by students, as licensed HMOs or otherwise, and there is no dispute that the large numbers of students in the area has a detrimental affect on the living conditions of other residents. As a result there is an Article 4 Direction removing permitted development rights for further change of use from Use Class C3 to Use Class C4.
6. The Council contend that the physical works to the property, namely the permitted external works and the sub-division of rooms, which did not require permission, facilitated a material change of use.
7. The Council, and third parties, contended at the Hearing that an increase from 6 to 7 students residing in the property has resulted in a significant increase in noise and disturbance in the area such as to fundamentally change the character of the use of the property.

8. Whilst an increase of one resident over and above 6 represents an increase of some 17%, the nature of the occupation has not changed in that the property is occupied by a group of persons on a single tenancy.
9. There is no doubt as to the strength of feeling of local residents as to the numbers of students in the area and the resulting clash of lifestyles. There is also understandable concern about a general further increase in student numbers, however the appeal only relates to 18 Stanley Road and it is clear that an increase from 6 to 7 residents does not result in an intensification of use of that property so as become of a different character.
10. Local residents expressed a fear that if the appeal were allowed the appellant would increase the number of occupiers further. The property is licensed as an HMO with the number of residents limited to 7 and it was clear from the site visit that the property would not be suitable for occupation by a larger number such There is adequate control, therefore, preventing occupation by more than 7 persons.
11. For the reasons given above, and taking account of all material planning issues raised, I conclude that Appeal A should be allowed.

### **Reasons – Appeal B**

12. The appeal sought planning permission for change of use from a House in Multiple Occupation of 3-6 people (Use Class C4) to a House in Multiple Occupation with 7 residents (Sui Generis) and the replacement of one window to the rear elevation at upper ground floor level with two windows. Despite the findings on Appeal A, Appeal B remains to be determined.
13. The Council granted planning permission Ref 12/03533/F for retention of two windows (replacing one window) to the rear of the property on the upper ground floor symmetrically aligned with the rest of the elevation by notice dated 14 December 2012. That development is identical to the operational development for which the appeal application sought permission. The only matter in contention is, therefore, the increase in the number of occupants of the property to 7 persons.
14. The significant concern of local residents as to problems associated with intensification of student occupation in the area has been noted. However the appeal falls to be considered on its individual merits. Given the findings and decision on Appeal A that the increase in occupancy does not result in an intensification of use of the property so as become of a different character, the appeal proposals would not result in demonstrable harm to local residents.
15. For the reasons given above, and taking account of all material planning issues raised, I conclude that appeal B should be allowed.

### **Conditions**

16. Conditions requiring the retention of the cycle storage provision and refuse storage are necessary in the interests of local amenity. A condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of proper planning.

*Andrew Hammond*  
INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Mr Dale Evans	Alder King
Mrs Anna Clark	Alder King

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Nigel Butler	Bristol City Council
Mr Kevin Moreley	Bristol City Council

### INTERESTED PERSONS:

Mr Peter Dawson	Owner of neighbouring property
Mr Robert Hinton	Local resident
Ms Lupine	Local resident
Ms Juliet Johns	Local resident
Ms Louise Block	Local resident
Cllr Negus	Ward Councillor
Mr Tony Lloyd	Local resident
Mr Alistair Gill	Local resident

## **DOCUMENTS**

- 1 Letter of notification of arrangements for the hearing
- 2 & 3 Letters from local residents missing from the case file
- 4 Committee report amendment sheet
- 5 Emerging Sites Allocations and Development Management Policies (SADMP)
- 6 Table of representations received to SADMP

**Development Control Committee A – 21 February 2018**

**ITEM NO. 2**

**WARD:** Clifton Down                      **CONTACT OFFICER:** Angelo Calabrese  
**SITE ADDRESS:** 67 & 69 Whiteladies Road And 16A & 17A Aberdeen Road Bristol BS8 2NT

**APPLICATION NO:** 17/05140/F                      Full Planning

**DETERMINATION DEADLINE:** 12 January 2018

**Change of use of the existing Kwik Fit unit located at the junction of Whiteladies Road and Aberdeen Road from Use Class B2 (General Industrial) to Use Class A1 (Retail).**

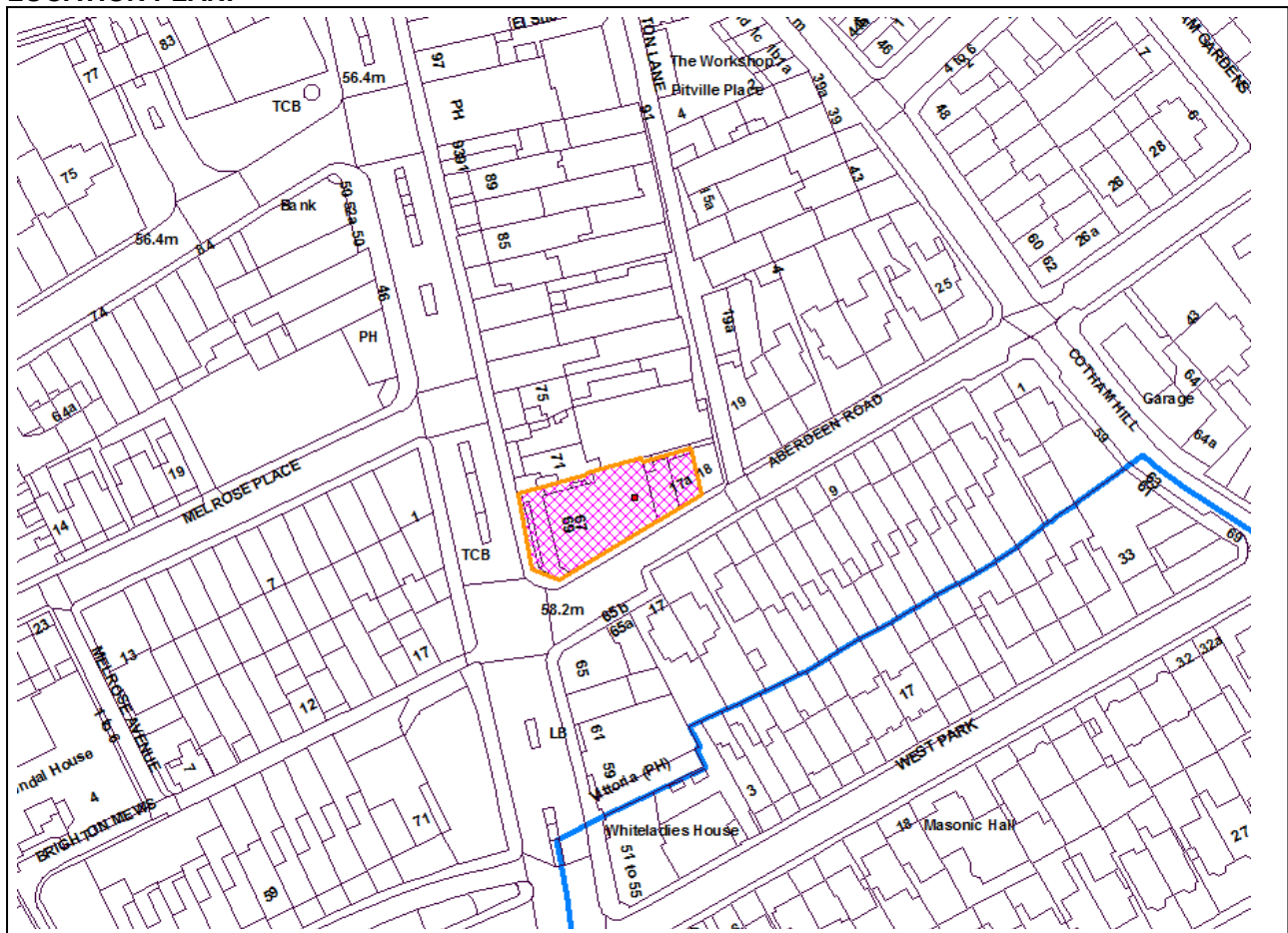
**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Rapleys LLP  
 9th Floor Clifton Heights  
 Clifton  
 Bristol  
 BS8 1EJ

**APPLICANT:** Rapleys LLP  
 c/o Agent

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

**LOCATION PLAN:**



**Development Control Committee A – 21 February 2018**

**Application No. 17/05140/F: 67 & 69 Whiteladies Road And 16A & 17A Aberdeen Road Bristol BS8 2NT**

**SUMMARY**

The application relates to the conversion of the B2 industrial unit (currently occupied by Kwik Fit) on the corner of Whiteladies Road and Aberdeen Road. Permission is sought to change the use to A1 retail.

The proposal has generated a number of objections from local residents in the area, particularly those that live along Aberdeen Road, who have raised a number of issues relating to noise and disturbance traffic impacts. Concerns are also raised over the concentration of retail uses.

Members will see from the report that officers have considered all the issues and are satisfied that the amenity of neighbouring properties will not be unduly harmed and the proposal will not create any significant highway safety issues. The proposal would also add to the vitality of the Whiteladies Road Town centre.

**SITE DESCRIPTION**

The application site is a Kwik Fit which is occupied under the B2 use class (general industry) located in the Whiteladies Road Town Centre on a designated secondary shopping frontage.

The site is also located in the Whiteladies Road Conservation Area.

**RELEVANT HISTORY**

11/03966/CE- Application for a Lawful Development Certificate for the existing use for the sale and fitting of tyres, exhausts, brakes and other fast-fit motorist repairs within Use Class B2. Certificate issued. 17.11.2011.

**APPLICATION**

Permission is sought to change the use of the ground floor from B2 (General Industry) to A1 (Retail).

The application includes a Transport statement and Retail Impact assessment (with a sequential test).

**RESPONSE TO PUBLICITY AND CONSULTATION**

Neighbouring properties consulted by letter, site notice and press advert also issued. Neighbours were consulted on two occasions following the submission of the Retail Impact assessment.

23 objections were received. The following issues were raised-

*Principle of development (Key issue A)*

Loss of employment floorspace.  
No need for more retail units along Whiteladies Road.

*Impact on amenity (Key issue B)*

Noise and disturbance from servicing and deliveries.

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Noise from Plant  
Increase air pollution  
Inadequate refuse storage arrangements.  
Noise and disturbance from customers, particularly along Aberdeen Road.  
Light pollution from store.

*Highway safety (Key issue C)*

Increase traffic - deliveries and customers.  
Increase in demand for parking.  
Inadequate space along Aberdeen Road for entrance, conflict between pedestrians and vehicular traffic.  
Illegal quick stop parking.  
No details of access arrangements.

Redland Cotham Amenities Society has raised concerns with existing access arrangement and request that Aberdeen Road is not used as the main entrance as it is currently. They also consider that it is unacceptable to retain the three off-street car parking spaces on the Whiteladies Road frontage because of the possible safety issues caused by cars crossing the pavement close to the entrance. The setting of the building (in the Whiteladies Road Conservation Area) would be enhanced by removal of parked vehicles in front of the building and could be further improved by planters and cycle racks for use of customers.

During the second round of consultation the Society raise further objections with the loss of a local business which they consider complements the mix of uses in the area. They also raise concern with refuse collection and the impact of the loading bay on the bus lane and obstructing traffic.

Local Ward Councillor Clive Stevens has raised concerns with access for deliveries and waste collection.

Pollution Control officers, Highway officer comments and the views of a Retail Consultant are included in the report.

**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.

**Equalities Impact 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. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the

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development have been assessed with particular regard to disability, age and pregnancy and maternity issues

**KEY ISSUES****(A) IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?***The Loss of employment floorspace*

Proposals for the loss of commercial floorspace need to demonstrate compliance with policies BCS8 and DM12. Policy DM12 states that employment sites should be retained unless-

- i. There is no demand for employment uses; or
- ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
- iii. A net reduction in floorspace is necessary to improve the existing premises; or
- iv. It is to be used for industrial or commercial training purposes.

The application site is currently occupied and no marketing has been carried out, but in response to policy DM12 the applicant have submitted an economic statement which states that the change of use would continue to make a valuable contribution to the local economy reinforcing the retail provision in the town centre. The statement also considers that the current B2 use could give rise to negative impacts in light of the sites town centre location and surrounding sensitive residential uses. They also consider that an A1 use is also likely to have reduced noise impact when compared to the existing operation (tyre replacement and car repairs etc.).

Officers agree that the lawful use of the site could cause a nuisance to surrounding residential properties. It is noted that the Planning Authority have no control over the opening hours of the premises, and there is nothing to stop an alternative Industrial use from occupying the space which could result in significant amenity impacts.

Policy BCS7 and DM7 seek to promote uses which provide active ground floor uses and those which add to the vitality of designated centres. Secondary shopping frontages (which the site lies in) provide opportunities for a greater diversity of centres. Retail or other related uses' are defined as Use Classes A1-A5 or other similar uses such as gyms, arts and cultural premises and community facilities which would add to the vitality of the area and are considered to be active ground floor uses. It is not considered that an industrial use would achieve these goals.

