

# Development Control A Committee Agenda



**Date:** Wednesday, 16 May 2018

**Time:** 2.00 pm

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

## Distribution:

**Councillors:** Chris Windows (Chair), Mike Davies (Vice-Chair), Harriet Bradley, Stephen Clarke, Margaret Hickman, Steve Jones, Olly Mead, Celia Phipps, Jo Sergeant, Clive Stevens and Mark Wright

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**Date:** Tuesday, 8 May 2018



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 5 - 6)

## 2. Apologies for Absence and Substitutions

Apologies for Absence have been received from Councillor Tom Brook (Councillor Harriet Bradley substituting).

## 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 4<sup>th</sup> April 2018 as a correct record.

(Pages 7 - 13)

## 5. Appeals

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

(Pages 14 - 22)

## 6. Enforcement

To note recent enforcement notices.

(Page 23)

## 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 10<sup>th</sup> May 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 12 Noon on Tuesday 15<sup>th</sup> May 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 consider the following Planning Applications for Development Control Committee A

**(Pages 24 - 25)**

- a) **Planning Application Number 17/05939/F - Former First Bus Depot, Muller Road** **(Pages 26 - 64)**
- b) **Planning Application Numbers 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M -and 17/06812/M - Dove Lane and Wilson Street** **(Pages 65 - 120)**
- c) **Planning Application Number 18/00634/P - Eastgate Centre** **(Pages 121 - 152)**
- d) **Planning Application Number 18/00847/F - Eagle House, Colston Avenue** **(Pages 153 - 204)**

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

There are no further meetings scheduled for 2017/18 Municipal Year. The first meeting of the 2018/19 Municipal Year is likely to take place in mid to Late June 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).

You can also inspect papers at the City Hall Reception, College Green, Bristol, BS1 5TR.

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For those with hearing impairment

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**



**4 April 2018 at 6.00 pm**

**Members Present:-**

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

**Officers in Attendance:-**

Jess Leigh, Anna Schroeder, Claudette Campbell (Democratic Services Officer) and Peter Westbury

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

The Chair led introductions.

The Committee noted arrangements for exiting the building in the event of an emergency.

**2. Apologies for Absence and Substitutions**

Apologies for absence was received from Councillor Steve Jones and Councillor Ceila Phipps

**3. Declarations of Interest**

Councillor Mark Wright advised the Committee that he work not far from the development proposed on Colston Street Agenda item 8(b) 15/05680/F and 16/05681/LA and explained that it would not in any way affect his ability to make a decision on this application.

The Chair asked for any further declaration and assurances that members were able to make un-bias decision on the applications to be presented.

None were declared.

**4. Minutes of the previous meeting**



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

## **5. Appeals**

Officers asked that the Appeals were noted.

## **6. Enforcement**

Committee were asked to note the Enforcement Notices Served.

## **7. Public Forum**

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.

The Chair advised comment that he had made a determination on the submission of late statements and their appropriateness.

## **8. Planning and Development**

The Committee considered the following Planning Applications.

### **9. 17/06559/FB - Land To Rear Of Silbury Road, Alderman Moores - Erection of 133no. dwellings with associated access, landscaping and services (Major Application)**

Officers introduced this report and outlined the following key issues in relation to this application:

- a. The application is for the development of 133 dwellings on the land comprising of 83 flats and 50 flats. The land is owned by the City Council. Proceeds from the sale of 80 units will fund the development of 53 new council properties.
- b. The development is conditioned to support the wildlife corridor; to preserve and encourage wildlife; maintain the ecological buffer zone.
- c. A number of trees are planned to be removed from the site but mitigation provides for an agreed number to be replacement together with a sum to be paid.
- d. Further investigation was undertaken in relation to a large specimen that had veteran characteristics. Officers concluded that it was unclear whether it met all the criteria to be classed as a veteran tree. Consideration was given to redesigning the development to preserve the area but doing so would impact the number of units that could be delivered on the site.



- e. The development is located near the metro bus route and for that reason an acoustic fence would be erected around the site.
- f. Officers were seeking Committee approval of the scheme.

Officer's responded to Councillor's question as follows:

- g. Trees: Officers confirmed the current figures were 211 out and 148 replacements with a payment of £9,182.52 in mitigation as outlined in the amendment sheet because of the shortfall.
- h. That this would be revisited as the development moved forward.
- i. Council Housing: The units that are to be sold to provide the funding for the development of council houses did mean that they would be in a set location. Officers had taken advice and acted upon direction given by landlord services.
- j. Officers acknowledged that the current noise levels were based on the existing levels from the freight business(es) located nearby. That further consideration may need to be given to those dwellings backing on the railway line development area. Councillors sought assurance that action would be taken to future proof the dwellings on this development for noise impact so not to impede the future development of the railway line.
- k. Councillors were concerned about the missed opportunity to link the development to the District Heating system (DHS). Officers advised that the DHS did not extend to this location.
- l. The land in question was previously allotments, which was declared surplus through legal process in 2008.
- m. Heating: Conditions have been included to support shared boiler schemes. Members were directed to Condition 17.
- n. Councillors noted the possibility of football supporters walking from the park & ride using the estate as a short cut to the Stadium; Officers advised that preventing walking access to the estate was not possible.
- o. Parking on the development had been calculated to minimise impact on the surrounding lanes.

The following was noted from the discussion that followed:

- p. Cllr Stevens sought further clarification of the ecological buffer; queried the word 'corridor' ; advised that the word should read 'corridors'; expressed his disappointment at the loss of trees.
- q. Cllr Mead saw the efforts made to preserve the hedgerow and other related wildlife provision positively; noted the lack of a play area; noted that the density percentage could have been better.
- r. Cllr Wright commented on the loss opportunity to link the development to the District Heating scheme; noted that the density was only 3% above required minimum; believed that the City Council as landowner could have been done more; minded to abstain.
- s. Cllr Sergeant expressed her disappointment over the segregation of Council Housing from the private housing on the development.
- t. Cllr Davies supported the development acknowledging that the private houses had to be built and sold to allow for the building of the Council Housing.

It was moved by Cllr Olly Mead, seconded by Cllr Tom Brook and upon being put to the vote, the Officer recommendation for approval it was;



**RESOLVED: that (7 for, 0 against, 2 abstentions) that the application with amendments be agreed with a slight change to the wording at Condition 20 adding the letter 's' to the word 'corridor' so it now reads 'Landscaping of ecology corridors'.**

**10 16/05680/F and 16/05681/LA - (Land To The East Of) Colston Street - Alterations to boundary wall, new access, development of sui-generis residential units for students ( 2 no. 5-bed cluster flats), with associated refuse and cycle storage**

Officers introduced the report and outlined the following key issues in relation to this application:

- a. The application relates the construction of a two storey building, to provide 2 residential units for students. The construction would be on the garden land formerly part of the Foster's Alms-house estate, renamed Three Kings Court when the property was converted to private residential apartments.
- b. The application has been referred to Committee by Councillor Smith.
- c. Committee received a full presentation on the report provided including plans and details of the conservation area impact.
- d. Officers recommended approval of the scheme.

Officer's responded to Councillors question as follows:

- e. Clarity was sought on the access to the site for emergency vehicles and to the Western Power (WP) sub-station. The report detailed at page 61 the consultation with WP and the actions to be taken by the developer.
- f. Further explanation was sought on what the public benefit would be from the development. Officers advised that the disused land would be brought back into use; the scheme was of a high quality with high quality materials; that it would enhance the site; that the site was secluded and was appropriate for a modern design.

The Following was noted from the discussion that followed;

- g. Cllr Wright referenced the conservation section of the report and commented that it was not for them to give direction on setting of precedent. Concerned that the conservation area needs were being ignored.
- h. Cllr Davies noted the care put into the planning application; the unique modern design; the CIL monies that would be generated; was minded to vote in favour.
- i. Cllr Mead quoted from the Conservation Act; stated the development did not enforce local distinctiveness; that he was not opposed to modern designs in a conservation area but that design should add to the area; saw no public benefit having a student accommodation in that locality; minded to vote against.
- j. Cllr Clarke stated that the land was neglected; it needed to be brought back into use; that students were welcome in the City; that the design was divorced from its context; that altering the plan design to allow for the increase in the height of the boundary wall would allay some concerns.
- k. Chair viewed the design unacceptable next to a classic building and would be voting against.



- I. Cllr Mead moved that the committee voted against granting on the grounds that the design was out of character in an conservation area; that its contemporary design using contemporary materials not sympathetic to conservative area.

It was moved Cllr Olly Mead and seconded by Cllr Mark Wright and upon being put to the vote Officers recommendation for approval it was;

**RESOLVED: (2 for and 7 against) that the application be refused on the grounds;**

**The application proposal would by virtue of its angular form, flat roof design and modern character, appearance, detailing and materials result in an unsympathetic form of development that would overall, fail to preserve the Grade II\* Foster's Almshouses or its setting, which is not outweighed by any other public benefits arising from the proposal. This is therefore contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990; S12 of the NPPF, policy BCS22 of the Core Strategy (2011) and DM31 of Site Allocations and Development Management (2014).**

#### **11 17/07108/F and 17/07109/LA - 6 All Saints Lane, Change of use to create a HMO (Sui Generis) for 8 occupants and associated works**

Officers introduced this report and outlined the following key issues in relation to this application:

- a. The application property is a four-storey Grade II Listed Building fronting All Saints Lane, sat within the City and Queen Square Conservation Area. The application proposes to change the use of the building to residential use, to form a House in Multiple Occupation (HMO), primarily for student rental.
- b. This is a modified submission to avoid the appeal of the previous decision to refuse.
- c. The plans now reflect the concerns raised at the time of refusal. The plans now allow for 8 bedrooms instead of 9 and an extended communal area. The relocation of the cycle storage area to the ground floor. The revised plans were shared with committee.
- d. The site had been vacant for 2 years because of its location and accessibility issues; not attracting either retailers or commercial businesses needing office space.
- e. Officers recommend that the application is granted subject to conditions.

Councillor's points for clarification:

- f. Officers were asked to clarify if any ongoing monitoring would take place during the refurbishment and what actions could be conditioned.
- g. The proposal included a pre-commencement condition no.2 to ensure the appropriate recording of the Listed Building. Members were informed that enforcement in respect of the breach in relation to listed buildings was no longer with the Council. There were no specific officers tasked with monitoring in this area.
- h. There was a request that the waste collection agreement to be more appropriate.
- i. Officers confirmed that condition no.2 could be strengthen.

The following was noted from the discussion that followed:



- j. Cllr Wright viewed favourable the alteration to the plans; also noted the Conservation Officers comments detailed on page 103 of the report whose comments were not favourable to the scheme and would take on board this when making a final decision.
- k. Cllr Clarke considered that the unused building would be put to good use so was minded to support.
- l. Cllr Brook looked to Officers to improve condition 2 as above and to specify weekly collections in condition 12.

It was moved by Cllr Tom Brook and seconded by Cllr Davies and on being put to the vote Officers recommendation to approve it was;

**RESOLVED: (6 for, against 0, Abstentions 3) that the application is granted subject to conditions and the following amendments:**

**1. Application 17/07108/F**

**a. Condition 2** be amended to:

- i. **Building Recording** - Prior to work commencing a Building Record to Level II of Historic England's Historic Buildings A Guide to Good recording Practice shall be undertaken, submitted to the Local Planning Authority and approved in writing. This shall include a dated photographic record of the interior of the building including all interventions. This shall be carried out by an accredited professional approved by the Local Planning Authority.
- ii. **Reason:** To ensure the appropriate recording of the Listed Building.

**b. Condition 11** be amended to:

- i. **Property Management** -With the exception of frequency of refuse/recycling collections, which shall occur once per week, the development shall be carried out in full accordance with the approved Management Plan throughout the lifetime of the development hereby approved.
- ii. **Reason:** In the interests of amenity and highway safety.

**2. Application 17/07109/LA**

**a. Condition 2** to be amended to:

- i. **Building Recording** - Prior to work commencing a Building Record to Level II of Historic England's Historic Buildings A Guide to Good recording Practice shall be undertaken, submitted to the Local Planning Authority and approved in writing. This shall include a dated photographic record of the interior of the building including all interventions. This shall be carried out by an accredited professional approved by the Local Planning Authority.
- ii. **Reason:** To ensure the appropriate recording of the Listed Building.