Officers also acknowledge that the proposal would create additional job opportunities from the A1 use.

To conclude, the proposal is considered to comply with policy DM12 and there are positive benefits of turning the application site into a retail use which would add to the vitality of the centre.

*Proposed Retail use*

Policy DM7 requires applications for town centre uses to address the sequential test which aims to direct retail development to designated centres first.

Where there are no suitable sites to meet the needs for such uses in centres, edge of centre locations may be appropriate provided that the proposal would support the role of the centre and would be of a scale and intensity proportionate to the centre's position in the identified hierarchy. Out of centre sites will only be acceptable when where-

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- i. No centre or edge of centre sites are available and the proposal would be in a location readily accessible on foot, by cycle and by public transport, or
- ii. The proposal is of a small scale and aimed at providing for local needs.
- iii. In assessing the availability of centre and edge of centre sites, alternative formats for the proposed uses should be considered.

The application site is located in the secondary shopping frontage of the town centre, and is not located in the 'Primary Shopping Area'. Therefore the site falls within the edge of the centre and the application requires a sequential test.

The supporting text for DM7 states that The Primary Shopping Areas identified within each Town/District centre is considered to be the 'centre' for the purposes of the sequential approach to retail developments (Use Class A1). This means that locations within a centre but outside the Primary Shopping Area are considered to be edge of centre for this form of development.

The Local Planning Authority have sought independent professional advice to assess the submitted sequential test and Retail Impact assessment and the following sections incorporates the full comments made by Jones Lang LaSalle Ltd (JLL).

**Sequential test**

In terms of the sequential test the only sequentially preferable sites are those within the primary shopping frontage or more accessible edge of centre sites. As the site is only 55m from the Primary Shopping Area (PSA) the sequential approach has only considered those sites within the PSA.

Given there is no end occupier and this is a speculative application it is in some ways difficult to apply flexibility to the proposal. However the retail consultants suggest that rather than scale up to 600 sq. m as the applicant has done, the proposal should be scaled down to ensure some flexibility is applied. Even if the applicant were to scale down the proposal to around 400 sq. m the proposed use could not currently be accommodated in the town centre.

The retail consultants therefore agree that there is no sequentially preferable site within the PSA to accommodate the development.

**Retail Impact assessment**

There are two strands to the impact assessment, one the impact on planned or committed investment in centre and the second is the impact on town centre vitality and viability.

*Impact on any planned or committed investment-*

There is currently no planned investment into Whiteladies Town Centre or Chandos Road Local centre. The applicants do refer to the development opposite the site at the former Star Service Station. This development is now well underway and includes a retail unit and 14 residential units. This site is also edge of centre and is afforded the same policy protection as the application site. Therefore in policy terms the impact on this development is not a material consideration.

*Impact on town centre vitality and viability-*

JLL agree with the applicants approach to consider the impact on both convenience and comparison uses.

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*Convenience Turnover*

JLL do not agree with the approach taken to the net sales area (para 2.4 and 5.15 of the applicants retail impact assessment). If the building is to be subject to a change of use then it should be assumed that an occupier would trade from the full area (allowing for some net: gross area for storage staff welfare etc.).

The applicant only assumes a net sales area of 279 sq. m for convenience. This represents 49% of the gross floor area. This is not appropriate and they should have applied a 70/30 split as they have done for comparison goods. This would equate to a net sales area of 399 sq. m.

In terms of turnover, the use of an average figure is appropriate; however it would have been a more robust approach to include one of the larger operators such as a Waitrose at £10,915 per sq., or even to include Coop food at circa £7150 per sq. m.

JLL have adjusted the turnover of the proposed convenience retailer to allow for a greater sales area of 399 sq. m, and to include Waitrose into the average sales density calculation (so including £10,915 into the table at para 5.17 of the statement). This would equate to a total turnover of £2.85m in the 2015 price year.

To assess impact going forward this figure would then need to be adjusted in line with forecast growth rates. In terms of convenience the current forecast is for negative growth up to 2020 then 0% from 2020 to 2024. This would keep the turnover at a constant rate of £2.85m.

JLL consider that the site is unlikely to attract a Waitrose particularly given the commitment from the M&S Food across the road, but this does represent a more robust 'worst case' scenario than that provided by applicant.

*Comparison Turnover*

In respect of the comparison turnover (para 5.28 of the applicants report) it is quite confusing as to where this figure originates from. JLL note that the figure of £6,495 is used which is the figure used in the Bristol Retail study as an average for 2016, but no reference is made to what price year this is based on. In addition this is average sales density figure for the city centre and Cribbs Causeway which is not an appropriate comparison. The applicant then discounts this to £6,218 which states takes account of growth rates (which should increase the figure) and special forms of trading which would account for a small decrease.

JLL consider that this figure is not acceptable to use. Rather than try to unpick this, JLL suggest an alternative approach based upon Mintel Retail Rankings in the same way as convenience. It is acknowledged that what is being applied for is an open A1 consent and any retailer could take the property making an average hard to calculate. However, JLL note this is a unit in a secondary shopping frontage in a second tier town centre and therefore its appeal to major high street retailers will be limited. It also cannot be compared to the retail study which was looking specifically at new City Centre and Cribbs Causeway floorspace which is likely to have a higher sales density.

The conclusions made by JLL applying their approach is that comparison turnover would be £2.07m rather than the £2,48m concluded by the applicant.

*Trade draw*

JLL have advised that the applicants approach within the assessment is more akin to an assessment of need which is not a requirement of an application and is in fact very simplistic as it does not apply market shares and apportion the available expenditure to all the relevant shops.

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Therefore JLL have had to provide a commentary as to where trade is likely being drawn. In doing so it is important to note that the proposed change of use could facilitate either a convenience or comparison retailer or both it is therefore difficult to make a judgement as to where the trade could be drawn from and if this would impact on any one retailer in the PSA

*Convenience*

If the unit were to be occupied solely by a convenience retailer then it is likely that the majority of its turnover would be diverted from existing convenience stores in the centre.

If we allow for 70% of the proposed store turnover to come from existing shops in the centre, this would equate to around £2m of trade being diverted.

Utilising survey data from recent nearby application (17/01466/F) would indicate that in 2019 the convenience retailers in Whiteladies town centre turnover circa £50m (2015 price base). A diversion of £2m based on a £50m turnover would equate to a 4% impact.

Although this is a simplistic approach it demonstrates that the impact of this store if used for convenience would likely be under 5% and create no significant adverse impacts.

*Comparison*

JLL have advised that they do not have a figure for the turnover of the centre for comparison uses, and it would be disproportionate to this application to undertake a Household survey to establish this.

The applicant mistakenly state that there are 72% of comparison retailers in Whiteladies Town Centre whereas that actually represents the total number of units with the percentage being 27%. Even so it is likely that the total comparison turnover for the centre is robust enough to withstand a small trade diversion to the proposed unit.

The applicant has undertaken a health check of Whiteladies and JLL concurs with their conclusion that the centre is very healthy. There is a wide range of comparison uses including major high street retailers and some more specialist national retailers.

To conclude JLL consider that the proposed use of the unit for comparison retailer will not significantly impact upon the vitality and viability of the centre. The centre is healthy enough to withstand a small amount of trade diversion to stores in secondary frontages. They also consider that the proposal will not harm the vitality or viability of the nearby Chandos Road local centre.

Based on the advice from the Retail expert, officers consider that the proposal complies with policy DM7.

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

A number of local residents (particularly those living along Aberdeen Road) have raised concerns that a proposed shop will increase noise and disturbance to surrounding houses.

The Pollution Control team have reviewed the application and they have no objection to the principle of the proposal subject to the use of planning conditions to address any potential issues arising from the use of the site.

Prior to any commencement of the use a full noise assessment will be required to ensure that the development would not result in any significant noise issues for the upper floors and other



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neighbouring residential units. This assessment will identify any mitigation if necessary and will ensure that the overall use of the building would not have a significant impact on existing residential occupiers.

Officers do not consider a retail use in a busy town centre will have an unacceptable impact on surrounding properties.

*Opening hours*

The Pollution Control team have advised that opening hours between 7.30 am to 10pm would be acceptable for a site along this busy high street. It is noted that other retail units in the city in similar situations (town centres) have similar opening and closing times of up to 10/11pm.

*Deliveries*

Activities relating to deliveries shall only take place between 07.00 and 20.00 Monday to Saturday. Between 07.00 and 08.00 Monday to Saturday deliveries shall only be from vehicles that are fixed axle and have a maximum weight of 7.5 tonnes with no use of wheeled trolleys or delivery cages. Again, this is similar to other retail units within the centre.

On Sundays and bank holidays deliveries shall only take place between 07.00 and 18.00. Between 07.00 and 10.00 deliveries shall only be from vehicles that are fixed axle and have a maximum weight of 7.5 tonnes with no use of wheeled trolleys or delivery cages.

A management plan condition will also be attached to the decision requiring full details of the management of deliveries and if any necessary noise mitigation measures are required and how load in/load outs will be monitored and supervised to mitigate any noise impact.

*Plant*

If any cooking is to take place requiring extraction, none of this can be installed until full details of the equipment is submitted and approved in writing by the Planning Authority.

Also, a condition will require any new plant to have a noise level below the pre-existing background levels.

*Refuse storage*

A number of residents have expressed concerns that there is insufficient space to store refuse within the unit. Objections are also raised to the removal of waste along the rear lane to Hampton Lane and any collection along Aberdeen Road.

Officers consider that the access to the lane is of insufficient size to allow waste to be taken to the rear, therefore a condition will be attached requiring all waste to be taken out from the front of the building onto Whiteladies road. This will ensure that refuse vehicles can collect waste from the main road and not the side street, further reducing any potential amenity impact.

*Pedestrian access*

The submitted transport statement states that the existing dropped kerb along Aberdeen Road will be removed, but the submitted plans do not show this. It is acknowledged that the proposal is simply for a change of use with no external changes, which will be subject to a separate application. The removal of vehicular access would also be a significant improvement to the pedestrian environment.

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The planning permission can also include the requirement for the pedestrian access can be to be from the Whiteladies Road / corner of the site as this is considered a suitable access point.

To conclude it is considered that a retail use would have a significantly improved relationship with surrounding properties than the lawful industrial use. Any impact caused can be successfully mitigated by the use of the standard conditions listed at the end of this report.

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

Policy BCS10 and DM23 seek to ensure that development will not give rise to unacceptable traffic conditions. The proposal has been reviewed by the Highways Development Management Team and their comments are incorporated below.

*Highway Network and Trip Generation*

The site is located on the busy Whiteladies Road. The submitted Transport Statement explains that the A1 retail unit would generate 28 two way trips in the AM peak hour and 23 two-way trips in PM peak hour. This results in a total of 14 additional trips in the AM peak hour and 9 additional trips in the PM peak hour. It is noted that not all trips to the unit will be new trips but are likely to be linked trips which are already on the highway network.

Given the site sustainable location in a designated town centre, the retail use would not give rise to unacceptable traffic movements

*Servicing and deliveries*

During the assessment of the application Highway Officers have requested a servicing strategy and demonstration that a loading bay would operate satisfactorily

In response to this request the applicant has provided a strategy and plans which demonstrate a loading bay to Whiteladies Road. This will require the removal and relocation of parking bays, which can be located along Aberdeen Road. These works will be secured by a legal agreement to pay for the Traffic Regulation Order.

A condition will secure the requirement for a management plan to ensure servicing does not jeopardise the safe movement of traffic along Whiteladies Road, and will ensure that deliveries and refuse collection will only take place from the main road and not the side street.

*Pedestrian access*

A number of local residents have raised concern with the proposal increasing pedestrian traffic along the Aberdeen Road footway, which is narrower than the large footway along Whiteladies Road. Concerns are raised that a retail use would introduce pedestrian flows which are inappropriate, but officers do not consider that the retail use would introduce high pedestrian flows along Aberdeen Road. The majority of pedestrian traffic is likely to be along Whiteladies Road.

It is also noted that the proposal removes the vehicular access to the building which improves pedestrian safety.

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*Parking*

The existing use parks vehicles to the front of the building inappropriately, and this will be removed by condition to ensure that this type of parking no longer takes place.

The highway officers have raised no objection in regards to the impact that the retail use would have on parking in the area. The site is in an accessible location by many modes of transport. As stated above existing permit bays will be relocated to Aberdeen Road to ensure that bays continue to be available.

In respect of cycle storage, the applicant can provide 3 stands to the front of the building; this will be a condition of permission.

Based on the above assessment, subject to conditions and a legal agreement for the TRO the proposal will have an acceptable impact on the highway network and will not raise significant highway safety issues.

**COMMUNITY INFRASTRUCTURE LEVY**

Conversions of buildings in lawful use are exempt from CIL.