**3. In other respects the conditions are to remain as per the recommendation.**



## 12 Date of Next Meeting

Meeting ended at 8.34 pm

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





# DEVELOPMENT CONTROL COMMITTEE A

16th May 2018

## REPORT OF THE SERVICE DIRECTOR - PLANNING

### LIST OF CURRENT APPEALS

#### Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	Easton	76 Robertson Road Bristol BS5 6JT Retrospective application for the retention of a building. Appeal against refusal Delegated decision	06/03/2018
2	Bishopsworth	19 Headley Park Road Bristol BS13 7NJ Erection of a two storey, side extension. Appeal against refusal Delegated decision	17/04/2018

#### Informal hearing

Item	Ward	Address, description and appeal type	Date of hearing
3	Hillfields	24 Mayfield Avenue Bristol BS16 3NL Lombardy Poplars (T4 and T5) - fell to ground level (Protected by Tree Preservation Order 917). Appeal against refusal Delegated decision	24/07/2018
4	Bishopsworth	Land Adjacent 131 Bridgwater Road Bristol BS13 8AE Retrospective application for erection of 14 dwellinghouses (13 x 3/4 bed and 1 x 2/3 bed) with associated vehicular and pedestrian access and cycle and bin storage, with access from Kings Walk (revision to planning permission 13/04789/F) (Major Application). Appeal against refusal Committee	11/07/2018

5	Bishopsworth	Land Next To 131 Bridgwater Road Bristol Outline application for the erection of up to 9no. dwellinghouses with associated garages, parking areas and landscaping with 'Access' to be considered. Appeal against non-determination Delegated decision	11/07/2018
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## Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
6	Central	Old Bristol Royal Infirmary Building Marlborough Street (South Side) City Centre Bristol BS1 3NU 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). Appeal against non-determination Committee	TBA
7	Avonmouth & Lawrence Weston	8 - 10 Station Road Shirehampton Bristol BS11 9TT Demolition of glasshouses and redevelopment to form 33 No. apartments for the elderly, guest apartment, communal facilities, access, car parking and landscaping. Appeal against refusal Delegated decision	TBA

## Written representation

Item	Ward	Address, description and appeal type	Date lodged
8	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
9	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

10	Central	Unit 1 Maggs House 70 Queens Road Clifton Bristol BS8 1QU Proposed change of use from mixed A1/A3 to mixed A3/A4 use, facade alterations to ground floor. Appeal against refusal Committee	15/02/2018
11	Filwood	69 Hartcliffe Road Bristol BS4 1HD Proposed two storey detached single dwelling house, with associated parking. Appeal against refusal Delegated decision	15/02/2018
12	Knowle	75 Tavistock Road Bristol BS4 1DL Proposed two bedroom detached single dwelling house, with provision of car parking. Appeal against refusal Delegated decision	15/02/2018
13	Hengrove & Whitchurch Park	Land Adjoining 130 Hengrove Lane Bristol BS14 9DQ Erection of 3 storey building comprising 6 x 1-bed flats. Appeal against refusal Delegated decision	15/02/2018
14	Clifton	Flat 2, 20 Clifton Down Road Bristol BS8 4AG Alteration to external opening on rear elevation. Change a window to a door opening and provide external steps down to garden. Appeal against refusal Delegated decision	23/02/2018
15	Ashley	87 Ashley Road Bristol BS6 5NR Two storey side extension, loft conversion with partial demolitions and alterations to existing Annexe Appeal against refusal Delegated decision	23/02/2018
16	Ashley	87 Ashley Road Bristol BS6 5NR Two storey side extension, loft conversion with partial demolitions and alterations to existing Annexe. Appeal against refusal Delegated decision	23/02/2018
17	Easton	76 Robertson Road Bristol BS5 6JT Enforcement notice appeal for the erection of building for habitation rather than as a garage which is larger than the building approved in 2003. Appeal against an enforcement notice	06/03/2018

18	Avonmouth & Lawrence Weston	75 Sylvan Way Bristol BS9 2NA Proposed drop kerb and creation of vehicle parking in front garden. Appeal against refusal Delegated decision	04/04/2018
19	Filwood	18 Parson Street Bristol BS3 5PT Erection of two storey dwelling. Appeal against refusal Delegated decision	04/04/2018
20	Central	Bristol International Student Centre 45 Woodland Road Bristol BS8 1UT Erection of a two storey extension to provide 2 additional, student study bedrooms and a new reception area. Appeal against refusal Delegated decision	11/04/2018
21	Lawrence Hill	Outside Cabot Circus Car Park Newfoundland Circus Bristol BS2 9AP Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
22	Lawrence Hill	Pavement Outside Chophouse Bond Street South Bristol BS1 3EN Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
23	Ashley	Phone Box Near Newfoundland Circus Bristol BS2 9AP Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018
24	Central	Phone Box At Hollister Street Bristol BS1 3BH Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018
25	Central	Phone Box Rear Of House Of Fraser Bond Street South Bristol BS1 3BD Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018

26	Central	Outside The House Of Fraser The Circus Bristol BS1 3BD Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018
27	Ashley	Phone Box Outside 12 To 20 Pritchard Street Bristol Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018
28	Lawrence Hill	Cabot Circus Car Park Newfoundland Circus Bristol BS2 9AB Application for prior notification of proposed development by telecommunications code system operators: Call Box. Appeal against refusal Delegated decision	23/04/2018
29	Central	Phone Box Near 25 King Street City Centre Bristol BS1 4PB Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018
30	Clifton	Phone Box Near Richmond Heights Queens Road Clifton Bristol Application for prior notification of proposed development by telecommunications code system operators: - Call Box Appeal against refusal Delegated decision	23/04/2018
31	Central	Phone Box Near Costwold Outdoor Union Street Bristol BS1 2LA Application for prior notification of proposed development by telecommunications code system operators: - Call Box Appeal against refusal Delegated decision	23/04/2018
32	Central	Phone Box Near Brewers Fayre Broad Weir Bristol BS1 2NT Application for prior notification of proposed development by telecommunications code system operators: - Call Box Appeal against refusal Delegated decision	23/04/2018
33	Central	Phone Box Near Horizon Broad Weir Bristol BS1 3DJ Application for prior notification of proposed development by telecommunications code system operators: - Call Box. Appeal against refusal Delegated decision	23/04/2018

34	Central	Phone Box Near 40-44 Bond Street Bristol Application for prior notification of proposed development by telecommunications code system operators: - Call Box Appeal against refusal Delegated decision	23/04/2018
35	Central	Pavement Outside 82-84 Queens Road Clifton Bristol Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
36	Central	Pavement Outside 33-47 The Horsefair Bristol Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
37	Central	Pavement Outside 78 Broadmead Bristol Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
38	Central	Pavement Outside 34 The Horsefair Bristol Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
39	Central	Pavement Outside 1 - 27 The Horsefair Bristol Prior approval application for the installation of a telephone kiosk. Appeal against refusal Delegated decision	23/04/2018
40	Hartcliffe & Withywood	1 Hartgill Close Bristol BS13 0BU Proposed new 2 bed dwelling on land next to 1 Hartgill Close Appeal against refusal Delegated decision	25/04/2018
41	Central	15 Small Street City Centre Bristol BS1 1DE Change of use from Bar, Offices and Residential, to 4 units of student accommodation and retained A4 unit. Appeal against refusal Committee	25/04/2018

42	Lawrence Hill	Princess House 1 Princess Street St Philips Bristol BS2 0RR Notification for prior approval for the proposed change of use of the first and second floors of Princess House from office use (Class B1(a)) to 2 residential apartments (Use Class C3). Appeal against refusal Delegated decision	25/04/2018
43	Hartcliffe & Withywood	2 Fair Furlong Bristol BS13 9HW Proposed new dwelling on land adjacent to 2 Fair Furlong. Appeal against refusal Delegated decision	26/04/2018
44	Cotham	1 - 3 Cotham Road South Bristol BS6 5TZ Change of use from a Laundrette and Office (Use Class B1) to two dwellings units (Use Class C3). Appeal against refusal Delegated decision	26/04/2018
45	Frome Vale	St Mary's Church Manor Road Fishponds Bristol BS16 2JB Yew - Fell TPO 472. Appeal against refusal Delegated decision	27/04/2018

### List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
46	Bishopston & Ashley Down	29 Church Road Horfield Bristol BS7 8SA Erection of a single storey, rear extension and a rear roof extension. Appeal against refusal Delegated decision	Split decision 29/03/2018
47	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	Appeal allowed 27/03/2018
48	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	

49	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	Appeal allowed 26/03/2018
50	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	Appeal allowed 26/03/2018
51	Frome Vale	19 Lambrook Road Bristol BS16 2HA Erection of two, two storey dwellings. Appeal against refusal Delegated decision	Appeal dismissed 04/04/2018
52	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	Appeal dismissed 05/04/2018
53	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	Appeal allowed 16/04/2018  Costs awarded
54	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	Appeal dismissed 01/05/2018
55	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	Appeal dismissed 23/04/2018



56	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	Appeal allowed 01/05/2018
57	Southmead	7 Lorton Road Bristol BS10 6DG Erection of two storey dwelling house and associated works. Appeal against refusal Delegated decision	Appeal dismissed 01/05/2018
58	Ashley	14 Mina Road Bristol BS2 9TB Erection of an internally illuminated, digital 48-sheet advertisement measuring 6m by 3m. Appeal against refusal Delegated decision	Appeal dismissed 29/03/2018
59	Hengrove & Whitchurch Park	2 Gilda Parade Bristol BS14 9HY Replacement of an existing illuminated 48-sheet advertising display with a 48-sheet digital LED display. Appeal against refusal Delegated decision	Appeal dismissed 29/03/2018
60	Henbury & Brentry	161 Knole Lane Bristol BS10 6JP Two storey side extension and part single storey side and rear extension. Appeal against refusal Delegated decision	Appeal allowed 13/04/2018
61	Eastville	208A Rose Green Road Bristol BS5 7UP Erection of rear and side extension. Appeal against refusal Delegated decision	Appeal dismissed 29/03/2018

## DEVELOPMENT CONTROL COMMITTEE A

16th May 2018

### REPORT OF THE SERVICE DIRECTOR - PLANNING

#### LIST OF ENFORCEMENT NOTICES SERVED

Item	Ward	Address, description and enforcement type	Date issued
1	Bishopston & Ashley Down	16 Alton Road Bristol BS7 9PS  Erection of extension without planning permission to the rear of the property. Enforcement notice	22/03/2018
2	Bishopsworth	35 Cheddar Grove Bristol BS13 7EE  Formation of balcony/roof terrace and extension not built as per planning permission 16/01954/H. Enforcement notice	27/03/2018
3	Eastville	Land And Buildings On The South Side Sandy Lane Bristol BS5 6SP Use of garage/store for commercial car repairs (COU). Enforcement notice	03/05/2018
4	Hengrove & Whitchurch Park	12 Valentine Close Bristol BS14 9NB  Use of detached garage as self-contained unit of residential accommodation including sub-division of garden area. Enforcement notice	03/05/2018
5	Horfield	61 Eden Grove Bristol BS7 0PQ  Erection of walling on rear boundary higher than 2m. Enforcement notice	24/04/2018

## Development Control Committee A 16 May 2018

### Report of the Service Director - Planning

#### Index

#### Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Lockleaze	Grant subject to Legal Agreement	17/05939/F - Former First Bus Depot Muller Road Bristol BS7 9ND Erection of a new neighbourhood Lidl store and associated works (Major Application).
2	Ashley	Approve details of Reserved Matters	17/06678/M - Plot B Wilson Street Bristol Reserved Matters application Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot B.  17/06679/M - Plot C Dove Lane St Pauls Bristol Reserved Matters Application Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot C.  17/06683/M - Plot D Dove Lane St Pauls Bristol Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot D.  17/06684/M - Plot E Wilson Street Bristol Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot E.  17/06812/M - Dove Lane St Pauls Bristol Reserved Matters Application - Landscaping details for the site.
3	Lockleaze	Refuse	18/00634/P - Eastgate Centre Eastgate Road Bristol Outline Planning Application for the demolition of an existing Class A3 / A5 drive-thru restaurant and erection of new Class A1 retail unit, two Class A3 / A5 pod units and a replacement Class A3 / A5 drive-thru restaurant. Access, Layout and Landscaping sought for approval. (Major Application)

Item	Ward	Officer Recommendation	Application No/Address/Description
4	Central	Refuse	18/00847/F - Eagle House Colston Avenue Bristol BS1 1EN Rooftop extension (including plant room) for office (B1) use.