**CONCLUSION**

It is considered that the use of the site for retail use would be of significant benefit to the town centre and would add to its vitality and promote beneficial competition as required by the NPPF. Detailed conditions would also ensure that the proposal will not give rise to a significant impact on residential amenity or raise any highway safety issues.

Approval is recommended subject to conditions and the completion of a legal agreement for the Traffic Regulation Order.

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**RECOMMENDED GRANT subject to Planning Agreement**

That the applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning and Sustainable Development and at the applicant's expense, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the applicant to cover the following matters:

- i. A financial contribution of £5,395 for the making of the Transport Regulation Order
- B. That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).
- C. That on completion of the Section 106 Agreement, planning permission be granted, subject to the following conditions:

**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. Noise from development

No development shall take place until an assessment on the potential for noise from the development affecting neighbouring residential premises has been submitted to and approved in writing by the Council.

The assessment shall include noise from:

Noise from within the store affecting surrounding residential accommodation  
Noise from any plant or equipment  
Noise from deliveries

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014 Methods for rating and assessing industrial and commercial sound and of BS 8233: 2014 "Guidance on sound insulation and noise reduction for buildings".

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

Reason: To protect the amenity of residential properties adjacent the unit.

3. No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including method of construction, odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be installed before the installation of any such equipment and thereafter shall be permanently retained.

Reason: To protect the amenity of residential properties adjacent the unit.

4. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of residential properties adjacent the unit.

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

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

**Pre occupation condition(s)**

6. Artificial Lighting (external)

Any light created by reason of the development shall meet the Obtrusive Light Limitations for Exterior Lighting Installations in table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01:2011.

Reason: To protect the amenity of neighbouring properties.

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## 7. Waste storage

Prior to the commencement of use, details of the internal bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The store shall be installed prior to the commencement of use and retained thereafter. Waste shall only be placed on Whiteladies Road on collection day and receptacles shall be returned to the store after collection

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

## 8. Completion and Maintenance of Vehicular Servicing facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or use commenced until the loading bay has been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

## 9. Completion and Maintenance of Cycle Provision - Shown on approved plans

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

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

## 10. Prior to the commencement of the retail use a full servicing and management plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall include but not be limited to the following-

Servicing and deliveries. The plan shall include details of any necessary noise mitigation measures, how load in/load outs will be monitored and supervised outside and how any noise issues or complaints will be dealt with.

Maximum size of vehicle 11.4m.

Details of arrivals, management of departures, parking stopping and waiting (loading times outside of Monday – Friday 07:00-10:00 and 16:30-18:30).

Full details -Refuse storage and collection from Whiteladies Road only

Full details of main entrance from Whiteladies Road only.

The measures within the agreed plan shall thereafter be maintained and implemented unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the servicing of the site does not impinge on the safe operation of the surrounding highway network.

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**Post occupation management**

11. Use of Refuse and recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 18.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

12. Deliveries

Activities relating to deliveries shall only take place between 07.00 and 20.00 Monday to Saturday. Between 07.00 and 08.00 Monday to Saturday deliveries shall only be from vehicles that are fixed axle and have a maximum weight of 7.5 tonnes with no use of wheeled trolleys or delivery cages.

On Sundays and bank holidays deliveries shall only take place between 07.00 and 18.00. Between 07.00 and 10.00 deliveries shall only be from vehicles that are fixed axle and have a maximum weight of 7.5 tonnes with no use of wheeled trolleys or delivery cages.

Reason: To protect the amenity of neighbouring properties.

13. Hours open to customers Monday - Sunday

No customers shall remain on the premises outside the hours of 07:30am to 22:00pm; Monday to Sundays.

Reason: To safeguard the residential amenity of nearby occupiers.

**List of approved plans**

14. 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.

17-02978-004 Location plan, received 25 September 2017

17-02978-003 Site plan, received 25 September 2017

17-02978-001 Existing floor plans and elevations, received 25 September 2017

17-02978-002A Proposed floor plans and elevations, received 7 December 2017

Reason: For the avoidance of doubt.

**Advices**

1. Minor works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking the work on the highway you must enter into a highway agreement under s171, s184 or s278 of the Highways Act 1980 with the council. You will be required to pay fees to cover the council's costs in undertaking the approval and inspection of the works. You should contact TDM - Strategic City Transport (CH), Bristol City Council, PO Box 3176, Bristol, BS3 9FS, telephone 0117 903 6846 or email TransportDM@bristol.gov.uk.

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2. The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9036852 or email [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
3. Highway to be adopted: All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Highway Engineer's specification and terms for the phasing of the development, in accordance with section 38 (Adoption of highway by agreement) or section 219 (the Advance Payments code) of the Highways Act 1980. You must also contact the Engineering Design and Main Drainage Design section of City Transport to discuss the requirements for adopted roads or sewers and in due course submit a separate application in respect of these works. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Telephone 0117 9222100.
4. Traffic Regulation Order (TRO): In order to comply with the requirements of condition 7 you are advised that the implementation of a TRO is required. The TRO process is a lengthy legal process involving statutory public consultation and you should allow an average of 6 months from instruction to implementation. You are advised that the TRO process cannot commence until payment of the TRO fees are received. Telephone 0117 9036846 to start the TRO process.

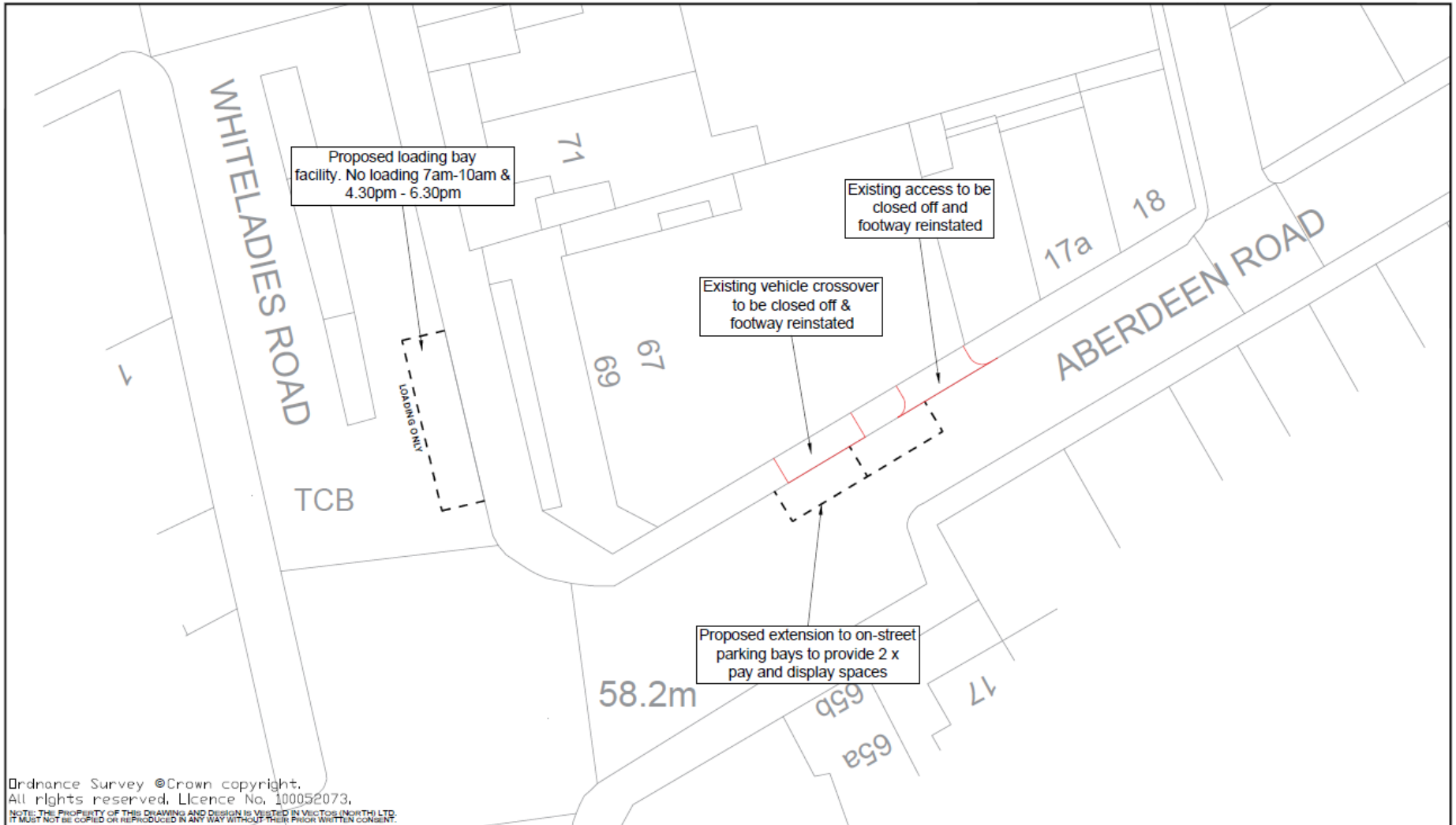


## Supporting Documents

### **1. 67 & 69 Whiteladies Road And 16A & 17A Aberdeen Road**

1. Floor plan
2. Loading bay plan





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REV.	DETAILS	DRAWN	CHECKED	DATE
A	Annotation added	HF	TR	22.11.17

**Notes:**

1. This is not a construction drawing and is intended for illustrative purposes only.
2. White lining is indicative only.

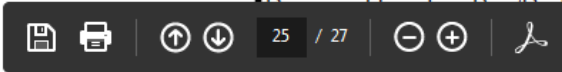
Blenheim Kwik Fit, Bristol

Blenheim Kwik Fit, Bristol  
 Parking Bay Relocation

Blenheim Estates



3rd Floor Oxford Place, 61 Oxford Street, Manchester, M1 6EQ  
 0161 228 1008  
 e: manchester@vectos.co.uk



**WARD:** Redland **CONTACT OFFICER:** Angelo Calabrese

**SITE ADDRESS:** Redland High School Redland Court Road Bristol BS6 7EF

**APPLICATION NO:** 17/04263/F and Full Planning and Listed Building Consent  
17/04264/LA

**DETERMINATION DEADLINE:** 12 January 2018

*Residential conversion, including limited demolition and new build development, to form 43 new dwellings associated car and cycle parking and refuse storage. Internal and external refurbishment to all retained buildings.*

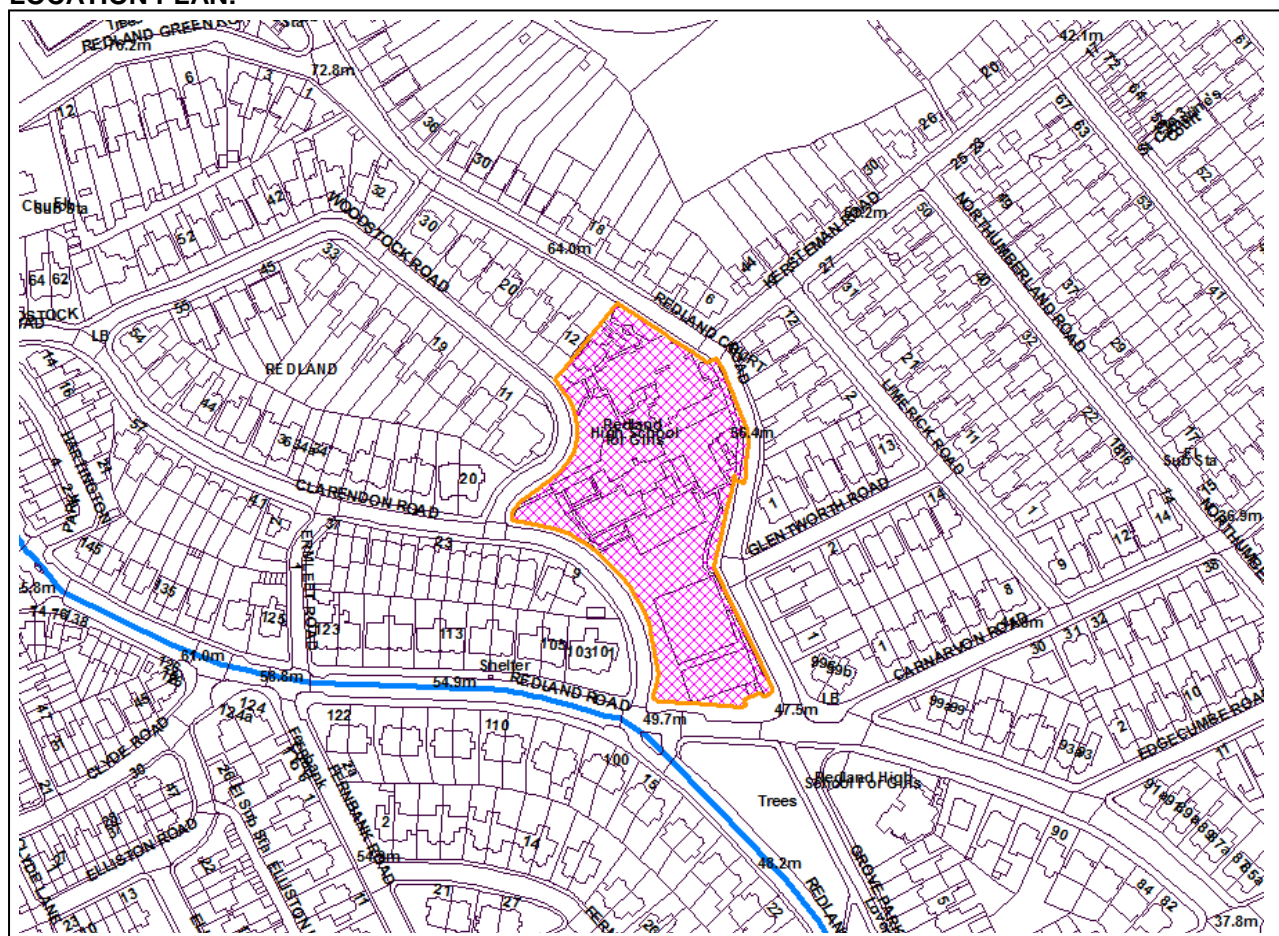
**RECOMMENDATION:** Refuse

**AGENT:** GVA  
St Catherine's Court  
Berkeley Place  
Bristol  
BS8 1BQ

**APPLICANT:** Kersfiled Developments Ltd  
C/o Agent

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

**LOCATION PLAN:**



**Development Control Committee A – 21 February 2018****Application No. 17/04263/F and 17/04264/LA: Redland High School Redland Court Road Bristol BS6 7EF****UPDATE FOLLOWING DC COMMITTEE A - 10 JANUARY 2018**