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## Development Control Committee A – 16 May 2018

ITEM NO. 1

**WARD:** Lockleaze **CONTACT OFFICER:** Tom Watson  
**SITE ADDRESS:** Former First Bus Depot Muller Road Bristol BS7 9ND

**APPLICATION NO:** 17/05939/F Full Planning

**DETERMINATION DEADLINE:** 23 May 2018

**Erection of a new neighbourhood Lidl store and associated works (Major Application).**

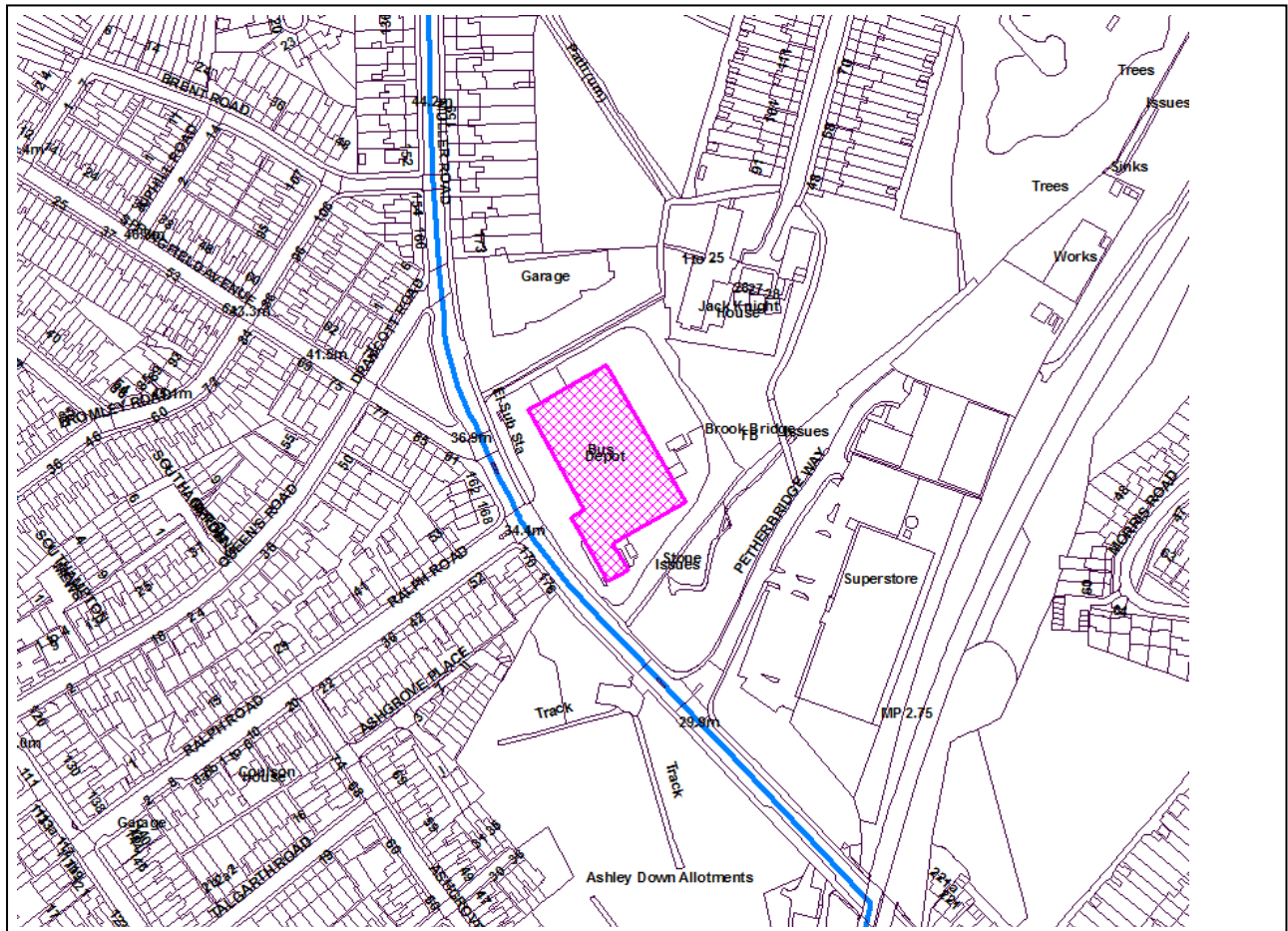
**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Rapleys LLP - Bristol  
 Clifton Heights  
 Clifton  
 Bristol  
 BS8 1EJ

**APPLICANT:** Lidl UK GmbH

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

### LOCATION PLAN:



**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND****SUMMARY**

The application site is located within East Bristol, in the ward of Lockleaze. The site is rectangular in shape, with an area of 1.14 ha with access taken from Muller Road (B4469) which forms the western boundary of the site, opposite Ralph Road.

The site was historically occupied by the First Bus Depot. The operation of the bus depot ceased in June 2010 and the site has been vacant since. The existing building on the site is subject of a current application for prior notification for demolition (ref: 18/01420/N).

The application seeks full planning permission for the erection of a Lidl supermarket on the site and associated works including car parking, a new access from Muller Road and landscaping. The proposed supermarket would have a Gross External Area of 2,206 square metres (sqm) with a sale area of 1,325 sqm. A warehouse area totalling 555 sqm and 245 sqm of ancillary floorspace would also be provided.

In total, the operational supermarket would employ 40 staff (full and part-time equivalent).

Access to the site would be taken from a new vehicle access from Muller Road, located to the south of the existing site access. The proposed development includes a total of 158 car parking spaces. There would also be provision for cycle parking at the front of the store.

In 2016, an application for full planning permission was granted by DC Committee A for a Lidl supermarket on the adjacent Brunel Ford Car showroom site with a Gross Internal Area of 1,465 sqm, sales area of 1,063 sqm and 55 car parking spaces (ref: 14/05539/F). However, to date this planning permission has not been implemented.

As part of a Section 106 Agreement required for any planning permission granted for the proposed supermarket on the first bus depot site, the Applicant has agreed to enter into a legal agreement which would extinguish the planning permission granted in 2016 for a Lidl on the Brunel Ford Car showroom site. This would ensure that two Lidl stores could not be built next to each other.

Key issues in the report concern the principle of development, retail impact, highways, design, amenity (including noise, light and air quality pollution), nature conservation (including trees) and sustainable design and construction.

In relation to retail impact, the Local Planning Authority has sought independent retail advice from a specialist consultant to assess potential retail impacts arising from the scheme. Following the consultant's review of the application, and requests for further information from the Applicant (subsequently provided), it is concluded that the proposed development would not result in a significant adverse impact to nearby centres or planned developments.

In terms of highways, this matter has been the subject of a number of meetings between the Applicant and Officers in Transport Development Management in order to agree an acceptable suite of measures and contributions which would make the development acceptable on highway safety grounds. The final highways layout for the proposed development includes a puffin crossing across Muller Road to the supermarket, which follows a pedestrian desire line from Ralph Road. Contributions have been agreed for the Applicant to fund a three-arm signalised junction between Muller Road and Ralph Road

**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND**

(£279,000) which is considered necessary to make the development acceptable in highway terms. Contributions also include measures to promote sustainable transport to the site (total £114,000). Based on these measures and contributions being met, it is considered that the proposed development would be acceptable in highways terms.

There is a current objection to the application from the Council's Air Quality Officer. To overcome the objection, the Applicant submitted a revised Air Quality Assessment to the Local Planning Authority on 3 May 2018 and this is currently being reviewed by the Officer. An update on this matter will be provided in advance of the Committee Meeting.

Notwithstanding the objection to the application from the Air Quality Officer, the proposed development is in accordance with all other relevant policies in the Core Strategy and Site Allocations & Development Management Policies document. This is evidenced either through information submitted in support of the application, or made acceptable by securing a developer contribution or further information by way of planning conditions.

On the assumption that matters relating to Air Quality are resolved, the application is recommended for approval subject to the conditions attached to this report and subject to a Section 106 Agreement.

**SITE DESCRIPTION**

The application site is located within East Bristol, in the ward of Lockleaze. The site is rectangular in shape, with an area of 1.14 ha with access taken from Muller Road (B4469) which forms the western boundary of the site.

The site was historically occupied by the First Bus Depot, and owned by Bristol City Council. The operation of the bus depot ceased in June 2010 and the site has been vacant since. The former bus depot building is subject of a current prior notification for proposed demolition, to be undertaken by Bristol City Council (ref: 18/01420/N).

To the north of the site is the site of the former Brunel Ford Car showroom. A Public Right of Way (ref: BCC/143/10) that links Dovercourt Road and Muller Road runs along the northern boundary of the site, forming a division between the site and the Brunel Ford Car showroom site. To the east is a sheltered accommodation development at Jack Knight House and to the south of the site is Petherbridge Way. Beyond Muller Road to the west of the site, land is comprised almost entirely of residential development in and around Ralph Road.

The existing vehicular / pedestrian site access comes from the centre of the site, adjacent to the junction between Ralph Road and Muller Road forming a cross roads.

The majority of the site is located within a Flood Zone 1 area (an area identified at a low risk of flooding). A small section to the south east of the site is located within Flood Zone 2 and Flood Zone 3.

The site forms part of a Principal Industrial and Warehousing Area (PIWA) allocation from the Development Plan, along with the Brunel Ford Car showroom site to the north.

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In 2016, an application for full planning permission was granted by Development Control Committee A for Lidl to develop the Brunel Ford Car showroom site as a supermarket with a Gross Internal Area of 1,465m<sup>2</sup>, sales area of 1,063m<sup>2</sup> and 55 car parking spaces (ref: 14/05539/F). However, to date this planning permission has not been implemented.

**RELEVANT HISTORY**

18/01420/N – Prior notification of the proposed demolition of the former bus depot comprising of a warehouse-type building of a steel frame construction with pitched roof, clad in Asbestos sheeting on the roof and side panels, plus a single storey brick office section with a flat concrete roof.

**PENDING DETERMINATION**

There is no other relevant history for the application site. The record below relates to the above-mentioned application by Lidl to develop the Brunel Ford Car showroom site.

14/05539/F – Construction of a new neighbourhood foodstore with associated parking (Major). GRANTED 23/03/2016

**APPLICATION**

The application seeks full planning permission for the erection of a Lidl supermarket on the site and associated works including car parking, a new access from Muller Road and landscaping.

The proposed supermarket would have a Gross External Area of 2,206m<sup>2</sup> with a sale area of 1,325m<sup>2</sup>. A warehouse area totalling 555m<sup>2</sup> and 245m<sup>2</sup> of ancillary floorspace would also be provided.

In total, the operational supermarket would employ 40 staff (full and part-time equivalent).

The layout of the site is shown on the Proposed Site Layout Plan submitted with the application which shows the location of the supermarket to the north of the site, with the car parking area extending to the south, south west and south east of the store. Revised plans submitted with the application in April 2018 propose a landscaping buffer and tree planting along the western boundary of the site.

The supermarket building would be 2-storeys in height, finished primarily in silver and grey cladding. The elevation of the building facing Muller Road would be comprised of full height glazing. The customer entrance to the supermarket would be from the southern elevation of the building.

Access to the site would be taken from a new vehicle access from Muller Road, located to the south of the existing site access. The existing site access forming a cross roads with Ralph Road would be closed off. Pedestrian access would be provided from the new vehicle access and a separate access to the north of the site.



**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND**

The proposed development includes a total of 158 car parking spaces, including disabled spaces, parent and child spaces and spaces for Electric Vehicle (EV) charging. There would also be provision for cycle parking at the front of the store.

The operating hours for the proposed supermarket would be 08.00 to 22.00 Monday to Saturday and on Sunday 08.00 to 18.00.

As part of a Section 106 Agreement required for any planning permission granted for the proposed development, the Applicant has agreed to enter into a legal agreement which would extinguish its planning permission to build a Lidl store on the adjacent Brunel Ford Car showroom site (14/05539/F).

In addition, the Section 106 Agreement would include contributions relating to off-site highway improvements and tree replacement contributions comprised of:

- i) Schedule to extinguish Lidl's existing planning permission for a supermarket on the Brunel Ford Car showroom site (application ref: 14/05539/F).
- ii) Section 278 works to be delivered by the Applicant comprising of a new Puffin crossing from Ralph Road across Muller Road.
- iii) £279,000 – Contribution for a signalised junction between Ralph Road / Muller Road and Springfield Avenue contribution.
- iv) £40,000 – Contribution towards Public Rights of Way improvements.
- v) £49,000 – Contribution towards Bus Shelter improvements.
- vi) £25,000 – Contribution for the purchasing and commissioning of traffic signal crossing.
- vii) £16,500 – Required for Traffic Regulation Orders.
- viii) £4,849.30 – Contribution for replacement trees in accordance with the Bristol Tree Replacement Standard.

Demolition of the existing former bus depot building does not form part of this planning application. The former bus depot building is subject of a current prior notification for proposed demolition, to be undertaken by Bristol City Council (ref: 18/01420/N).

**PRE-APPLICATION COMMUNITY CONSULTATION**

The Applicant has carried out pre-application community consultation, as detailed in the Statement of Community Involvement submitted with the planning application.

Consultation leaflets were sent to over 17,000 properties surrounding the site, to advise of the planning application and the changes between the store granted planning permission in 2016 on the Brunel Ford Car showroom site and the current scheme. A website was also set up by Lidl to advertise the proposed development and provide links to the Council's website to make a comment on the planning application.

The Applicant has subsequently submitted an Addendum to the Statement of Community Involvement (April 2018) which details all comments received on the website.

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**RESPONSE TO PUBLICITY AND CONSULTATION**

Site notices were issued, a press advert published and letters sent to neighbouring properties.

Following responses from members of the public and consultees, revised plans were received on 24 April 2018. Local residents were re-consulted by letter, with an expiry date of 9 May 2018.

Comments received on the revised plans relating to the scheme have been considered and are included in this report.

**GENERAL RESPONSE FROM THE PUBLIC**

On the original application for full planning permission there were 165 replies from neighbours. Of these 87 were in support, 59 were in objection and 19 were neither in support or objection.

**IN SUPPORT**

Comments were made in support on the following grounds:

- Support for increased commercial diversity offered by the scheme and provision of affordable shopping facilities within the community.
- Development would create employment opportunities for the residents of Lockleaze.
- Development would create economic and social benefits and reducing the likelihood of vandalism on the site.
- Support for improved accessibility to the site for pedestrians and cyclists arising from Section 106 contributions.
- General support for a Lidl supermarket on the site (without any other comment).

**IN OBJECTION**

Comments were made in objection on the following grounds:

- Greater car usage arising from the scheme, exacerbating current traffic conditions on Muller Road / Ralph Road.
- Noise pollution and air pollution arising from additional traffic on Muller Road.
- Concerns with proposed new access from the site onto Muller Road and that this would interrupt vehicle movements on Muller Road.
- Provision of a supermarket would impact upon viability of local centre retail.
- The site should be used for affordable housing.
- Delivery vehicles to the supermarket would cause disturbance to adjacent residential development.
- Landscaping should be included in the scheme to mitigate visual impact.
- Location of site does not encourage pedestrian or cycle access to the site.

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**NEUTRAL COMMENTS**

Comments neither in support or objection were made as follows:

- Support raised for the proposed development provided that traffic congestion is not exacerbated.
- Proposed access to the store would result in rat-running on Ralph Road and Springfield Avenue.
- Suggestion raised that Springfield Avenue should be closed to increase usage of Draycott Road and Brent Road.
- Suggestion raised that congestion upon the entrance to Lidl car park could be alleviated through the removal of parking spaces 91, 107, 128, 129 and 130.
- Lidl should contribute towards greater public transport and cycle/pedestrian infrastructure to alleviate congestion.
- Vehicular access from Dovercourt Road could be provided to increase access from Lockleaze and reduce traffic congestion upon Muller Road.

Following the submission of revised plans in April 2018, neighbours were re-consulted for a period of 14 days. As of 7 May 2018, in response to the revised scheme there were 38 replies from neighbours. Of these 13 were in support, 21 were in objection and 4 were neither in support or objection.

**IN SUPPORT**

Comments were made in support on the following grounds:

- Development would create employment opportunities for the residents of Lockleaze.
- Support for increased commercial diversity offered by the scheme and provision of affordable shopping facilities within the community.
- Development in this location would provide an accessible food supply for the local community.
- Development would create economic and social benefits and reducing the likelihood of vandalism on the site.
- Increased parking provision would reduce the likelihood of congestion backing onto Muller Road.
- General support for a Lidl supermarket on the site (without any other comment).

**IN OBJECTION**

Comments were made in objection on the following grounds:

- Greater car usage arising from the scheme, exacerbating current traffic conditions on Muller Road / Ralph Road.
- Noise pollution and air pollution arising from additional traffic on Muller Road.
- Concerns with proposed new access from the site onto Muller Road and that this would interrupt vehicle movements on Muller Road, although noted that the revised plans propose junction improvements.
- Provision of a supermarket would impact upon viability of local centre retail.
- The site should be used for affordable housing.

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- Solar photo voltaic cells upon the roof of the Lidl development would offset CO2 emissions and reduce energy usage.
- Location of site does not encourage pedestrian or cycle access to the site.

**NEUTRAL COMMENTS**

Comments neither in support or objection were made as follows:

- Support raised for the proposed development provided that traffic congestion is not exacerbated.
- Suggestion that Electric Vehicle charging points should be provided in the car park.
- Solar photo voltaic cells upon the roof of the Lidl development would offset CO2 emissions and reduce energy usage.
- A mixed-use scheme would be preferred, utilising ground floor A1 use and C3 residential use on subsequent floors above.
- Suggestions raised that developer should include increased accessibility for non-motorised road users, through increased footpaths and cycle provision.
- A joint venture between Lidl and Aldi upon Muller road could provide a shuttle bus link, increasing access to residents of Lockleaze and Filton who do not have access to motorised transport.

**COMMENTS FROM COUNCILLORS**

**Councillor Estella Tincknell – Supports**

I am broadly in support of this application as it will provide a much-needed budget supermarket within the ward of Lockleaze where there is a lack of access to a wide range of affordable retail food outlets and a significant demand for them. However, any development must include a clear plan for mitigation of the likely impact on traffic congestion and air quality along the Muller Road corridor, which already suffers from poor traffic flow, very high levels of congestion at peak times, and consequent pollution and poor air quality. Traffic management which addresses these issues is essential if the proposed development is not to impact further on an already heavily congested area. The development should also include a commitment to sustainability, including at the level of the building and surrounding environment (e.g. use of environmentally sensitive building materials, appropriate planting and borders), and in terms of the use of reduced and recyclable packing in product delivery and sale.

**Councillor Gill Kirk – Supports**

I support this application, as I believe it will enhance the retail offer for residents in Lockleaze by providing an affordable food store. I supported the previous application in 2016 when wide public consultation took place and local residents were supportive of having a Lidl on Muller Road. I understand the need for a larger site and am reassured that the Applicant intends to leaflet local residents to update on the changes to the proposals. The Applicant states a store on this site would contribute positively to the surrounding facilities, services and employment opportunities in the area as well as enhancing the local retail offer, and will create 40 new jobs. I would like to request that local people are given access to employment

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opportunities and the Applicant works with our local employment support organisation to ensure jobs are advertised in the area. As well as providing car parking spaces, I would like the store to encourage walking and cycling to minimise extra traffic on Muller Road, by providing a good amount of cycle storage and enhancing walking/cycling routes in its Travel Plan. The traffic management will need to be considered carefully to avoid a detrimental impact on congestion on Muller Road.

I would like to add to my previous comments on this application following feedback received from Lockleaze residents at a public meeting on March 7th 2018. Whilst I support a reputable discount food store coming to Muller Rd, improving accessibility to affordable fresh food and bringing job opportunities to the area, I appreciate that residents are concerned about the cumulative impact of increased development in the area having a negative impact on traffic congestion in the Muller Road.

Residents wish to see a concerted effort by council and developers in the area to reduce congestion and improve air quality on Muller Rd. this larger site would provide a greater number of car parking spaces and therefore is likely to increase travel to the store by car. To mitigate this risk I would like to see the following conditions applied;

- 1) Maximise walking and cycling routes. It would make a huge difference if not all customers access the store via Muller Rd. Lidl should ensure there are walking and cycling routes to the rear of the store in the direction of Lockleaze to enable more local residents to come to the store on foot or by cycle, reducing car traffic on Muller Rd. Cycle parking with a shelter is also needed.
- 2) A free shoppers minibus between Lockleaze (Gainsborough Square area) and Lidl would make the store accessible to more residents in the area of Lockleaze that lacks supermarkets and fresh food. It would encourage more people to use the store and would provide an alternative to people travelling by car.
- 3) Vehicle charging points would incentivise travel by non-polluting vehicles
- 4) An enhanced traffic management plan.

I support comments made by Cllr Brooke, that care is needed to avoid adding to congestion and slowing traffic on Muller Rd. Traffic lights in the car park co-ordinated with those on Ralph Road would help to manage a free flow of traffic and avoid cars backing up with the risk of drivers leaving engines idling. Traffic calming measures on nearby roads would also help.

Councillor Tom Brook – Supports

I appreciate that there are a number of arguments for and against this application, and I have taken into account the many public comments that have been made on the application so far, both by my constituents and those from neighbouring wards.

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Arguments in favour

There is a dire need in this area for reasonably priced, easily accessible food stores. For many residents the Gloucester Road town centre and Tesco supermarkets at Eastgate and Golden Hill are simply too far away. The improved accessibility of this store would be of great benefit to residents, for example the elderly, disabled people, or those with young families, who find it simply too far to travel to the aforementioned existing shopping locations.

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Furthermore, having a store at this location will help to drive the growth and regeneration of the wider area. It will provide high quality jobs from a reputable employer, and will bring the site, which is currently an eyesore, back into good use. Finally, the site is on a bus route and very close to the Concord Way cycle route, meaning it has the rudiments of sustainable transport connections already.

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**Arguments against**

I acknowledge that building a supermarket at this location is out of centre, and is therefore inadvisable under the planning guidance. However, as I have already noted, the nearest town centre (Gloucester Road) is too far away for many, and the other nearby town centre (Gainsborough Square) is even further away. As such I feel that the undesirability of the out of centre location is outweighed by the need for the store. It is worth noting that the site is still not near enough for some Lockleaze residents to be of use. However, I am not aware of similarly suitable sites further north that could be developed instead.

Some public comments have noted that the land at this site is highly suitable for alternative uses, namely housing. I agree, but I also think that this is a prime location to build a supermarket. Given the need for one in the area I am, on balance, content that this site is developed for a supermarket rather than housing as it will, as I've already noted, help to drive growth and regeneration in the area. I agree with the Bishopston Society's suggestion that future development of the neighbouring Brunel Ford site should ideally be housing (should the Lidl at this site go ahead).

Housing at this location would be made all the more attractive given the new Lidl next door! Finally, and arguably the key point against this application, is the impact on traffic. As many residents have noted in their comments, Muller Road is already congested and polluted, and nearby streets are already used as rat-runs. Having this development can only increase these issues. That said, the fact that the site is on a main road is a key reason why it is suitable for a supermarket. I think that a number of the possible adverse traffic impacts of this site can be mitigated or eliminated through careful planning and through conditions imposed by the council on the site permission, should it be granted (see below).

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Taking these issues into account I am, on balance, in support of the application. I think that the dis-benefits of the out of centre location, loss of possible housing land, and increased traffic are outweighed by job creation, driving of growth, suitability of the location, and the need in the area for accessible, reasonably priced food stores. However, I feel that the application should only be consented subject to a number of conditions, which I detail below.

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**Suggested conditions**

In order to minimise the traffic impact and to keep traffic flowing on Muller Road, I think that the car park must be controlled by traffic lights. This is likely to need to be in conjunction with complementary traffic lights at the end of Ralph Road. It is possible that traffic lights are not suitable for whatever reason, in which case I strongly suggest that some form of traffic management is needed to prevent the car park causing tailbacks on Muller Road and to keep the traffic flowing (noting that at rush hour Muller Road traffic doesn't exactly flow at present anyway).