Members will recall on the 19<sup>th</sup> January 2018 officers had recommended the application for refusal on heritage grounds and that an affordable housing obligation to the value of £1,647,989 (equating to the provision of 10 on-site affordable dwellings) could be provided.

In regards to the Heritage impact, members considered the proposal was acceptable, but agreed that the proposal should contribute towards affordable housing.

Committee considered that the officer opinion that affordable housing to the value of £1,647,989 could be provided, was too high. However, committee felt that the development should make an off-site contribution of £750,000 in addition to the on-site provision offered. This would equate to a total affordable housing obligation to the value of £1,500,000 (this includes the applicants offer of 5 dwellings on site).

Officers were given delegated authority to progress with completing a Section 106 Agreement on this basis. If however, the applicant did not agree to this position then the matter was to be brought back to committee for their consideration.

The applicant considers that they are unable to afford to provide £1,500,000 of affordable housing, and the purpose of this update report is to set out the applicant's revised offer.

This update report does not contain a recommendation, as the officer position remains unchanged. However, in setting out the applicant's revised offer it enables committee to consider whether they consider it acceptable.

The revised offer is as follows:

1. The applicant will accept one year consent (rather than the usual three year time period). This will ensure that the development is brought forward quickly.
2. The 5 shared ownership units will be contained in the former Art Block, and will be the first phase of the development to be built out.
3. The applicant will make a financial contribution of approximately £300,000 towards off-site affordable housing on practical completion of the redevelopment of the former Art Block. This sum will equate to the surplus generated from the delivery of the shared ownership dwellings, and therefore the exact sum will be unknown until the point of payment.
4. The applicant will make a further financial contribution to "top up" the initial amount paid, to the sum of £500,000. This will be paid toward the end of the development process in order to assist the applicant's cash flow. A potential date for payment has been suggested, which is on occupation of the 38th dwelling within the development.

In summary, the applicant's offer equates to the provision of 5 shared ownership affordable homes on-site to be delivered as the first phase of the development, and an off-site contribution of £500,000 payable in two instalments. This results in a total obligation value of £1,250,000.

If committee is minded to agree to the applicant's offer then the affordable housing will need to be secured through a Section 106 Agreement, the Heads of Terms of which would be as follows:

- The provision of 5 shared ownership affordable homes to be located in the former Art Block.
- A £500,000 contribution towards the provision of off-site affordable housing, payable in two Instalments

**Development Control Committee A – 21 February 2018****Application No. 17/04263/F and 17/04264/LA: Redland High School Redland Court Road Bristol BS6 7EF****OFFICER REPORT FROM DC COMMITTEE A – 10 January 2018:****SUMMARY**

The application relates to the redevelopment of the former Redland High School into residential use. The main buildings are unallocated in the Local Plan but the grounds to the south of the main building are allocated as Open Space.

It is proposed to redevelop the site to accommodate 43 dwellings (mix of 1, 2 and 3 bedrooms).

There are strong objections from Historic England, City Design, the Georgian Group, and other amenity groups;

Members will see from the report that officers have considered all the issues and have come to a recommendation of refusal, recognising that significant weight must be placed on preserving the heritage asset and the lack of public benefits which will outweigh the level of harm created by the development. The expert viability advice also concludes that the applicants have overpaid for the site and the proposal should include a suitable contribution towards/provision of affordable housing.

**SITE DESCRIPTION**

The proposal is the former Redland High School which accommodates a Grade II\* Listed building and grounds. This site was vacated by the school in September 2017 following the merger of Redland High with Red Maids.

The application site is located in the Redland and Cotham Conservation Area and the open space to the front of the main building is designated as open space.

**APPLICATION**

Planning Permission and Listed Building Consent is sought for the conversion of the site to residential use and the creation of 43 dwellings which includes the reuse of existing buildings and new buildings. The proposal also includes a variety of landscape works.

- Conversion of Main Building into residential units (4 dwellings), with reinstatement of Belvedere Terrace to front of building and erection of cupola.
- Removal of east wing and sports hall to allow the erection of a new terrace with basement parking.
- Erection dwelling to the west of the main building – West Villa
- Erection of a dwelling to the north- West Lodge.
- Conversion of 10 Woodstock Road to residential use (4 dwellings)
- Demolition of former ICT building and the erection of 3 townhouses with parking.
- Extension of Science building and conversion to residential units. (17 units)
- Subdivision of Hall and Library to provide (7 units)
- The inclusion of basement parking in the east range will require the installation of traffic calming along Redland Court Road for highway safety. (total of 44 parking spaces across the site)
- Improvements to landscaping.

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The submission includes the following documents-

- Archaeological desk based assessment.
- Townscape Visual Assessment
- Built Heritage Statement
- Heritage Landscape Assessment
- Heritage Statement and Impact Assessment
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy
- Biodiversity Survey and Report
- Utilities Assessment
- Lighting Assessment
- Sustainability Statement and Energy Strategy
- Geoenvironmental and Geotechnical Desktop Study
- Transport Statement
- Tree Survey/Arboricultural Impact Assessment
- Viability Assessment,

Following objections from officers the applicant revised the plans which included the following amendments-

Change of material to West Villa and additional fenestration.  
 Changes to elevation of East Range.  
 Minor change to internal layout to main building.  
 Reduced height of Science block by 800mm

## **RELEVANT HISTORY**

**Planning applications** – There are no previous applications which are considered particularly relevant to the current proposals for the former Redland High.

**Screening Opinion- 17/02688/SCR** of which advised that the development proposals did not warrant an Environmental Impact Assessment.

### **Pre-application enquiries-**

**16/04902/PREAPP-** Change of Use of existing school. This pre-application was submitted by the previous landowners to establish if conversion to other uses would be supported by officers.

**17/01535/PREAPP** - This is linked to this application. Given the scale and complexity of the scheme an extensive pre application enquiry process and Planning Performance Agreement was undertaken with the Local Planning Authority. This has been an iterative process over the period up to the submission of the current scheme. As part of the pre application process the proposals were presented to the **Bristol Urban Design Forum** who reviewed the proposal on the 30<sup>th</sup> May 2017. The Panel raised the following concerns:-

1. Justification for the demolition of buildings, proposal did not seem to have explored the possibility of incorporating these assets or trying to effect more “creative demolition” that would celebrate and record in physical form the important part that the recent manifestation of the buildings.
2. Concerns with landscape plan proposals.

**Development Control Committee A – 21 February 2018****Application No. 17/04263/F and 17/04264/LA: Redland High School Redland Court Road Bristol BS6 7EF**

3. New units along Redland Court Road very dominant to the street and ignore the style of surrounding architecture.
4. The adoption of 100% car parking is potentially questionable for the future of Bristol as an exemplary “green” city. The Panel would therefore support moving the access to this underground car park off Redland Court Road further north, where direct access into this car park appears possible to leave the frontage landscape free of vehicles.
5. The Panel is also very concerned that one of the historic vistas that lines through with Woodland Road, where there is evidence of trees that could have been an element of the historic landscape, is broken by the building proposed to be on top of the underground car park.

**PRE APPLICATION COMMUNITY INVOLVEMENT**

The application includes a Community Involvement Statement which states that the applicant carried out a number of meetings with local amenity groups (Urban Design Forum, Civic Society, RCAS) and meet with local Ward Members. One Community was held in the summer where attendees could submit feedback on the proposal.

In terms of the outcomes of community involvement, the applicants have made changes to the appearance of the townhouses, Woodstock Lodge, landscaping and re-positioned the car parking.

**RESPONSE TO PUBLICITY AND CONSULTATION**

Site notice and press advert issued. Neighbouring properties consulted by letter on two occasions due to the submission of revised plans. A total of 26 objections received over the two consultation periods. The following points were raised-

Issues in Support -

Welcome restoration to some of its former glory.

Issues of concern-Principle(Key issue A)

Concerns with overall density of development.

Mix of housing

Loss of tennis courts.

Impact on character of area and Listed Building (Key issue B)-

Impact on open aspect along Redland Court Road

Increase in scale to the Science block building increases the impact on the CA

The existing timber sashes and glazing will presumably have to be replaced to achieve acceptable performance for the change of use to apartments. The opportunity should be taken to restore the original appearance of this important Listed building.

Townhouses out of character



**Development Control Committee A – 21 February 2018****Application No. 17/04263/F and 17/04264/LA: Redland High School Redland Court Road Bristol BS6 7EF**Impact on residential amenity (Key issue D)-

Increase noise pollution.

Townhouses would be overbearing and block light to surrounding properties.

Overlooking from townhouses.

East block could introduce overlooking to houses to the east.

Science block overbearing impact on neighbouring houses to the east.

Highway safety (Key issue G)

Lack of car parking.

Increase in traffic

Vehicular access from townhouses and underground car park raises highway safety issues

Living environment for Future occupiers (Key issue E)-

Cramped development –poor quality living environment for some flats.

Not a material consideration-

Issues regarding sutural works and neighbouring land

Covenant should restrict short term letting.

**Redland Community Tennis** club supports this application and the group will have continued access to the courts until they are removed.

**Redland and Cotham Amenities Society** and the **Bristol Civic Society** welcome the proposal to restore the main building and landscaping. They object to the townhouses and the impact on the area. They also raise issues with the proposed replacement of windows in the Main building with multi-paned sashes. Concerns are also expressed by the West Villa and the impact of the setting of the existing buildings and they suggest that the vocabulary of the new East range buildings would be more appropriate, with brick as a major material. They also request consideration is given to how the speed of traffic coming down Redland Court Road from the Kersteman Road junction can be calmed. They ask for consideration to the felling of a trees which blocks views of the court from Lover's Walk.

**Conservation Advisory Panel-** 'Regrets that it was not consulted at pre application stage. Generally it was felt that this application was a missed opportunity to bring a cohesive design approach to the overall scheme. The Panel felt that the town houses on Redland Court Road were too tall and overbearing in relation to the existing 1930s houses opposite. The West Villa was too prominent in terms of its tonality within the context of its relationship with the main frontage. Woodstock Lodge was considered to harm the original axial landscaped walkway feature and trees, which formed a significant part of the original Estate's formal landscape. The extra storeys on the Science Block were highly visible above the original Baroque frontage and would detract from their appearance.'

**The Georgian Group** raised the following issues-

- Development to the north of the house: The Georgian Group has grave concerns that the overdevelopment to the north of the site will cause significant harm to the heritage asset. The erection of two storeys above the existing Science block will be very visible from below and will obscure the ornamental silhouette of the house's balustrade. The extra storeys will also affect the setting of the cupola on the pavilions. The Palladian symmetry of the house is key to its historic architectural importance and while we commend the removal of the second storey Victorian addition to the east pavilion, we feel that the Grade II\* house will be severely and detrimentally impacted by the intrusive intended backdrop. Redland Court House is the

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principal asset on the site and the additional storeys to the buildings north of the house will destroy the prominence of its position.

- Demolition of Eastern wing and reconstruction: The demolition of the sports hall and the 1930s wing are deemed to be positive proposals. However, given the symmetry of the Palladian front, The Georgian Group believes that further work should be put into the evolution of the design. Although the link to the main house will create a degree of separation, it is hoped that the new block could be separated from the main house to a greater degree to ensure that there is clear visual separation between the primary heritage asset and the secondary development. The Casework Committee believe this could be a real opportunity to ameliorate the landscape and setting of the house, but that do so the scale and massing of the proposed eastern wing should in no way compete with the setting of the listed building as a distinct and separate structure. The Committee also felt that the design was reminiscent of Victorian terraced housing, and was not an entirely appropriate fit to sit so closely next to a Georgian façade of this quality.
- Internal Division of the Main House into 4 Maisonette Apartments: Whilst it is regrettable that some historic fabric will be lost in the division of the Grade II\* house, the Committee felt that the plans had been thoughtfully considered. With regard to the insertion of staircases, doors and pod bathrooms, we request that due consideration is given to the standard and quality of the work and that the local authority is provided with large scale details.
- West Villa: There is concern that the proximity and size of this proposed villa contributes to the overdevelopment of the site and shatter the view of the house. However, the Committee felt that the creation of the West Villa could be acceptable if it was built instead of, rather than in conjunction with, an increase to the height of the former science block building. In addition, The Georgian Group advises that the insertion of the 'picture window' into the garden wall is incongruous with the architectural language of the listed building and its immediate setting. We suggest that further design development take place to ensure that any incisions into historic fabric are kept to a minimum.

**City Design Team** considers the proposal results in '*Substantial Harm*' to the heritage asset. Key comments and issues raised are reported in the Key issue B.

**Historic England-** 'We have considerable concerns regarding the fragmentation of the site, and particularly the proposed intensity of development. This appears to be driven by land value assumed in the recent acquisition of the site, rather than a realistic expectation of the ability of the site to accommodate change.

There are some positives to the proposals, such as the removal of the east wing of school buildings, the removal of the tennis courts, the reinstatement of the belvedere, and the restoration of the symmetry of the Grade II\* House.

That said, there are many negative aspects: the intensity of the development; issues around fragmentation of the asset; the subdivision of the Main House; the subdivision of the Grade II Library and Hall; the proposed replacement of the east wing; the new West Villa and Woodstock Lodge; and the scale of the extension to the Science Block.

It is accepted that the building(s) requires a new use now that the school has vacated the site, but this needs to be one which is compatible with this important and prominent historic site. By virtue of the reasons set out above, and in particular the scale and intensity of the residential conversion and new-build, we consider that this application would cause significant harm to the Grade II\* and Grade II buildings, their settings, and the surrounding Conservation Area. We strongly recommend that these applications are withdrawn, and a more considered scheme brought forward.

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We consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 131, 132, 134 and 137.'

If your authority is minded to grant consent for the LBC 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 the LBC application, in accordance with the above Direction.

Historic England provided additional comments following amendments to the scheme and the summary of their comments is below-

'In short the amendments are minor in nature and are insufficient to address our previous comments.'

**Highways Development management Control** Raise no objections in principle

**Flood Risk Manager-** No objections subject to conditions.

**Sustainable Cities Team-** No Objections subject to conditions.

**Contamination officer-** No Objections subject to conditions.

**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.

**EQUALITIES IMPACT 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. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues

**KEY ISSUES****A) IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE?**

*Loss of school-*

Policy BCS12 of the Core Strategy states that 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.

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**BS6 7EF**

DM5 expands on this and requires proposals involving the loss of community facilities land or buildings will not be permitted unless it is demonstrated that:

- i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or
- ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or
- iii. The community facility can be fully retained, enhanced or reinstated as part of any redevelopment of the building or land; or
- iv. Appropriate replacement community facilities are provided in a suitable alternative location.

The merging of the Redland High and Redmaids' educational institutions will result in no significant loss of academic school places. This decision was made at the beginning of 2016 and irrespective of the proposed re-development of the site, the commitment to merge and operate from Redmaids' High School has taken place from September 2017

In addition to the educational use of the site, a limited number of local clubs and society's use the school site for meetings and/or classes on an informal basis. These include the Redland Tennis Community Club, zumba and pilates classes, anti-natal classes, Helena Grady Drama Academy, Bristol Metropolitan Orchestra and Michelle Webber Ballroom Dance classes.

As part of their planning statement the applicant has provided a justification for the loss of the facility which includes a list of community facilities within 10km of the application site. This list identifies 21 facilities in the area which are a mix of sports halls, schools and other community facilities.

Sports England, while not a statutory consultee for this type of application, was consulted and raised objections to the loss of the sports hall.

At the pre-application stage, officers concluded that, based on this submitted justification and list of community facilities in the area, the loss of this facility would not result in a shortfall of provision, therefore the policy test is satisfied and no objections are raised to the loss of the community facilities.

*Residential development-*

Policy BCS5 of the Core Strategy concerns housing provision and states: 'The Core Strategy aims to deliver new homes within the built up area to contribute towards accommodating a growing number of people and households in the city. Provision of new homes will be in accordance with the spatial strategy for Bristol set out in this Core Strategy and it is envisaged that 30,600 new homes will be provided in Bristol between 2006 and 2026. Development of new homes will primarily be on previously developed sites across the city.'

BCS18 states that all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The latest census statistics for the lower super output area has the area dominated by flats 62.7% with 37.3% as houses. In terms of the size of units in the locality, the mix of 1 and 2 beds is a total of 49% and 3, 4 and 5 beds units make up 48% of the total housing stock.

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The proposal would provide a mix of 1, 2 and 3 bed units with 16% 1bed units, 60 % 2bed units and 10% of the units being 3 bedrooms. This is considered to be an appropriate mix for the area which would not undermine the overall mix and balance of the community.

**B) IMPACT ON HERITAGE ASSETS**

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 listed building and Conservation Area 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, Para.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.

In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy 31 seek to ensure that development proposals safeguard or enhance heritage assets in the city.

The Conservation area also has a Character Appraisal (2011). This document identifies the site as a landmark building.

*Significance of the Building*

Redland Court is a significant Grade II\* Listed mansion house in the late baroque or early Palladian style. Designed by John Strachan for John Coussins, the mansion replaced an earlier, apparently late-Tudor house immediately to the east of the current building. Around it parkland was laid out which extended southwards as far Cotham Brow, and stretched to meet Redland Chapel, built slightly later by the same partnership of landowner and architect.

The parkland was gradually fragmented and developed for residential use through the C19th, but important vestiges constitute today's setting. These including the south avenue parallel to Redland Grove, the reduced parkland around the house, and Woodstock Road, the alignment and historically significant trees of which preserve one alley of a Patte d'Oie radiating out into the landscape from the centre point of the north front of the Court.

Additional to the main house and its attached wings Grade II\* status is enjoyed by the existing gate piers and gates at the southern perimeter of the current site, in line with the principle avenue. A gate to the west of the site, its attached walls, and the raised viewing terrace, balustrade and steps are jointly listed as Grade II\*. The former Library building on the north side of the house is an attractive and responsive addition from the early C20th which, whilst encroaching into the original garden setting

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contributes to the architectural ensemble.

The site sits within the Cotham and Redland Conservation Area; characterised in this district by late C19th detached and semi-detached villas and set within verdant green garden settings. Mature trees, originally part of the planting of the Court's parkland, provide the green framework of avenues into which the Victorian development was threaded.

*Impact of the Proposed Development-*

The proposals involve both the conversion of all the pre-war buildings and the demolition of post war buildings, namely the ICT block and the 1960s sport hall. The proposals also include the erection of a number of new buildings. The application includes a heritage impact assessment which outlines the significance of the building and reviews the individual elements of the scheme and considers the impact.

The proposal includes the following elements–

- Demolition of east range of school buildings and construction of a new Terrace of houses. Re-instatement of the Belvedere Terrace with car-parking below
- Subdivision of the Main House, including demolition of the upper floor of the East Pavilion
- Subdivision of the Library and Hall
- Extension and subdivision of the Science Building
- Alterations to 10 Woodstock Road
- Erection of “Woodstock Lodge”
- Erection of a “West Villa”
- Erection of New Townhouses to the north corner of the site.
- Landscaping Proposals

The impacts of each element of the proposal are considered below with comments from the City Design Team and Historic England:-

*The overall change of Use of the site to multiple residential units*

Historic England (HE) have advised that the site is historically and currently a single entity- it was designed as a single family home (with ancillary accommodation) and, although the size of the land associated with the House has decreased over the years, it continued in single ownership as a school until this year. Historic England raises concerns by the principle of subdivision and fragmentation of the historic asset, especially into so many separate units. But, HE does note that it is highly unlikely that the asset would ever be returned into single ownership in the future.

*Subdivision of the Main House*

The Heritage impact assessment set out a list of adverse impacts alongside beneficial impacts of the conversion of the main house and concludes that this element of the proposal would result in a ‘medium to high beneficial impact’.

The City Design team have advised that the proposals will require loss of original fabric, and will pose harm through infilling existing spaces and openings and formation of ‘pod’ bathrooms in significant spaces. The current proposals have sought to minimise the negative impacts of the conversion for residential use though the principle of subdividing a single historic house into separate ownerships is of concern.

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Historic England also raise concerns with the loss of the almost continuous east-west corridor through the House on the ground floor, which is harmful development and the harm is further compounded by the insertion of a new staircase into the eastern linking arm.

*Demolition of east range construction of a new Terrace of houses. Re-instatement of the Belvedere Terrace*

The proposal will result in the demolition of the east range and the reinstatement of the Belvedere Terrace. The heritage impact assessment considers this element of the proposal as ‘highly beneficial.’ Officers agree that this element of the scheme is of benefit but there will be some adverse impacts (interventions into the boundary wall of Redland Court road, erection of a roofline higher than the existing sports hall and new openings onto the terrace).

While the loss of the east range is raised as an element of the scheme which impacts on the communal significance of the school, Historic England note that the east range of school buildings is not the most significant and the sports hall, which projects forward of the building line of the Main House, does detract from the House’s setting.

Therefore no objections are raised to the demolition of the east range, the removal of the Sports Hall and the reinstatement of the Belvedere Terrace. Both City Design and Historic England agree that these elements of the proposal are positive.

*Subdivision of the Library and Hall*

The Heritage Impact assessment considers that this element of the proposal will have a ‘low adverse’ impact.

Concerns are expressed by Historic England and City Design regarding the subdivision of the main hall and they consider that this element of the proposal results in considerable harm to the special interests of the Listed Building and the original layout of this space.

*Conversion and extension of the Science Building*

The submitted assessment considers that this will have a ‘low adverse’ impact. The assessment acknowledges that the alterations would impact on the historic buildings and views from Redland Court Road.

City Design and Historic England both raise concerns that this element of the proposal will have a significant impact on the special interests of the Listed Building

City Design considers that the new development of two storeys above the existing Science Block will intrude into key views from the south. The ornamental silhouette of the house’s balustrade, and cupola on the side wings, is a clear and intentional design feature and an essential element of the asset’s special interest. Whilst the removal of the late C19th rooftop extension from the eastern wing, and the removal of the tennis court platforms, are positive aspects, City Design consider that the effect of those benefits are substantially damaged by the new, intrusive, backdrop massing, crowning the escarpment, and would result in a loss of prominence of the principle asset.

The additional 2-storey structure will intrude into views looking down Lovers Walk from a greater distance. As indicated in viewpoint 4 of the Townscape Visual Assessment the extension will be seen on-axis from Lovers Walk. The Conservation Officer considers that the sensitivity of this view to change is high. City Design also raise concerns with the proposed tree planting obscuring the main building, but they acknowledge the improvement of removing the tennis court and associated paraphernalia. They conclude that this element of the scheme will result in substantial harm. Historic

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England has also raise considerable concern.

*Alterations to 10 Woodstock Road*

No objections are raised to the alterations to the existing building to the north of the site.

*Erection of Woodstock Lodge*

The heritage assessment concludes that this element of the scheme has a 'low adverse' impact.

Both Historic England and City Design have raised significant objections to the erection of the dwelling to the north west of the site and consider that it will have a significant impact on the setting of the house and its relationship with the surrounding conservation area.

City Design have stated that 'House's grounds formerly extended further than they currently do to a parkland to the north which was set out with a Patte d'Oie with alleys and avenues cut through the landscape; Woodstock Road preserves this relationship with the north elevation and retains many trees, approximately dated to the early C19th. The existing boundary picket fence forms an informal and visually permeable barrier where the public road carries away from the historic avenue route, which, itself, descends through turfed and planted informal landscape to the rear of the house'.

City Design considers that the proposal would disrupt the direct visual relationship between Woodstock Road by the construction and planting of inappropriate boundary treatments. The erecting of a new dwelling across the direct continuation of the axis in the direction of the Court would further destroy the relationship between the Listed building and a significant feature of its designed landscape, ultimately resulting in 'substantial and permanent harm' to the asset.