In order to reduce the likelihood of rat-running by visitors to the store and/or drivers seeking to avoid traffic in the proximity thereof, traffic calming measures should be installed on local roads (such as Ralph Road, Springfield Avenue, etc.). Where feasible this should be in the form of filtered permeability (i.e. closing the road at an end or partway along). Some

**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND**

residents have suggested a residents' parking scheme would be desirable. Subject to sufficient money being available from the development I think this should be explored.

All of these mitigation measures should be in place before the store is allowed to open.

In order to encourage more sustainable forms of transport to and from the site, I would suggest that more cycle parking should be provided (ideally sheltered). A traffic-lighted crossing should also be installed on Muller Road to allow safe and convenient access on foot to the site from the Ashley Down side of Muller Road. In addition, there should be improvement to, and expansion of, cycling and walking routes to and from the site. If feasible, it would be desirable for a shopper bus to be offered to increase the customer catchment of the store and to improve sustainable access.

Finally, ample electric vehicle charging points should be provided in the car park. In order to reduce the impact of the development on local residents, any outdoor lighting used should be highly directional such that it does not cause glare in nearby properties. In addition, deliveries out of hours should not be permitted.

In order to mitigate the environmental impact of the site, solar panels and other energy efficiency/generation installations should be made to reduce the carbon footprint of the store. Furthermore, ample planting should be provided in and around the site to encourage wildlife and pollinators.

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Should such conditions, or similar, be met I would be happy to see consent granted for this application.

**COMMENTS FROM CONSULTTEES****Transport Development Management – No objection**

There has been lengthy discussion and correspondence between the Applicant and Transport Development Management on this application. The below represents a summary of the final position of Transport Development Management provided in April 2018.

As a result of the proposed development, traffic movements within the vicinity of the access to the site are predicted to significantly change. It is therefore essential that the highway in the vicinity of the access is designed in a way that it can safely accommodate the anticipated number of trips being made to the proposed development, whilst taking into account that Muller Road and the junction with Ralph Road is at peak time very congested. To meet policy requirements, it is also necessary that measures are included to enable access to the site using sustainable modes of transport.

The Applicant's final highway layout includes a puffin crossing across Muller Road across to the store, which follows a pedestrian desire line from Ralph Road. The positioning of this crossing point has been discussed and agreed with Transport Development Management and it is considered that this would provide a safe crossing point for pedestrians to access the site. The Applicant would be required to deliver these works prior to the supermarket opening.

A contribution has also been agreed for the Applicant to fund a three-arm signalised junction between Muller Road and Ralph Road (£279,000). This is considered necessary to make the development acceptable in highway terms, and would be beneficial to manage vehicle movements along Muller Road and for cars joining Muller Road from Ralph Road.

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Traffic Regulation Orders (TRO) would also be required for the puffin crossing across Ralph Road, to restrict loading along Muller Road and for a 7.5-tonne eight restrict to the west of Muller Road. Whilst some neighbours have queried the proposed puffin crossing, it should be noted that the TRO process is subject of consultation and responses to the detailed proposals will be considered through this legal process.

Further contributions have been agreed with the Applicant to promote sustainable transport modes to the site comprising a contribution for bus shelter improvements (£49,000), a contribution towards Public rights of Way improvements (£40,000) and a contribution or the purchasing and commissioning of traffic signal crossing (£25,000). The Applicant has also submitted a Travel Plan which is considered to be acceptable by Officers, setting out metrics for staff travel to the site to reduce vehicle movements.

In terms of cycle parking, the proposed development includes a policy compliant amount of secure spaces for both staff and visitors to the front of the store.

Pre-commencement conditions have been requested for the following aspects of the proposed development:

- Construction environmental management plan.
- Submission of detailed general arrangement plans for all proposed highway works.
- Submission of detailed plans for highway retaining walls.

Based on the above contributions being secured through a Section 106 Agreement, and the above planning conditions, Officers have concluded that the proposed development is considered to be in accordance with Policy BCS10 and DM23.

**City Design Group – No objection**

City Design Group has commented as follows:

‘The addition of trees in the car parking area and along the western boundary of the site adjacent Muller Road is positive.

It is understood that the layout and siting of the proposed supermarket is largely led by the presence of an underground sewer running parallel to the western boundary of the site. The siting and layout of the site is therefore justified with regards to design’.

**Economic Development – No objection**

Comments have been provided by the Council’s Economic Development team as follows.

Information submitted with the application has been reviewed by the Council’s Economic Development team. No objection has been raised to the information submitted or the principle of a supermarket use on the site.

**Pollution Control – No objection**

The Council’s Environmental Health Officer has commented as follows:

‘There is minimal information submitted with this application as to how the store will run particularly with regards to deliveries. Therefore, the following planning conditions would be necessary to make the development acceptable:



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- Restriction to delivery times to sociable hours
- Restriction to noise arising from plant and equipment to at least 5 dB below the pre-existing background level.
- Restrictions to artificial lighting to meet the Obtrusive Light Limitations for Exterior Lighting Installations guidance.
- Restriction to operating hours of the store'.

**Air Quality – Objection**

The comments below set out the response to the application received from the Air Quality Officer on 23 April 2018 and 2 May 2018, which are both in objection to the planning application. However, the Applicant has since submitted a further updated Air Quality Assessment to the Council in May 2018 and this is currently being assessed by the Air Quality Officer. An update will be provided in the update sheet to the Committee Report.

Comments from the Air Quality Officer dated 23 April 2018:

'I have reviewed the Air Quality Assessment as submitted by the Applicant on 9 April 2018.

With regards to the predicted impacts on annual NO<sub>2</sub> concentrations the revised AQA predicts that in the opening year of 2022 there will be a moderate impact on air quality at one of the modelled receptor locations (Receptor 8) which is within the Bristol Air Quality Management Area. In scenario 1, a 2.25µg/m<sup>3</sup> increase in annual NO<sub>2</sub> concentrations is predicted at Receptor 8 due to the development generated vehicle movements. In scenario 2, the increase in this location was predicted to be 3.45 µg/m<sup>3</sup> and is again described as moderate using EPUK impact descriptors. The purpose of the sensitivity analysis (2 scenarios) is to account for the acknowledged overly optimistic vehicle emission reductions in the office emission factor toolkit. Whilst scenario 2 is likely to be overly pessimistic the impacts of the proposed development should not only be based on the result of scenario 1, as stated in the conclusion of the report, as this uses the official emissions reductions and is likely to under predict the impacts in future years. The likely increase in pollution levels is likely to be somewhere between the two modelled scenarios.

In the conclusion of the AQA, the significance of the moderate increase in air pollution levels at Receptor 8 is downplayed by stating that this impact only occurs at one receptor. Receptor 8 on Muller Road is representative of at least 30 properties, so to conclude this is in my opinion misleading.

2016 monitoring data at the junction of Muller Road and Filton Avenue (monitoring site 493) showed that there was an exceedance of the air quality objective in this location with a value of 41.5 µg/m<sup>3</sup> being recorded. The modelled 2016 baseline in this same location was predicted to be 34.5 µg/m<sup>3</sup> which illustrates that the air quality dispersion model is under predicting concentrations in this particular location. The increase in annual NO<sub>2</sub> concentrations in 2022 in this location are predicted to be between 0.5 µg/m<sup>3</sup> and 0.76 µg/m<sup>3</sup> in scenarios 1 and 2 respectively. Given the disparity between the baseline value modelled and the monitored value in 2016, it is likely that the 2022 concentration in this location could be much closer to the air quality objective than indicated in the reported results and could potentially still exceeding the objective in this location in 2022.

Bristol City Council require that moderate air quality impacts require some form of mitigation. The assessment predicts moderate impacts at Receptor 8, which is representative of a number of properties along Muller Road, however, the report concludes that there is no need

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to mitigate the impact of the impacts on annual NO<sub>2</sub> concentrations. Receptor 8 is within the Bristol Air Quality Management Area.

The report also concludes that there will be a worsening of air quality in a location that currently exceeds objectives (Junction of Muller Road and Filton Avenue).

Given the lack of opportunity to identify and assess a strategy for appropriate mitigation of the predicted air quality impacts and the predicted worsening of air quality in an area that currently exceeds air quality objectives, I object to this application on the grounds of the associated air quality impacts that are predicted within the air quality assessment. A strategy for appropriate mitigation of the predicted air quality impacts would be required to make the development acceptable'.

Comments from the Air Quality Officer dated 2 May 2018:

'Having considered the WYG 'Air Quality Response' dated 24 April 2018, I have come to the conclusion that what has been provided has not adequately addressed my concerns with the application. The mitigation proposed is lacking in any detailed information, and instead simply refers to other documents and plans already submitted with the application which I have already reviewed. This does not in any way demonstrate or quantify how the significance of impact will be reduced from a 'moderate impact' to a 'slight impact' of better. As a result, the mitigation proposed cannot be accepted.

The failure to properly locate diffusion tube 493 and the previous errors with model verification gives cause for concern about the quality of the rest of the assessment.

I am currently considering options on how to proceed with this application in order to address the air quality impacts that are predicted. However, the mitigation proposed by WYG is considered unacceptable for me to recommend that the application be granted and this needs to be addressed.'

**Nature Conservation – No objection**

Comments have been provided requesting conditions relating to the demolition of the existing building on the site. However, it is noted that this application does not seek to demolish the building and that demolition is being considered under an application for prior approval.

The Council's Ecologist has commented as follows:

'The provision of bird and bat boxes as described in the submitted Ecological Appraisal should be secured by a planning condition such as the list of approved plans and drawings condition.

Trees will be removed as part of the proposed development, and comments relating to this aspect of the application will be picked up by the Tree Officer'.

**Arboriculture Team – No objection**

The Council's Tree Officer has commented as follows:

'I have reviewed the submitted Arboricultural Impact Assessment an Arboricultural Method Statement.

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I have no issues with the proposed tree protection measures or with the proposed tree losses’.

**Contaminated Land Environmental Protection – No objection**

The Council’s Contaminated Land Officer has commented as follows:

‘The following report has now been reviewed in relation to the planning application 17/05939/F.

Opus International Consultants (UK) Ltd. August 2017. Geo-Environmental Desk Study Report. Bus Depot Site. Muller Road. CC/J-B1233.00 (R01). Final.

Whilst the desk study itself is useful it would have been more informative if the findings of the previously aforementioned site investigation report from July 2017 had been included in the review. We recommend prior to any future further site investigation the 2017 report is subject to further review.

Therefore we lift our previous objection and recommend the following conditions are applied to any future planning consent ' an amended B11 condition (as below) and standard conditions B12 B13 and C1.

**Further Site Assessment**

A site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of the site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the Desk Study prepared Opus dated August 2017 Reference CC/J-B1233.00 (R01). The written report of the findings shall be submitted to an approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This investigation and report must be conducted and produced in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

**Flood Risk Manager – No objection**

The Council’s Flood Risk Manager has commented as follows:

‘I have reviewed the Flood Risk Assessment and the Sustainable Drainage Strategy submitted with the application. Both of these documents are considered to be acceptable.

No objection is raised to the application, subject to further detail being required at a later stage so please apply the standard SuDS condition if permission is granted’.

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## **RELEVANT POLICIES**

**National Planning Policy Framework – March 2012**

**Planning Practice Guidance**

### **Bristol Core Strategy (Adopted June 2011)**

BCS7	Centres and Retailing
BCS8	Delivering a thriving economy
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM7	Town Centre Uses
DM9	Local Centres
DM13	Development Proposals on Principal Industrial and Warehousing Areas
DM15	Green Infrastructure Provision
DM17	Development Involving Existing Green Infrastructure
DM19	Development and Nature Conservation
DM23	Transport Development Management
DM26	Local Character and Distinctiveness
DM27	Layout and Form
DM28	Public Realm
DM29	Design of New Buildings
DM32	Recycling and Refuse Provision in New Development
DM33	Pollution Control, Air Quality and Water Quality
DM34	Contaminated Land
DM35	Noise Mitigation

**Bristol City Council Planning Obligations SPD (2012)**

**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND****KEY ISSUES****(A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?**

Policy BCS3 states that social, economic and physical regeneration will be promoted in the 'Northern Arc' of Bristol with the purpose of creating mixed, balanced and sustainable communities. The site is located in the ward of Lockleaze, which the accompanying text to Policy BCS3 identifies as one of the wards comprising the Northern Arc. In the Northern Arc emphasis will be on:

- Encouraging higher density and mixed forms of development in the most accessible locations;
- Making more efficient use of underused land; and
- Promoting improved access and linkages to neighbouring areas.