*Erection of a West Villa*

The heritage Impact assessment concludes that this element of the scheme has a 'low adverse' impact. The assessment concludes that the new dwelling will significantly impact on the pleasant landscaped 'Dutch Garden' as a part of this will be built on. The assessment considers that the new building would complement the main house and the setting of the listed gates.

This element of the proposal would result in a new building sited in front of the west face of the main building, which is currently unaffected by any buildings. Both Historic England and City Design have welcomed the changes to the buildings elevation, but still express concerns that this new building will obscure views of the main building thereby having a harmful impact on the setting of the building and its contribution to the area.

*Demolition of ICT buildings and Erection of Town houses*

The heritage assessment considers this element as high beneficial. The assessment considers that the render will complement 1930s houses opposite and that the proposed height of the dwelling is similar to the science block and hall building.

Both City Design and Historic England raise no concerns with the erection of the 3 storey properties, but the case officer is not completely convinced of this element of the scheme which introduces a 3 storey development along Redand Court Road which is dominated two storey houses. There seems to be no reference to this in the heritage impact assessment, and the document even states that the terrace design is evolved from the surrounding terrace housing, but there is no terrace housing in the immediate locality. The conclusion in the heritage statement is that this element of the scheme is 'highly beneficial'.



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*Landscaping*

The Heritage assessment considers this element has 'highly beneficial' to the scheme.

The removal of the tennis courts and the reinstatement of a large communal garden are considered to be an enhancement to the site and its contribution to the Conservation Area. City Design raised concern by the approach to boundary planting. The site is currently characterised by a series of open views into and across the site particularly along Clarendon and Woodland Road, while more glimpsed views are provided from Redland Court where the existing boundary treatment comprises rubble stone walling and deciduous hedging. The effect of this on the Conservation Area is to provide a sense of openness and interpretation of the open space while boundary trees enhance the canopy cover and verdant character of the area. The deciduous hedgerow allows for a variety of views to be experienced across the year.

*Conclusion: 'Substantial' harm, or 'less than substantial' harm? -*

The NPPF at paragraph 132 states '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.'

The City Design team have concluded that the proposal will result in 'substantial harm' to the Heritage assets. They have advised - 'The proposed scale and massing of the new science block rooftop extension, the location of "Woodstock Lodge" on the setting of the Listed assets, and the general over-intensive development of the site represent Substantial Harm to the special interest of the Listed buildings and their setting, and to the character of the Conservation Area'.

Historic England has also raised significant concerns with the proposal but has directed the LPA that the proposal will cause 'Less than substantial harm'

The Heritage experts recognise that there are potential public benefits to the applications - the removal of currently obtrusive structures, the removal of the tennis court platforms and paraphernalia, and ensuring continued occupation of the buildings – but they consider that the benefits are neutralised by over-intensive and poor quality design which will have a strong negative impact

Officers have reviewed the development in light of the advice received from both Historic England and the City Design team and have weighed the elements of the scheme that have a negative impact against the heritage benefits of the proposal.

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Paragraph 017 of The National Planning Policy Guidance states that 'whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a **high test**...'

After weighing up the heritage benefits and negatives, officers consider that the scheme would result in '*less than substantial harm*' for the following reasons:-

With reference to the objections raised by City Design, it is acknowledged that that the proposal would impact on the silhouette and prominence of the main building on the sky line, which is a key feature of

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the significance of the asset and it is acknowledged that this has a high degree of sensitivity to change. But, the view of the building from the south will be significantly improved by the removal of the large sports hall, reinstatement of the cupola, and the removal of the ancillary tennis structures with the return of the landscape garden. The impact of the new extensions to the science building will also be reduced by the use of materials (slate) and therefore on balance, officers consider that this element of the proposal results in less than significant harm to the significance of the heritage asset.

Regarding the proposed Woodstock Lodge to the rear of the main building, it is noted that this would impact on the historic alignment referenced above in City Design comments. It is acknowledged though that the applicants heritage experts do not consider that this was ever designed to be a viewpoint, but it is clear from site visits that there is now an established view of the main building along Woodstock Road, which are now part of its setting and should be treated as just as important as views from the south.

There are aspects of the design of the dwelling that officers consider will reduce the impact- the overall height and use of materials (green roof, timber), but officers still consider that the building would intrude on the view point along Woodstock Road and would result in a harmful impact on the setting of the asset.

It is also apparent that the existing science block building to the rear of the main building impacts on its setting, therefore a significant increase in height, as proposed, would increase the negative relationship of this block with the main building.

Regarding the West Villa, officers agree that this element would have a negative impact on the setting and views of the main building and the contribution it has towards the Conservation Area.

The applicant considers that officers have not given any weight to the positive elements to the proposal, but these benefits have been identified above, and on balancing these benefits with the harmful intensification of development to the rear of the main building, on balance officers consider that the current proposal would result in '*less than substantial*' harm.

When it is concluded that the proposal would result in less than substantial harm, Paragraph 134 of the NPPF must be adhered to-

*134. 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.*

The applicant has provided a response to para 134 and has listed a series of public benefits and the optimum viable use and this will be reviewed in the conclusion following the assessment of the other key issues.

**C) IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?**

The proposed development falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. It comprises 43 dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which requires the provision of up to 40% affordable housing (17 affordable dwellings) subject to scheme viability.

Government policy and guidance is very clear that scheme viability is a key consideration in determining the level of affordable housing that a development can provide, and that Council's should not require a level of affordable housing that would render a development unviable. The government's Planning Practice Guidance states as follows:

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Where affordable housing contributions are being sought, obligations should not prevent development from going forward. (Para 004 Reference ID: 23b-004-20140306) In simple terms, a development is considered to be viable if the Residual Land Value (RLV) of the development is greater than the Site Value.

The RLV is calculated by ascertaining the value of the completed development, and subtracting from this all the costs involved in bringing the development forward (e.g. build costs, professional fees, legal costs, financing costs etc.) and the developers profit. All inputs are based on present day costs and values.

Whilst certain sites may benefit from Vacant Building Credit (VBC) when assessing affordable housing requirements, in this case the site only became vacant after the application was submitted and it has not been marketed specifically for its existing use. The applicant has not sought to claim VBC and officers do not consider that the site would be eligible for VBC.

The applicant has claimed that, to remain viable in planning terms, the proposed scheme is only able to make an off-site contribution of £115,000, which is the equivalent of less than one affordable dwelling. A detailed viability appraisal and supporting commentary has been submitted by JLL on behalf of the applicant in support of this claim.

Officers have commissioned BNP Paribas to assess the viability information and advise the Council as to whether the applicant's claim is reasonable. BNP Paribas have assessed the values and costs associated with the development, and have reported their conclusions to officers accordingly. Many of the inputs into the JLL appraisal are agreed; however there are two main areas of difference which are summarised in the following table:

Residential sales values	BNP Paribas consider that some of the properties are slightly undervalued and consider that the residential sales values of the scheme (as a fully open market scheme) should total £29,070,000, some £730,000 higher than JLL, who consider that the residential sales values should total £28,340,000
Site Value	See below

As far as the Site Value is concerned; once Redland High School for Girls concluded that the site was surplus to their requirements, it was marketed on the open market by Savills and was subsequently purchased by the applicant for the sum of £7,400,000.

JLL, on behalf of the applicant consider that the Site Value should be lower than this and propose a Site Value of £5,400,000. This works out at an average price of £125,000 per proposed dwelling. This is an unusual method for valuing land and one that is better suited to valuing land that benefits from a residential planning permission where the exact number of dwellings and the scale of planning obligations are known. When benchmarked against other sites in high value areas of the city that have recently been granted planning consent, the JLL figure per proposed dwelling is significantly higher. For example Brandon Yard sold for £81,897 per dwelling and Princess Victoria House sold for £76,932 per dwelling, both with the benefit of a planning consent.

There is no available evidence as to what the Existing Use Value of the site as a school would be, as there is a limited market for the sale of educational establishments for their continued use as schools. However, it is noted that there is no evidence of the site being marketed specifically on the basis of its existing use as a school in order to test the market for such uses. BNP Paribas are of the opinion that

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conversion of the buildings to residential dwellings represents the optimum use of the site and consider that valuing the Site's Alternative Use Value (i.e. as a residential site) is an appropriate approach. In addition the quality of the existing buildings on the site, the desirability of the Redland Area, and the prices paid for comparable sites must also be taken account of.

The Alternative Use Value, based on a fully policy compliant scheme including 40% affordable housing is £3,118,000. The Site Value would need to be in excess of this figure in order to incentive the site to come forward for development. BNP Paribas consider that, when taking account of the Alternative Use Value, the site location, the quality of the buildings and the desirability of the Redland Area, a Site Value of £4,300,000 is appropriate.

Officers are clear that the £7,400,000 paid for the site by the applicant represents an overpayment for the site that does not properly take account of the Council's planning policies. It is also considered that the £5,400,000 proposed by JLL is also in excess of what the Site Value should be as it does not take account of the fact that the site does not benefit from any residential planning consent, and is not allocated as a housing site in the Local Plan, whereas the sites that it is compared to in Bristol do benefit from residential planning consents. The proposed value also does not take account of the constraints of the site, both in respect of topography, and the limitations and constraints on development due to impact on the listed buildings. It is considered that the BNP Paribas figure of £4,300,000 represents a more realistic Site Value as it is in excess of the Alternative Use Value, has regard to other transactions, and strikes an appropriate balance between the constraints, opportunities and current planning position that pertain to the site.

With a Site Value of £4,300,000, a surplus of £1,647,989 is generated. This would provide 10 affordable dwellings on-site (23%) or an off-site contribution towards affordable housing of £1,647,989. At this time, the Council's Affordable Housing Manager has indicated that on-site provision should be provided, however it is acknowledged that there may be difficulties with the delivery of on-site provision in this instance due to the requirements of Housing Associations. An update will be provided to committee on the issue of the practicality of on-site provision of affordable housing.

The following table compares the Site Values discussed above and assesses them against the level of affordable housing that could be delivered. The BNP Paribas conclusion is based on the £4,300,000 Site Value and the higher residential sales values identified above.

	<b>Price paid by the Applicant</b>	<b>JLL for the Applicant</b>	<b>BNP Paribas for the Council</b>
<b>Site Value</b>	£7.4 million	£5.4 million	£4.3 million
<b>Affordable Provision</b>	0%	Financial Contribution of £115,000	23% (10 dwellings) or a Financial Contribution of £1,647,989

Despite the applicant claiming that only a Financial Contribution of £115,000 could be provided, on the 18<sup>th</sup> December the applicant has made a formal offer of a Financial Contribution of £500,000 and it is important that committee have regard to this offer in considering the application.

Whilst this offer is welcomed and appreciated, and shows willing on the part of the applicant to try to find a way to increase affordable provision, officers consider that the approach taken by BNP Paribas is robust and identifies an appropriate Site Value that

provides sufficient incentive over and above the site's Alternative Use Value for the land to come forward for development.

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Consequently, officers are of the view that an appropriate level of affordable housing to be provided by the proposed development is 10 affordable dwellings (23%), which is equivalent to a Financial Contribution of £1,647,989. In the absence of such an offer on the part of the applicant, it is recommended that the application is refused on the basis of insufficient provision of affordable housing, due to the scheme not complying with Policy BCS17 of the adopted Core Strategy.

**OFFICER NOTE-** On the 21st December the applicant increased the offer to £750,000 but this is subject to planning permission being granted at the committee meeting and this offer would be removed if permission was refused.

**D) WOULD THE PROPOSAL UNACCEPTABLY AFFECT THE RESIDENTIAL AMENITY OF THE AREA?**

Policy BCS21 sets out criteria for the assessment of design quality in new development. Development will be expected to safeguard the amenity of existing developments and create a high-quality environment for future occupiers. Furthermore, Core Strategy Policy BCS15 requires development to address issues of flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting. Policy DM30 in the Site Allocations and Development Management Policies (2014) also expresses that alterations to buildings should safeguard the amenity of the host premises and neighbouring occupiers.

The application includes a daylight and sunlight assessment which reviews the impact of the proposal on windows to neighbouring houses. In terms of the proposed physical development, the scheme has the potential to impact on existing houses which front and back onto Redland Court Road to the east of the site by virtue of the increase in height to the science block building and the proposed Townhouses. These buildings have the potential to increase shadowing and impact on daylight to the front gardens and windows of houses facing the application site.

The Daylight assessment follows the principles set out by The Building Research Establishment (BRE) guidelines – 'Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)' is the document referred to by most Local Planning Authorities when considering Daylight and Sunlight amenity matters. The BRE guidelines are intended to be used in conjunction with the interior daylight recommendations in the British Standard Code of Practice for Daylighting, BS 8206-2:2008

The assessment explains the following-

*The Vertical Sky Component (VSC)*

The amount of light available to a window depends upon the amount of unobstructed sky that can be seen from the centre of the window under consideration. The amount of visible sky and consequently the amount of skylight entering a room is assessed by calculating the VSC at the centre of the window. The guidelines advise that bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.

The VSC can be calculated by using the skylight indicator provided as part of the guidelines, by mathematical methods using what is known as a waldram diagram or by 3D CAD modelling

The BRE guidelines state- "If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC with the new development in place, is both less than 27% and less than 0.8 times its former value, then occupants of the existing building will notice the reduction in the amount of skylight."

*Daylight Distribution (or No-Sky Line)*

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The guidelines also advise that the distribution of daylight within rooms is reviewed “where layouts are known”, although bedrooms are considered “less important

The DD or NSL contour shows the extent of light penetration into the room at working plane level, i.e. 850mm above floor level. It divides the room between the portion within which a direct view of sky is possible and not.

The default recommendation is that if a substantial part of the room falls beyond the no skyline contour (normally more than 20%) the distribution of light within the room will look poor.

*Impact on neighbouring properties-**Impact on 2 to 12 Limerick Road*

All 21 windows assessed will meet the VSC daylight criteria and in addition will retain in excess of 27% VSC. Furthermore, all 20 rooms served by these windows will fully comply with the BRE criteria for NSL and retain adequate daylight distribution (in excess of 87%) to the room area post development.

The assessment concludes that there will be no material impact to existing sunlight levels and the houses will retain the necessary values post development meeting the BRE targets.

*6 to 16 Redland Court Road*

All 45 windows serving 19 habitable rooms fully comply with the VSC and NSL daylight criteria's.

One window serving a bedroom on the first floor of 10-12 Redland Court Road experiences a 21.43% alteration in annual APSH, which is just above the 20% allowed for within the BRE guidelines. However, the BRE guidelines state that bedrooms can be considered less sensitive than primary habitable spaces such as living rooms or kitchens (see – BRE Guidelines 2011 – Site Layout Planning for Daylight and Sunlight – A guide to good practice, paragraph 2.2.8).

On the basis of the submitted information the proposal will not have a significant negative impact

*Impact of 3 storey Townhouses*

While the Daylight and Sunlight assessment considers the impact of the proposal on light to neighbouring windows, officers expressed concerns that the size and position of the townhouses would have a negative impact on light to the neighbouring gardens, in particular the garden to 12 Woodstock Road which is directly north of the application site. Concerns are also raised by the potential overbearing impact on this garden when an occupier is enjoying the neighbouring garden.

In response to this issue the applicant has provided additional information on the level of overshadowing to this garden which considers the impact against the guidelines of the Building Research Establishment (BRE) guidelines which recommend that at least half of the garden or open space can receive at least two hours sunlight on March 21. The results from the assessment are that both neighbouring gardens of no.12 and 14 Woodstock Road would continue to have sunlight to 55% of the garden for at least two hours at the spring equinox. Officers consider that the proposal will result in a high level of overshadowing when compared to the existing relationship, but on the basis of the guidance from the BRE the level of overshadowing would not be significant to recommend refusal.

Regardless of any overshadowing, concerns are still raised by the overall size of the development and the overbearing impact this will have the neighbouring garden. It is considered that the size of the structure is such that when the neighbours are enjoying their gardens, the presence of the new

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buildings will undoubtedly have a negative impact on the use of the space, and will result in a negative impact on their amenity. Taking this in conjunction with the shadow study which shows that there will be additional overshadowing to the neighbouring garden, serious concerns are raised by this impact. At meetings the applicant was advised to reduce the height of the development, but they have not made any changes due to the requirement to accommodate a certain level of floorspace and for design reason.

A number of local residents to the east side of Redland Court Road have also expressed concerns that the proposal will result in an overbearing impact and loss of light to the front of their properties opposite the application site. These comments are noted but the overall impact of shadowing to the front gardens is not considered to be a significant impact to raise concerns as front gardens are not considered to be as important as rear gardens for amenity and the distance of the new dwellings across the road is considered to be sufficient separation space in this environment.

*Overlooking*

The proposal would introduce the potential for overlooking from the proposed townhouses to the rear of the properties along Woodstock Road, but the windows will be at an oblique angle to ensure that the level of overlooking created not be significant. Any overlooking created across Redland Court Road is also acceptable, as this is typical window to window relationship across a street.

On balance while officers have significant concerns with the townhouses it is considered the development would have an acceptable impact on neighbouring residential amenity.

**E) WOULD THE PROPOSAL PROVIDE A SATISFACTORY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?**

Policy BCS18 requires residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards

2 units are below the minimum standards for a 1 bedroom 2 person unit of 50sqm, but any increase in floorspace could potentially impact on the special interests of the heritage assets.

In terms of the outlook from the residential units, the majority will have an adequate outlook which will ensure that they have a high quality living environment, but there are 3 units in the Hall building which will have a single aspect outlook across Redland Court Road ( ideally units should have be dual aspect) . The quality of the outlook is not ideal, but overall not considered to be of sufficient justification to recommend refusal on these grounds as the majority of units will have an adequate outlook.

On balance the development would provide a satisfactory living environment for future occupiers and the scheme would comply with policy DM18 and BCS21.

**F) DOES THE PROPOSAL HAVE AN ACCEPTABLE IMPACT ON THE DESIGNATED OPEN SPACE?**

Policy BCS9 seeks to retain should be retained wherever possible and integrated into new development.

Policy DM17 requires 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 land to the front of the main building is designated as open space because of its importance to the setting of the Listed Building. The proposal will continue to provide open space in the form of a

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large communal garden for private use. As the site was previously in private use as part of the school, no objections are raised to this element of the proposal and there will be some clear visual improvements to the site as mentioned under key issue B.

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

The application includes a transport statement which has been reviewed by the Highways Development Management Team. The following is their response to the proposal-

With regards to trip rates the applicant has utilised the TRICS datasets for their base data. This is considered to be robust and a national standard for trip rates as a consequence TDM is satisfied with this approach. The applicant has provided details of the existing land use (school) and the proposed land use (residential). From the details provided in Table 5.1 it appears to show that there would be 110 two-way movements in the AM peak and 71 movements in the PM peak with a total of 391 two-way movements per day. Based on the information provided the applicant has indicated that the existing use would average two vehicles per minute in the AM and one vehicle every three minutes in the PM. They have noted that there would be little or no impact after 5pm or at weekends due to school operational hours.

Having reviewed the submitted information the level of movement appears to be consistent with what would be associated with the existing use. Although it should be noted that the general trip pattern associated with schools is that the majority of the movements are in the AM and PM peaks with little movement outside of these times with no movements at the weekends.

With regard to the proposed use the applicant has broken down the trip generation into both the new dwellings and flats and then provided a total for the site as a whole. Consequently they indicate that the proposed residential use will generate up to 200 hundred two-way movements per day. Although it should be noted that it appears that the results in the AM and PM peaks seem to mirror each other which is unusual. Furthermore with regards to trip patterns normally residential uses would operate over a 24 hour period.

Therefore based on the details it's apparent the existing and proposed uses will generate a fairly similar level of vehicle movements as a consequence it is unlikely that the proposed use would have a severe impact on the highway network as per Section 4 of the National Planning Policy Framework (NPPF). Although it should be noted that the trip patterns would be different with the residential use generating more evening and weekend trips. However on balance TDM has no objection to the proposal on traffic impact grounds.

Turning to the proposed level of parking the applicant has proposed a total of 44 on-site car parking spaces. This will be sub-divided into 18 spaces within the existing external courtyard, 17 with the proposed basement, 4 spaces will be provided adjacent to the frontage of the properties on Woodstock Road whilst the remaining will in the form of garages to the town houses. From reviewing the City Council's parking standards the site could provide up to a total of 56 spaces. Consequently this proposal falls below the maximum council standards and therefore considered to be acceptable.

The applicant has provided further information relating prospective car ownership based on the Census Data from the Redland Ward. Based on the census information they have calculated they envisage that the proposal would give rise to 49 vehicles. Therefore based on their calculations there is a short fall of 5 spaces. There is a Residents Parking Scheme (RPS) in place however this proposal will not be able utilise this scheme. Furthermore the applicant has provided additional information in the form of table 3.5 where they provide details indicating that parking would not be overtake the capacity in the car park.



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From reviewing the submitted tables the applicant has tried to justify that although there is a potential shortfall based on their figures it would not have a material impact on the surrounding highway network. We take on board the points raised but our opinion to fully achieve a modal shift in vehicle movements and reduce the need to own a private car the applicant would be required to submit a Travel Plan Statement. A travel plan will be a condition if the scheme was approved.

During pre-application discussions TDM raised concerns over the substandard visibility provided in either direction and highway officers therefore required that any splays would need to be in line with the designated vehicle speeds. This section of highway is subject to a 20mph speed limit and as a consequence splays of 2.4m x 25m should be provided in either direction these based are on the guidance set out in Manual for Streets. As part of their submission the applicant provided a speed survey which provided 85th percentile speeds of 24.9mph northbound and 25.17mph southbound. Clearly this is above the designated speed limit. However the applicant indicates that they are able to provide suitable visibility splays by providing a build out of the existing footway. This would result in the reduction in the carriageway width of Redland Court Road. It should be noted that there is a RPS parking bay directly opposite from the site. From the details shown on the submitted plans the applicant has proposed that even with the kerb build out a suitable width of 5.2m can be retained to allow for two-way vehicle movement. TDM does not have any objection to the principle of an access in this location; however we do have concerns over a proposal that would look to reduce the width of the carriageway. The widths would allow for two vehicles to pass however larger vehicles may struggle with the proposed width in this location.

The applicant has indicated that in their opinion due to the existing on-street parking situation the proposed buildouts would maintain the width of the existing carriageway. Highway officers would still require the buildouts to be tapered but this can be resolved during the technical approval process. However one point of concern is that the applicant has not proposed that the build outs will remain flush and not be raised. This is not acceptable to Highway officers and would need to be amended during the technical approval process and wouldn't be a reason to refuse the application.

Finally the applicant does not appear to have addressed the point relating to the short fall of parking consequently the applicant would need to submit a parking management strategy to show how this issue will be overcome. This would be secured by planning condition.

Based on the above assessment by the Highway officers the proposal is considered to address policy BCS10 and DM23 of the Local Plan and would not raise significant highway safety issues.

#### **H) WOULD THE PROPOSAL RAISE ANY ECOLOGICAL ISSUES?**

The application includes a Preliminary Ecological Appraisal and Building Inspection for Bats which was requested at pre-application stage by the City Ecologist. The proposal has been reviewed by the ecologist and no objections are raised subject to the conditions listed at the end of this report to protect important species.

#### **I) WOULD THE PROPOSAL HAVE AN ACCEPTABLE IMPACT ON IMPORTANT TREES?**

The application will require the removal of a number of trees and proposes replanting on site. A total of 43 trees are to be planted and this is shown in detail on the proposed tree planting plan.

There is some confusion over the number of trees to be removed by the application as the submitted Arboricultural Impact Assessment states that 25 trees will be removed, but the detailed tree schedule lists the removal of 35 trees, which creates some confusion. The City Tree officer has also requested that a full arboricultural method statement should be submitted prior to any determination, but due to time constraints and the request to present this to committee as soon as possible, officers are satisfied that this can be a pre-commencement condition.

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The trees identified for removal are primarily self-seeded multi stem sycamore located on the western boundary line of Clarendon Road. Most of these trees have undergone heavy reduction work in the past to maintain the size in close proximity to the boundary wall. The tree officer agrees that the removal of a majority of these trees would enable a more sustainable landscape plan to be implemented. The Landscape plan and tree strategy plans both appear to be well considered documents from an arboricultural perspective and the tree replacement species identified are a good mix of coniferous species balancing out some very nice broadleaf species.

As there is space on site for further tree planting beyond the 43 identified, officers are satisfied that a condition can be used to clarify the number of trees to be removed if planning permission was granted.

**J) WILL THE PROPOSED DEVELOPMENT MAKE AN ADEQUATE CONTRIBUTION TO THE SUSTIANABILITY AND CLIMATE CHANGE GOALS OF ADOPTED PLANNING POLICIES?**

Policies BCS13, BCS14, BCS15 and BCS16 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement.

The proposed new build elements of the scheme will improve upon the minimum standards outlined in Building Regulations. The conversion of the non-listed building on the site will comply with Building Regulations, improving the building fabric accordingly. However, due to the curtilage listing of these buildings invasive improvements have not been proposed. It is not proposed that any improvements will be made to the most sensitive listed buildings, Redland Court and the former Library, given their heritage significance.

The proposal will include a CHP (Combined heat and power) system which improves the energy efficiency of the units and will also incorporate on site renewables in the form of PV panels

Due to the complex nature of the site the dwellings will be serviced in different ways. The proposal will utilise the existing boilers in the main school plant room but it will be adapted to incorporate an additional boiler and could have a combined heat and power unit (CHP). The statement advises that to make sure there is enough thermal load for the CHP the majority of the site would need to be connected to this central system. Those not served by the CHP will be served by individual combination boilers.