Policy BCS3 and BCS20 require that new development is primarily focused on previously developed land.

By proposing a large supermarket in an accessible location on a prominent underused site, which would contribute to the regeneration of Lockleaze, it is considered that the proposed development is in accordance with Policy BCS3 and BCS20.

The site forms part of an allocation in the Development Plan for a Principal Industrial and Warehousing Area (PIWA), together with the adjoining Brunel Ford Car showroom site. Policy BCS8 and Policy DM13 protect PIWA sites for retention as industrial and warehousing uses, but acknowledge that on some PIWA sites there may be a change in circumstances which would lead to the Local Planning Authority considering a loss of industrial or warehousing floorspace for another use.

In considering this matter, it is important to note the extant planning permission for a Lidl supermarket on the adjoining Brunel Ford Car showroom site (site area 0.5ha) which results in the loss of part of this PIWA designation.

However, should this application to develop the former bus depot site (site area of 1.14ha) be approved, this would be subject to the Applicant entering into a Section 106 Agreement to extinguish their planning permission for a Lidl on the adjoining Brunel Ford Car showroom site. This would mean that the PIWA designation on the Brunel Ford Car showroom would be retained (site area of 0.5ha), meaning that the loss of PIWA resulting from the application on the former bus depot site being approved would only be for an area of 0.64ha.

As per Policy DM13, for a non-industrial or non-warehousing use to be considered, the Council usually expects evidence of marketing activity to be submitted to demonstrate that the land is not viable or valuable for industrial or warehouse purposes.

The Employment Land Statement submitted with the application states that the site has remained vacant since closing in June 2010. Bristol City Council has historically had a licence agreement for the site which has recently expired, and the Council is now looking to dispose of the site. In this instance, due to the nature of the former licence arrangement, it is understood that the Council has not been able to undertake any marketing activity since the bus depot closed in June 2010. The Employment Land Statement is therefore comprised of marketing information and advice provided by land agents expressing that the site would not be attractive for the purposes of industrial and warehousing development. However, it is

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noted that the proposed supermarket would include an element of warehousing space (555m<sup>2</sup>) meaning that part of the PIWA function of the site would be retained.

Officers have reviewed the Employment Land Statement and supporting information submitted with the planning application noting the special circumstances of the licence agreement for the site which has restricted marketing activity since its closure in June 2010, and the Council's Economic Development team has raised no objection to the planning application.

When considering a non-industrial or non-warehouse use on a PIWA site, Policy DM13 also requires that the proposed development would not prejudice the function or viability of the rest of the PIWA. It is noted that the proposed development, as a supermarket, is not a noise sensitive use that would prejudice future industrial or warehousing development on the retained section of the PIWA and is therefore in accordance with this criteria of Policy DM13.

In considering whether a non-industrial or non-warehousing use on the site could be acceptable, it is also noted that the site is bounded by residential properties and its redevelopment for an industrial or warehousing led use would have the potential to cause nuisance to existing development.

It is also relevant to acknowledge that once operational, the proposed development would provide new employment opportunities in the form of 40 jobs.

On the basis of the information submitted with the application and presented above, including the requirement for the Applicant to enter into a Section 106 Agreement to extinguish the existing planning permission on the Brunel Ford Car showroom site, it is considered that the loss of part of the PIWA designation is acceptable.

Comments have been made by members of the public to suggest that the site should be developed for a housing use. The site is not allocated for housing development by the Development Plan, and as such there is no policy requirement for the Applicant to propose housing on the site.

The site has been vacant since June 2010. The proposed development would regenerate a prominent site in Lockleaze, creating new employment floorspace and 40 new jobs. In conclusion, it is considered by Officers that the principle of the proposed development on the site is supported, subject to compliance with the full tranche of development management policies.

**(B) IS A RETAIL USE ACCEPTABLE ON THIS OUT OF CENTRE LOCATION?**

The site is located outside of a designated centre. Consequently, Policy BCS7 and DM7 as well as national policy, require the proposed development to be considered against the sequential retail test and a consideration of the potential impact on planned investment and on nearby designated centres.

Paragraph 27 of the National Planning Policy Framework (NPPF) states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on either a planned investment or a nearby designated centre, it should be refused.

The application is supported by a Retail Impact Assessment, and this has been assessed by an independent retail consultant acting on behalf of the Local Planning Authority. As part of this assessment work, throughout determination of the application further information has

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been requested from the Applicant (and subsequently provided) to demonstrate that there would be no significant adverse retail impact arising from the proposed development.

Representations have been submitted on behalf of Tesco and Aldi in respect of the retail impacts arising from the proposed development. Points raised in these representations have been considered by Officers and the independent retail consultant acting on behalf of the Local Planning Authority and points addressed in this section of the report.

In undertaking this assessment work, the independent retail consultant has been aware that should planning permission be granted, then this would be subject to a Section 106 Agreement to extinguish Lidl's planning permission for a supermarket on the adjacent Brunel Ford Car showroom site. This has been an assumption in undertaking the assessment work.

### 1. Sequential Retail Test

Given the out of centre location of the site, there is a need to consider whether there are any in-centre, edge-of-centre, or more accessible and better connected out-of-centre sites which are suitable and available to accommodate the proposed development. In considering this, the National Planning Policy Framework (NPPF) also requires the consideration of flexibility in terms of format and scales of the development.

The main centre with potential to accommodate the proposed development would be Gloucester Road. Having visited the centre and reviewed the Development Plan designations, Officers agree with the Applicant's assessment that there are no sequentially preferable sites that could accommodate a store of more than 0.7ha in area (noting however that Lidl's requirement is stated to be a minimum of 1.0ha in area).

The Applicant has stated in their Retail Impact Assessment that there are no sites of the size available in the Local Centres to accommodate a Lidl store. From a review of the market and available sites undertaken with the independent retail consultant, Officers concur with the Applicant's conclusion that there are no sequentially preferable sites available to accommodate the proposed development.

### 2. Impact

The proposed development is over the threshold set within the Site Allocations and Development Management Policies for requiring a Retail Impact Assessment. In response to this, the Retail Impact Assessment has considered the likely effects of the proposed development against the relevant tests defined within paragraph 26 of the NPPF:

- a) *The impact of the proposed development on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposed development; and*
- b) *The impact of the proposed development on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.*

Taking each of these in turn, this section of the report considers the potential retail impact of the proposed development.

- a) *The impact on existing, committed and planned investment in a centre or centres*

In considering the impact on investment in centres, the Applicant states that they are not aware of any current, committed and planned investment in any defined town centre or

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district centre with a defined catchment area surrounding the site (Gloucester Road and Lockleaze).

Following advice from the Council's independent retail consultant, the Applicant's assessment is accepted and it is agreed that the proposed development would not harm any future investment proposals in the centres of Gloucester Road and Lockleaze.

*b) Impact on town centres and vitality and viability*

In considering the impact to town centre vitality and viability, the Applicant has used a recent household survey data set submitted with another planning application to inform the anticipate role, function and trading characteristics of the proposed development within the defined catchment area. The Local Planning Authority's independent retail consultant has advised that this is acceptable given that there has not been any new retail proposals built out and trading within the catchment area since the survey which would materially alter the shopping patterns.

Officers are aware that the use of this survey data has been questioned by objectors to the planning application, and it has been agreed by the Local Planning Authority's independent retail consultants that the survey area which corresponds to the data is wide and does not necessarily reflect the catchment area of the proposed development. However, having visited the stores in question, the independent retail consultants have concurred with the survey findings which indicate that many of the stores in the immediate catchment area of the proposed development are overtrading. The use of this survey data is therefore considered to be an appropriate data set to base the Applicant's assessment.

At the request of Officers, the Applicant has provided additional information to compare the survey data to updated benchmark turnovers that have recently been made available. This additional information demonstrates that many of the stores within the catchment area of the proposed development are still overtrading and this is agreed by Officers.

Notwithstanding the overtrading of stores within the catchment area of the proposed development, the Applicant's Retail Impact Assessment forecasted where trade to the proposed development would be drawn from. In reviewing this forecast, the Local Planning Authority's independent retail consultants requested that the Applicant undertake sensitivity testing to allow for a greater diversion of trade from Gloucester Road. In response, the Applicant has revised its forecast to allow for a higher percentage of trade draw from Gloucester Road. However, this is found to be acceptable and it would not cause a significant adverse retail impact. It is concluded that the proposed development would not draw trade from stores within the catchment area of the proposed development which would result in a significant adverse retail impact.

In response to the planning application, the Local Planning Authority's independent retail consultant sought clarification on the trading performance of a Co-operative store on North Gloucester Road, and the impact any harm to this store could have on the overall vitality and viability of the Gloucester Road centre.

In response, the Applicant has demonstrated that even if the entire proposed trade draw from the proposed development were to come from this Co-operative store, it would still be over trading and its viability would not be threatened. These figures have been considered by Officers and the Local Planning Authority's independent retail consultants and are agreed.



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The Applicant has supplied further information in response to concerns raised through representations made on the application and through the review carried out by the Local Planning Authority's independent retail consultants. Officers are satisfied that the analysis presented by the Applicant is reasonable and balanced.

Whilst the proposed development would impact on Gloucester Road and draw a small amount of trade away from existing stores, the level of diversion is not at a level which would be considered a significant adverse impact. On that basis, it is concluded that the proposed development is acceptable in terms of its retail impact.

**(C) IS THE PROPOSAL ACCEPTABLE ON HIGHWAY SAFETY GROUNDS?**

Policy BCS10 and Policy DM23 require that development does not give rise to unacceptable traffic conditions. These policies support the delivery of improvements to transport infrastructure to provide an integrated transport system, which improves accessibility within Bristol and supports the proposed levels of development. With regards to parking and servicing, it requires that development proposals provide an appropriate level of safe, secure, accessible and usable provision having regard to the Council's adopted parking standards.

The Applicant submitted a Transport Assessment with the application. Following the review of the Transport Assessment by Transport Development Management, this matter has been the subject of a number of meetings between the Applicant and Officers to agree an acceptable suite of measures which would make the development acceptable on highway safety grounds.

As a result of the proposed development, traffic movements within the vicinity of the access to the site are predicted to significantly change. It is therefore essential that the highway in the vicinity of the access is designed in a way that it can safely accommodate the anticipated number of trips being made to the proposed development, whilst taking into account that Muller Road and the junction with Ralph Road is at peak time very congested. To meet policy requirements, it is also necessary that measures are included to enable access to the site using sustainable modes of transport.

Following on from dialogue with Transport Development Management, the Applicant's proposed highway layout now includes a puffin crossing across Muller Road across to the store, which follows a pedestrian desire line from Ralph Road. The positioning of this crossing point has been discussed and agreed with Transport Development Management and it is considered that this would provide a safe crossing point for pedestrians to access the site. The Applicant would be required to deliver these works prior to the supermarket opening.

A contribution has also been agreed for the Applicant to fund a three-arm signalised junction between Muller Road and Ralph Road (£279,000). This is considered necessary to make the development acceptable in highway terms, and would be beneficial to manage vehicle movements along Muller Road and for cars joining Muller Road from Ralph Road.

Traffic Regulation Orders (TRO) would also be required for the puffin crossing across Ralph Road, to restrict loading along Muller Road and for a 7.5-tonne eight restrict to the west of Muller Road. Whilst some neighbours have queried the proposed puffin crossing, it should

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be noted that the TRO process is subject of consultation and responses to the detailed proposals will be considered through this legal process.

Further contributions have been agreed with the Applicant to promote sustainable transport modes to the site comprising a contribution for bus shelter improvements (£49,000), a contribution towards Public rights of Way improvements (£40,000) and a contribution to the purchasing and commissioning of traffic signal crossing (£25,000). The Applicant has also submitted a Travel Plan which is considered to be acceptable by Officers, setting out metrics for staff travel to the site to reduce vehicle movements.

In terms of cycle parking, the proposed development includes a policy compliant amount of secure spaces for both staff and visitors to the front of the store.

Pre-commencement conditions have been requested for the following aspects of the proposed development:

- Construction environmental management plan.
- Submission of detailed general arrangement plans for all proposed highway works.
- Submission of detailed plans for highway retaining walls.

Based on the above contributions being secured through a Section 106 Agreement, and the above planning conditions, Officers have concluded that the proposed development is considered to be in accordance with Policy BCS10 and DM23.