Solar panel are proposed for the new extensions to the science building which will ensure the development achieves a 23% saving on residual energy use (as required by BCS14).

The development will also include the provision of a charging point for electric vehicles.

*Water management-*

The over-arching principles of the drainage strategy have been formed in consultation with Council as acting Local Flood Authority. The strategy will be delivered by use of various SuDS techniques including green roofs, permeable paving and controlled ponding of landscape areas during extreme events. The Flood Risk team are supportive of the proposals but request standard pre-commencement drainage condition is applied to allow the detail design to be reviewed to ensure adequate maintenance arrangements are put in place.

The proposal is considered to be compliant with BCS13-16.

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### **COMMUNITY INFRASTRUCTURE LEVY**

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

The CIL liability for this development is £124,256.26.

### **CONCLUSION**

As Key Issue B of the report identifies, the proposals will result in less than substantial harm to a the Heritage assets. These impacts must be given considerable weight and importance as they give rise to a strong presumption against permission being granted. The question that needs to be addressed is whether there are other material planning consideration and public benefits that are sufficient to outweigh this strong presumption against planning permission being granted.

The applicant considers the following public benefits are sufficient when weight against the harm caused by the development-

- 184 construction jobs and ongoing maintenance and management
- Sale of site provides investment for Red Maids Campus
- 43 New homes
- Improvement of green infrastructure.
- Site is located in a sustainable location.
- Provision of CIL payment.
- Ensure buildings are not left vacant.
- Development would mitigate climate change.
- Reduction of impermeable areas to improve drainage.
- Contribution towards the provision of affordable housing.
- Re- use of previously development land.

It is considered that the most significant benefit is the delivery of 43 dwellings which would be beneficial to the Bristol housing stock and the continued occupation of the site. While the applicants believe their affordable housing contribution is a positive aspect of the scheme, the overpayment of the site and the fairly to provide an appropriate level of affordable housing is seen as a negative aspect of the proposal, one which is considered to be a reason for refusal and therefore cannot be considered as a significant positive benefit of the scheme.

The improvements to mitigate climate change, brownfield development, the sustainable location, CIL, and impermeable drainage, and the mix of units are policy complaint aspects of the scheme, so therefore are seen as positive elements of the proposal, but these aspects would be required for any similar development. It is also considered that the majority of the benefits listed above could be delivered by a scheme which has less harm on the heritage asset. As discussed in key issue above issues, while not a reason for refusal, there are also issues with the impact of the development on neighbouring properties.

For the reasons given above it is considered that the other material considerations and the public benefits are not sufficient to outweigh the strong presumption against planning permission being granted given the identified, *less than substantial*, harm to the heritage assets.

The applicant has requested that members are made aware of their concerns with allowing the building to remain vacant for an extended period time if permission is not granted, but it is noted that landowners have a duty of care to maintain Listed Buildings. They also state that they would accept a condition of 12 month consent, to ensure delivery of the scheme. Both of these requests are not a reason to support a proposal which is contrary to policy.

**Development Control Committee A – 21 February 2018****Application No. 17/04263/F and 17/04264/LA: Redland High School Redland Court Road Bristol BS6 7EF**

In regards to affordable housing, members attention is drawn to the increased off of £750,000 as an offsite contribution, but based on the advice officers have received the view is that an appropriate level of affordable housing to be provided by the proposed development is 10 affordable dwellings (23%), which is equivalent to a Financial Contribution of £1,647,989.

As such the proposals are recommended for refusal for the reasons set out below.

**RECOMMENDATION****A) 17/04263/F - REFUSE** for the following reasons-

1. The proposal by virtue of the proposed overdevelopment of the site (science block, West Villa, Woodstock Lodge, methods of subdivision) would result in less than substantial harm to the special interests and setting of the Grade II\* Listed Building and the contribution this site makes to the surrounding Redland and Cotham Conservation Area. As such, the proposal is considered to be contrary to policy BCS22 of the Bristol Core Strategy, 2011, policy DM31 of the Site Allocations and Development Management Policies, 2014, and the National Planning Policy Framework 2012.
2. The development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to policy DM3 of the Site Allocations and Development management Policies 2014.

**B) 17/04264/LA - REFUSE** for the following reason;

1. The proposal by virtue of the proposed overdevelopment of the site (science block, West Villa, Woodstock Lodge, methods of subdivision) would result in less than substantial harm to the special interests and setting of the Grade II\* Listed Building and the contribution this site makes to the surrounding Redland and Cotham Conservation Area. As such, the proposal is considered to be contrary to policy BCS22 of the Bristol Core Strategy, 2011, policy DM31 of the Site Allocations and Development Management Policies, 2014, and the National Planning Policy Framework 2012.

## Supporting Documents

### 1. **Redland High School**

1. Rubicon Capital letter to BCC
2. GVA RHS Affordable Housing Proposition (post committee)

RUBICON  
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London  
SW1P 2AP

Mr. Jim Cliffe Esq  
Bristol City Council  
Bristol City Hall  
College Green  
Bristol  
BS1 5TR

7<sup>th</sup> February 2018

Dear Mr Cliffe,

**REDLAND HIGH SCHOOL**

Rubicon Capital has agreed terms with Kersfield Limited to fund its redevelopment of Redland High School in Bristol. We as lender have been fully engaged with Kersfield and their advisors in making an enhanced affordable housing offer comprising a mixture of both on site and off site provision. We confirm that we support the latest offer; being 5 shared ownership units on site and a top up of £500,000 as an offsite contribution, subject to any payments being made towards the end of the sales period.

We further confirm that we are not able to support the funding of this project at a higher level of contribution as the project metrics would then fall outside our funding parameters.

Yours faithfully,

Keir Chastney

**Director**  
Rubicon Capital  
26 Monck Street, London, SW1P 2AP

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6 February 2018

**By email only**

Dear Gary

**REDLAND HIGH SCHOOL – REF: 17/04264/LA & 17/04263/F**

Thank you for your time yesterday, it was a helpful discussion about how we can move this important project forward. This letter seeks to summarise the activities undertaken by my client following the committee resolution to approve the above planning applications on 10 January 2018 subject to an affordable housing provision of 5 shared ownership affordable housing units on site located within the former Art Block and an offsite financial contribution of £750 000.

**Context**

Throughout the PPA process with officers, it was fully recognised this project was a conservation and design priority project with the conservation and setting of this Grade II\* listed building being the critical consideration. Our approach to include a numbers of new build units on the tennis courts was immediately dismissed on the basis of over-development and preservation of setting of the listed building. This restricted significantly the new build opportunity and ultimately the affordable housing offer Kersfield (as applicant) was able to make. Throughout the PPA process this was a scheme entirely focused on conservation and heritage. This was fully acknowledged with the unanimous support for the proposals by the planning committee.

Only once a satisfactory conservation and design solution had been reached by the applicant could a meaningful assessment of the viability take place.

**Land value**

Whilst we are not looking to re-open this debate, it is important to briefly explore it in order to understand the applicant's affordable housing proposition and viability assessment.

Kersfield has never shied away from the purchase price of £7.4m for the site but it is important to consider this in context:

- There were unconditional bids from respected property developers over the £7.4m purchase price;
- We understand there was a condition (on planning) bid for educational use reflecting the land value which informed the submitted appraisal (£5.2m);
- Without an unconditional bid of £6m+ the school merger could not have progressed;

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**Birmingham Bristol Cardiff Dublin  
Edinburgh Glasgow Leeds Liverpool  
London Manchester Newcastle**

### **Viability Negotiations Process**

Due to the protracted design negotiations, we were unable to progress the viability in a timely manner. Whilst a viability assessment was submitted with the application, the final design changes were not submitted until October 2017 and the revised viability followed on from this point. This is a challenge for all parties that viability discussions are always back end loaded in any planning application.

**Original Affordable Housing Off-Site Proposition** of £100K was based on a land value of £5.2m and Savills advised sales figures. BNP (independently advising the Council) assumed a land value of £4.3m and higher sales values than Savills. In this context, BNP believed that the land was worth less than what the applicant had assumed but yet the units would sell for more money than Kersfield had assumed. BNP have been challenged on their land value. In simple terms, the applicant's position on land value is as follows:

- The BNP land value (£4.3m) equals a purchase price for the existing buildings of £79/sqft.
- JLL's (on behalf of the applicant) land value (£5.2m) equals existing building price of £97/sqft.
- Kersfield actual land value (£7.4m) equals existing building price of £137/sqft.
- BNP has made some incorrect assertions in reaching their land value and have used some irrelevant comparables. JLL has provided further evidence to BCC in a letter dated 18 December 2017.
- JLL's conclusion was that the sale of St Mary's Hospital in Clifton is a more appropriate comparable, having transacted at a land value of £8m without planning permission and an existing building value of £241/sqft.
- Two elements of RHS estate were sold independently at the same time Kersfield acquired the main site (Bursar House Woodstock Road and Music School Redland Court Road) achieved existing building prices of £173/sqft and £168/sqft respectively.

Kersfield remain of the view that BNP's land value, derived from an existing floorspace value at RHS of £70/sqft, where the direct comparables range from £168-241/sqft, is not robust.

**Affordable Housing Off-Site Proposition – Post Design Freeze** of £500K was offered in the spirit of negotiation on viewing the BNP report, it was informed by an acceptance by the applicant of BNP higher sales figures but retained our land value.

**Affordable Housing Off- Site Proposition – On Publication of Committee Report** of £750K was a commercial decision taken by Kersfield on seeing the officer recommendation to refuse seeking to directly respond to the second reason for refusal; and a reflection of the time implications of securing a consent via appeal. It was simply based on the financing of the project and a static interest rate would equate to £250K. This was offered as a top-up of £500K proposition.

**On site Affordable Housing Proposition - Prior to Committee** of 5 shared-ownership units on site. This was in direct response to the reaction to the recommendation to refuse and Cllr Paul Smith's position that an onsite provision with a solely 'shared ownership' tenure would be preferable and more acceptable to meeting the Council's housing objectives. An option of social rented had already been dismissed with evidence from two Registered Providers as being an unsustainable/affordable scenario. The incorporation of shared ownership tenure units within the scheme was tested with a number of RSL's. This would help to create a more balanced community and following market testing, is considered to be a viable option for both Registered Provider's and Kersfield. Kersfield therefore made the offer of 5 shared-ownership units in the self-contained Art Block, or the £750K off site financial contribution.

**10<sup>th</sup> January 2018 Planning Committee Resolution** saw an approval subject to an affordable housing proposition of 5 on site shared ownership units in the Art Block plus an offsite financial contribution of £750k.



Whilst the committee resolution was hugely welcomed by Kersfield; the financial contribution proposed simply tipped the balance beyond a commercially viable position; put simply their funders are unable to support the project at this level as their return metrics are not met. However, Kersfield has sought to work with officers and members to secure a proposition which allows this important historic site to be restored and 44 residential units delivered within a short timescale.

**Affordable housing Proposition to be presented to Planning Committee 21 February 2018.**

- 5 shared-ownership units in the Art Block to be delivered in the first phase of the development. The art block has direct access off Woodstock Road, is self-contained and will be released to the Registered Provider on completion. The occupiers will have direct access on completion of the development to all the gardens consistent with all residents living on the site;
- Offsite financial contribution of £500k made up of the revenue received from the Registered Provider for the Art Block which is estimated (based on build cost and sales figures, provided by an Registered Provider) to be approximately £300K to £350K.

*NOTE: This is achieved as the art block and the residual value to the Registered Provider is removed from Kersfield funding agreement. It becomes a separate title. Therefore there is no loss of revenue to their investors and makes the proposition viable.*

**Plus**

- Kersfield investors will top up whatever the contribution is from the Registered Provider to £500K.

*NOTE: The payment will be made at the occupation of an agreed unit (e.g. No.38) in the S106. By contributing financially at this stage of the build will assist Kersfield cash flow projections.*

A letter from Kersfield's investors confirms this position is acceptable; but that the £750K suggested by committee is not fundable under Kersfield's current financing arrangements. This letter will be supplied after this letter is issued.

**Summary**

An affordable housing proposition of 5 on-site shared ownership units delivered in the initial phase of development plus a financial contribution of £500k equates to an overall affordable housing provision across the scheme of 22% plus significant conservation/heritage gains and the delivery of 44 new homes.

On a final point, we are content through the Section 106 Agreement to commit to a number of open garden days per annum and to host an open day before we start construction for the local public to look around the listed building.

Kersfield Development  
06 February 2017  
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I trust this covers all of our discussions and provides you with sufficient clarity to take our affordable housing position to members of the Planning Committee on 21 February 2018. I am happy to discuss any of the above points in more detail in person or by telephone.

Yours sincerely

**Jo Davis**  
**National Head of Planning, Development & Regeneration**

**Enclosure to follow : Investors Letter dated 7 February 2018**