**(D) IS THE DESIGN OF THE PROPOSED DEVELOPMENT ACCEPTABLE?**

Policy BCS21 of the Core Strategy aims to ensure that all new development in Bristol achieves high standards of urban design. The policy states that design can contribute positively to local character by responding to the underlying landscape structure, distinctive patterns and forms of development.

Policies DM26 – DM29 of the Site Allocations & Development Management Policies document require development to contribute to the character of an area through layout, form, public realm and building design.

The siting and design of the proposed development has been discussed with the Applicant and the City Design Group section of the Local Planning Authority, with a view to moving the store more to the front of the site to provide an active frontage along Muller Road to contribute to the street scene. In response to this point, the Applicant has drawn attention to a public sewer running parallel with the western boundary of the site, meaning that the location has been required to be set back to not interfere with access required to the sewer. The siting and design of the supermarket is therefore accepted.

In revised plans submitted in April 2018, the Applicant has agreed to provide additional landscaping and tree planting along the western boundary of the site and within the car park. This is welcomed by Officers as a means to soften the area of hard surface and to create shading to vehicles.

At the request of the City Design Group, an additional pedestrian only access has been proposed by the Applicant to the north of the site, resulting in a more permeable site. The provision of new and glazing fronting onto would bring interest to the building. New landscape planters are proposed to the car parking area, which would improve the appearance of this area.

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In conclusion, it is considered that the proposed development is in accordance with Policy BCS21 and Policies DM26-DM29.

(E) **WOULD THE PROPOSED DEVELOPMENT HAVE AN ADVERSE IMPACT ON THE AMENITY OF RESIDENTS SURROUNDING THE SITE?**

Policy BCS21 of the Core Strategy states that high quality design should consider the amenity of both existing and future development. Policies BCS23, DM33 and DM35 state that development should be sited and design in a way to avoid adverse impacts on environmental amenity by reason of pollution including: noise, light and air quality.

A number of comments have been made by members of the public relating to the impact of the proposed development on their amenity, particularly in terms of noise pollution, lighting proposals and air quality. Each of these issues have been considered, respectively, by the Council's Environmental Health Officer and the Council's Air Quality Officer.

With regards to noise, it is noted that many of the comments submitted by members of the public relate to noise arising from the demolition of the existing bus depot building on the site. It should be noted that demolition of the existing bus depot building is not included within this application and that this is being determined under a separate application for prior approval. Therefore, it is not necessary for this application to seek mitigation relation to the demolition of the former bus depot building.

The Council's Environmental Health Officer has made no objection to the proposed development in terms of noise pollution and light pollution, with it noted that the operational site would be set back from the main road and away from residential properties. Conditions have been requested to ensure good management of the site, including restricted opening hours and delivery hours, restricting noise arising from plant and equipment, and to ensure that the proposed external lighting complies with standards and guidance for emissions.

In relation to Air Quality, following submission of the planning application a request was made by the Air Quality Officer for a revised Air Quality Assessment to be undertaken. The revised Air Quality Assessment was submitted to the Local Planning Authority in April 2018 and identified that as a result of the proposed development, in the opening year of the store there would be a 'moderate impact' on air quality at a receptor representative of at least 30 properties on Muller Road.

The Local Planning Authority require that 'moderate impacts' be mitigated by an appropriate strategy of measures to make the development acceptable in planning terms. In response, the Applicant has submitted a proposed suite of mitigation and further updated Air Quality Assessment to the Local Planning Authority for review. This was submitted on 3 May 2018 and is currently being assessed by the Air Quality Officer. An update on this matter will be provided to the Committee Report following the Air Quality Officer's review of the proposed suite of mitigation and further update Air Quality Assessment.

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Policy DM19 states that any development which would be likely to have any impact upon habitats, species or features which contributes to nature conservation should be designed (as practicably as possible) to avoid any harm.

An Ecological Appraisal has been submitted in support of the planning application which has been reviewed by the Council's Ecologist. The report concluded that the site is dominated by hardstanding and does not support habitat which would be suitable for protected species.

The Council's Ecologist originally recommended that if planning permission be granted, then conditions would be required relating to demolition of the existing building in terms of checking for bat roosts and bird nests. However, the application does not any longer seek planning permission for the demolition of the existing building with this instead being dealt with in a separate application for prior approval. On that basis, the Ecologist has raised no objection to the planning application.

In relation to trees, Policy BCS9 and Policy DM15 confirm the benefits of trees and landscaping in development proposals. Specifically, the provision of additional trees will be expected as part of the landscape treatments of new developments.

Reports relating to arboriculture have been submitted with the planning application, confirming that a number of low quality trees would need to be removed from the site as part of the proposed development. None of these trees are protected by a TPO or by virtue of being in a Conservation Area. The Applicant has submitted a scheme of tree protection for those trees to be retained as part of the proposed development which has been reviewed by the Tree Officer. This includes tree protection fencing which meets the appropriate BS5837:2012 and is considered acceptable.

In accordance with the Bristol Tree Replacement Standard, if planning permission is granted, the Applicant would be expected to provide the equivalent of 21 trees on the site, or through financial contribution. In the revised landscaping scheme submitted in April 2018, the proposed development includes 18 trees on the site. This is comprised of planting along the western boundary of the site adjacent to Muller Road and within the car parking area. The proposed landscaping scheme has been assessed and is considered to be acceptable. A financial contribution to mitigate for the loss of the remaining three trees is required, and would be secured through a Section 106 Agreement (total contribution of £4,849.30).

it is considered that the proposed development is in accordance with Policy BCS9, DM15 and DM19 with regards to nature conservation and green infrastructure.

**(G) DOES THE PROPOSED DEVELOPMENT ADOPT AN APPROPRIATE APPROACH TO SUSTAINABLE DESIGN AND CONSTRUCTION?**

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. The policies require development in Bristol to include measures that reduce carbon emissions from residual energy use by at least 20%.

The scheme would include an air source heat pump which would achieve a 26% reduction in regulation CO2 emissions, which exceeds the policy requirement.

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Policy BCS15 states that sustainable design and construction will be integral to new development in Bristol. As part of this, development should address conserving water resources and minimising vulnerability to flooding. Further to this, Policy BCS16 states development in areas at risk of flooding will be expected to be resilience to flooding through design and layout and / or incorporate sensitively design mitigation measures which could take the form on on-site floor defence works.

The majority of the site is located within Flood Zone 1, an area identified at low risk of flooding. However, a small section to the south west of the site is located within Flood Zone 2 and Flood Zone 3 and no development or land modification is proposed within these parts of the site.

The application is accompanied by a Flood Risk Assessment and sustainable Drainage Strategy which have been reviewed by the Council's Flood Risk Manager.

The Flood Risk Manager has raised no objection to the planning application. The FRA and Sustainable Drainage Strategy are considered to be acceptable. A planning condition would be required if planning permission is granted, requiring the Applicant to provide a detailed scheme of sustainable urban drainage for the site.

On the basis of information submitted with the application and planning conditions which would be imposed should permission be granted, it is considered that the proposed development is in accordance with Policy BCS13 –BCS16 with regards to climate change, sustainable construction and flooding.

## CONCLUSION

Notwithstanding the objection to the application from the Air Quality Officer, the proposed development is in accordance with all other relevant policies in the Core Strategy and Site Allocations & Development Management Policies document. This is evidenced either through information submitted in support of the application, to made acceptable by securing a developer contribution or further information by way of planning conditions.

On the assumption that matters relating to Air Quality are resolved, the application is recommended for approval subject to the conditions attached to this report and a Section 106 Agreement for the contributions set out in the recommendation.

## COMMUNITY INFRASTRUCTURE LEVY

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

The CIL total for this development is £356,899.29

**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND****RECOMMENDED****GRANT subject to Planning Agreement**

- (A) That the Applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the Applicant, Bristol City Council and any other interested parties to cover the following matters:
- i) Schedule to extinguish Lidl's existing planning permission for a supermarket on the Brunel Ford Car showroom site (application ref: 14/05539/F).
  - ii) Section 278 works to be delivered by the Applicant comprising of a new Puffin crossing from Ralph Road across Muller Road.
  - iii) £279,000 – Contribution for a signalised junction between Ralph Road / Muller Road and Springfield Avenue contribution.
  - iv) £40,000 – Contribution towards Public Rights of Way improvements.
  - v) £49,000 – Contribution towards Bus Shelter improvements.
  - vi) £25,000 – Contribution for the purchasing and commissioning of traffic signal crossing.
  - vii) £16,500 – Required for Traffic Regulation Orders.
  - viii) £4,849.30 – Contribution for replacement trees in accordance with the Bristol Tree Replacement Standard.
- (B) That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).
- (C) That on completion of the Section 106 Agreement, planning permission be granted subject to the following conditions:

**Condition(s)****Time limit for commencement of development**

1. Full planning permission

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

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

**Pre commencement**

2. Highway Works

Prior to commencement of development general arrangement plan(s) indicating the following works to the highway shall be submitted and approved in writing by the Local Planning Authority:

1. Construction of site access to incorporate ghost-island right turn land and accompanying protection including road markings

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2. The reinstatement of kerbing along the site frontage where disused crossovers/haulingways currently exist
3. Kerb realignment and resurfacing of the eastern/western footways of Muller Road where appropriate
4. Preparatory civil engineering works to enable the delivery of a controlled puffin crossing (to be installed by the Council) to include kerb re-alignment zig zag markings dropped kerb tactile paving ducting and studs as appropriate
5. Kerb adjustments to the northbound bus layby and preparatory civil engineering works, to include ducting, adjustments to kerbs and provision of raised kerbs to enable the provision of a new bus shelter (to be installed by the Council)
6. Provision of a new southbound bus layby and preparatory civil engineering works to the north of the site, including ducting and the provision of a raised kerb to enable the provision of a new shelter (to be installed by the Council)
7. Resurfacing of Muller Road carriageway between Draycott Road and Petherbridge Way to incorporate anti-skid surfacing to accompany the puffin crossing
8. Adjustments to the existing highway drainage as appropriate along the extent of the Works
9. Civil engineering works including the implementation of double yellow lining and signage to accompany traffic regulation orders secured through the Section 106 Agreement to provide:
  - a. Waiting restriction at the crossroads junction of Draycott Road / Springfield Avenue / and Queens Road and along both sides of Muller Road between the junctions of Muller Road with Draycott Road and Petherbridge Way
  - b. A legal order / notice for the provision of the new puffin crossing
  - c. A loading restriction along the Muller Road frontage of the development site
  - d. A 7.5 tonne weight restriction along the streets to the west of Muller Road

Indicating proposals for:

- Threshold levels of the finished highway and building levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works
- Locations of lighting, signing, street furniture, street trees and pits
- Structures on or adjacent to the highway
- Extents of any stopping up or dedication of new highway

These works shall then be completed prior to first occupation of the development to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and to ensure that all road works associated with the proposed development are planned and approved in good time to include any statutory processes, are undertaken to a standard approved by the Local Planning Authority, and are completed before occupation

**NB: Planning permission is not permission to work in the highway.** A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the City Council's technical approval and inspection fees paid

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before any drawings are considered and approved an formal technical approvals is necessary prior to any works being permitted.

3. Construction environmental management plan

No development shall take place until a construction environmental 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 of 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
- Arrangements to receive abnormal loads or unusually large vehicles
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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.

4. Highway retaining walls

No development shall take place until structural details of the proposed excavation works have been submitted to and approved in writing by the Local Planning Authority. The excavation works shall be carried out in accordance with the approved plans.

Reason: To ensure the works safeguard the structural integrity of the highway in the lead into the development both during the demolition and construction phase of the development.



**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND****5. Sustainable Drainage System (SuDS)**

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

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

**6. Protection of retained trees during the construction period**

No work of any kind shall take place on the site until the protective fences have been erected around the retained trees in the position and to the specification shown in the Arboricultural Impact Assessment and Method Statement (30 April 2018). The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the Council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

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

**7. Further site assessment**

A site specific risk assessment and intrusive investigation shall be carried out to assess the nature and extent of the site contamination and whether or not it originates from the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The results of this investigation shall be considered along with the Desk Study prepared Opus dated August 2017 Reference CC/J-B1233.00 (R01). The written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to any works (except demolition) in connection with the development, hereby approved, commencing on site. This investigation and report must be conducted and

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produced in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

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

8. Land affected by contamination – submission of remediation scheme

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

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

9. Land affected by contamination – implementation of approved remediation scheme

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

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

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

### **Pre occupation**

10. Land affected by contamination – reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 7 and where

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remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 8, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 9.

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

11. Implementation/installation of refuse storage and recycling facilities – shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

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

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

12. Completion of vehicular access – shown on approved plans

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

Reason: In the interests of highway safety.

13. Completion of pedestrians/cyclists access – shown on approved plans

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

Reason: In the interests of pedestrian safety.

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14. Reinstatement of redundant accessways – shown on approved plans

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

Reason: In the interests of pedestrian safety.

15. 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 facilities for loading, unloading, circulation and manoeuvring have 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.

16. Completion and maintenance of car/vehicle parking – shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking areas shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development.

17. Completion and maintenance of cycle provision – shown on approved plans

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

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

**Post occupation**

18. Protection of parking and servicing provision

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

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

19. Travel Plans – submitted

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

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monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

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

20. Hard and Soft Landscaping Works – Shown

The planting proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

21. Activities relating to deliveries

Activities relating to deliveries shall only take place between 07.00 and 22.00 Monday to Saturday (including Bank Holidays) and between 08.00 and 20.00 on Sundays

Reason: To safeguard the amenity of nearby premises and the area generally.

22. Noise from plant and 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 BS 4142:2014 'Method for rating and assessing industrial and commercial sound'.

Reason: To safeguard the amenity of nearby premises and the area generally.

23. Artificial Lighting (external)

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

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

24. Hours of operation of store

The use of the store shall not be carried out outside the hours 08.00 to 22.00 Monday to Saturday and on Sunday 08.00 to 16.00.

Reason: To safeguard the residential amenity of nearby occupiers.

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## 25. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Proposed Site Plan (Dwg No. AD 110 Rev. E);  
 Proposed Building Plan (Dwg No. AD 111);  
 Proposed Roof Plan (Dwg No. AD 112);  
 Proposed Elevations (Dwg No. AD 113);  
 Proposed Boundary Treatment Plans (Dwg No. AD 114 Rev. D);  
 Proposed Site Finishes (Dwg No. AD 115 Rev. D);  
 Proposed Landscape Design and Specification (Dwg No. AD 116 Rev. E);  
 Proposed Alternative Site Layout (Springfield Lane Left –in/Left out only) (Dwg No. A105003-GA03 Rev. D);  
 Review of Proposed Servicing Arrangement 16.5m Articulated Vehicle (Dwg No. A105003-SPA05 Rev. C);  
 Proposed Site Access Articulated HGV Swept Path Analysis (Dwg No. A105003-SPA02 Rev. B);  
 Proposed Site Access Articulated HGV Swept Path Analysis (Dwg No. A105003 - SPA02 Rev B);  
 Review of Proposed Servicing Arrangement 16.5m Articulated Vehicle (Dwg No. A105003 - SPA05 Rev C);  
 Proposed Alternative Site Layout (Springfield Lane Left-in/Left-out only) (Dwg No. A105003 GA03 Rev C); and  
 Tree Protection Plan (Dwg No. TP 2282/1708/TPP Rev A).

Reason: For the avoidance of doubt.

**Advices**

## 1. Works on the public highway

The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking work on the highway you must enter into a formal agreement with the Council which would specify the works and the terms and conditions under which they are to be carried out. You should contact TDM – Strategic City Transport (CH), Bristol City Council, PO Box 3176, Bristol, BS3 9FS, telephone 0117 903 6846 or email [transportdm@bristol.gov.uk](mailto:transportdm@bristol.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- a. Drafting the Agreement
- b. A Monitoring Fee equivalent to 15% of the planning application fee
- c. Approving the highway details
- d. Inspecting the highway works

**Development Control Committee A – 16 May 2018****Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND****2. Traffic Regulation Order (TRO)**

In order to comply with the requirements of condition 2 you are advised that the implementation of a Traffic Regulation Order is required. The Traffic Regulation order 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 Traffic Regulation Order process cannot commence until payment of the TRO fees are received. To start the TRO process telephone 0117 9036846.

**3. Public Right of Way**

The above application site abuts a Public Right of Way (PROW) No. BCC/142. Whilst it may be unlikely that the public will be affected by the proposed development, it should remain open and safe for public use at all times. The developer should therefore be made aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or on completion, as any interference may well constitute a criminal offence.

The Public Rights of Way team should be consulted on any proposals concerning the property boundary abutting PROW No.142.

No public vehicular rights exist along this path and it may not be driven along without the lawful authority or the landowner(s), unless a private right of way is shown on property deeds. It is the applicant's responsibility to ensure that the appropriate private right exists or has been acquired from the landowner.

Due to the close proximity of the development site to the FP/BR the following is advised:

During construction works, PROW [No.142] :

- Should remain open, unobstructed and safe for public use at all times;
- no materials are to be stored or spilled on the surface of the PROW;
- there must be no encroachment onto the width of the PROW;
- no vehicles are to use the PROW without lawful authority;
- any scaffolding and/or skips placed over or adjacent to the right of way must not obstruct public access or inconvenience the public in their use of the way and must be properly licensed (for a Permit application form, contact the Highway Asset Management Group, tel. 0117 922 3838); and
- if construction works are likely to temporarily affect the right of way, the developer may need to apply for a temporary Traffic Regulation Order to close or divert the PROW for the duration of the works on the grounds of safety of the public. For further advice, or to apply for a TTRO, contact the Highway Network Management team, Tel. 0117 903 6838).

N.B. Any damage caused to the surface of the right of way during development works must be made good to the satisfaction of the Highway Authority.

**4. Impact on the highway network during construction**

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,

**Development Control Committee A – 16 May 2018**

**Application No. 17/05939/F - Former First Bus Depot, Muller Road, Bristol, BS7 9ND**

Public Rights 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.



## Supporting Documents

### **1. Former First Bus Depot, Muller Road**

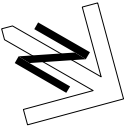
1. Proposed site layout
2. Proposed highways layout

IMPORTANT INFORMATION

Dimensions to be confirmed on site prior to start of works and ODOAS is to be informed of discrepancies immediately. No dimensions to be scaled. All materials and works are to be carried out in accordance with current British Standards, Planning Approval, current Building Regulations and Codes of Practice.

Party Wall Act - The Party Wall Act are to be served by the property owner or appointed third party by property owner.

Health and Safety - CD4 2015 Regulations apply to all construction works to be carried out and apply to designers, contractors and the client. As such all parties have duties under these regulations.



APPLICATION SITE BOUNDARY

PROPOSED STORE

EXISTING TREES TO BE RETAINED

EXISTING TREES TO BE REMOVED

PROPOSED NEW TREES

PROPOSED DRIVERS ACCESS STEPS

PEDESTRIAN FOOTPATH

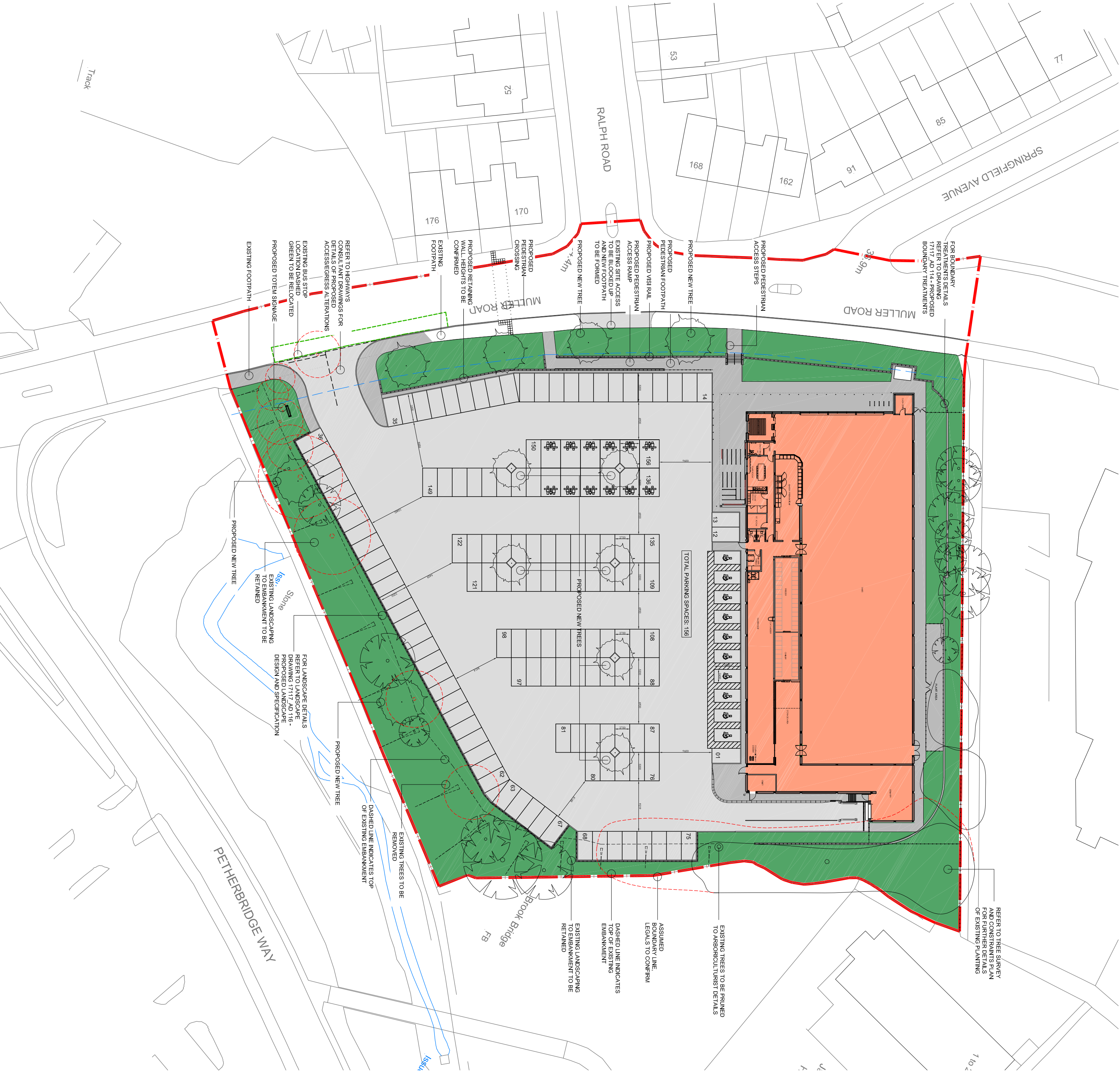
DISABLED PARKING

PARENT AND CHILD PARKING

CYCLE PARKING

HGV WHEEL GUIDES

TROLLEY BAY



Page 92

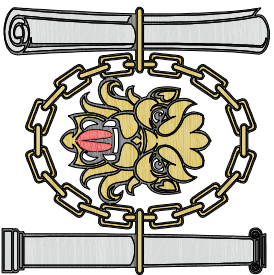
Rev	Date	Description	Author
E	23.04.18	SITE LAYOUT UPDATED AS PER CLIENTS REQUEST	SPN
D	03.04.18	ADDITIONAL TREES AD TO CAR PARK AREA	SPN
C	19.03.18	SITE LAYOUT AMENDED AS PER CLIENTS REQUEST	SPN
B	14.03.18	SITE LAYOUT AMENDED AS PER CLIENTS REQUEST	SPN
A	24.10.17	SITE LAYOUT AMENDED AS PER CLIENTS REQUEST	SPN

STATUS: PLANNING

Client  
LID. UK GMBH - WESTON-SUPER-MARE,  
BS24 7TG  
Project  
MULLER ROAD, BRISTOL

Title  
PROPOSED SITE PLAN

Job No. 17117  
Drawing No. AD 110 - REV E  
Drawn by JA  
Checked by SPN  
Date OCT 2017  
Scale 1:500  
Sheet A2

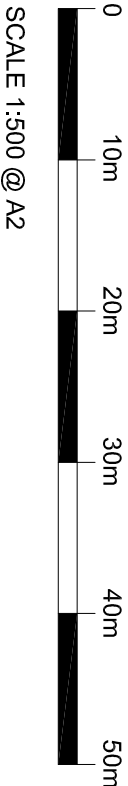


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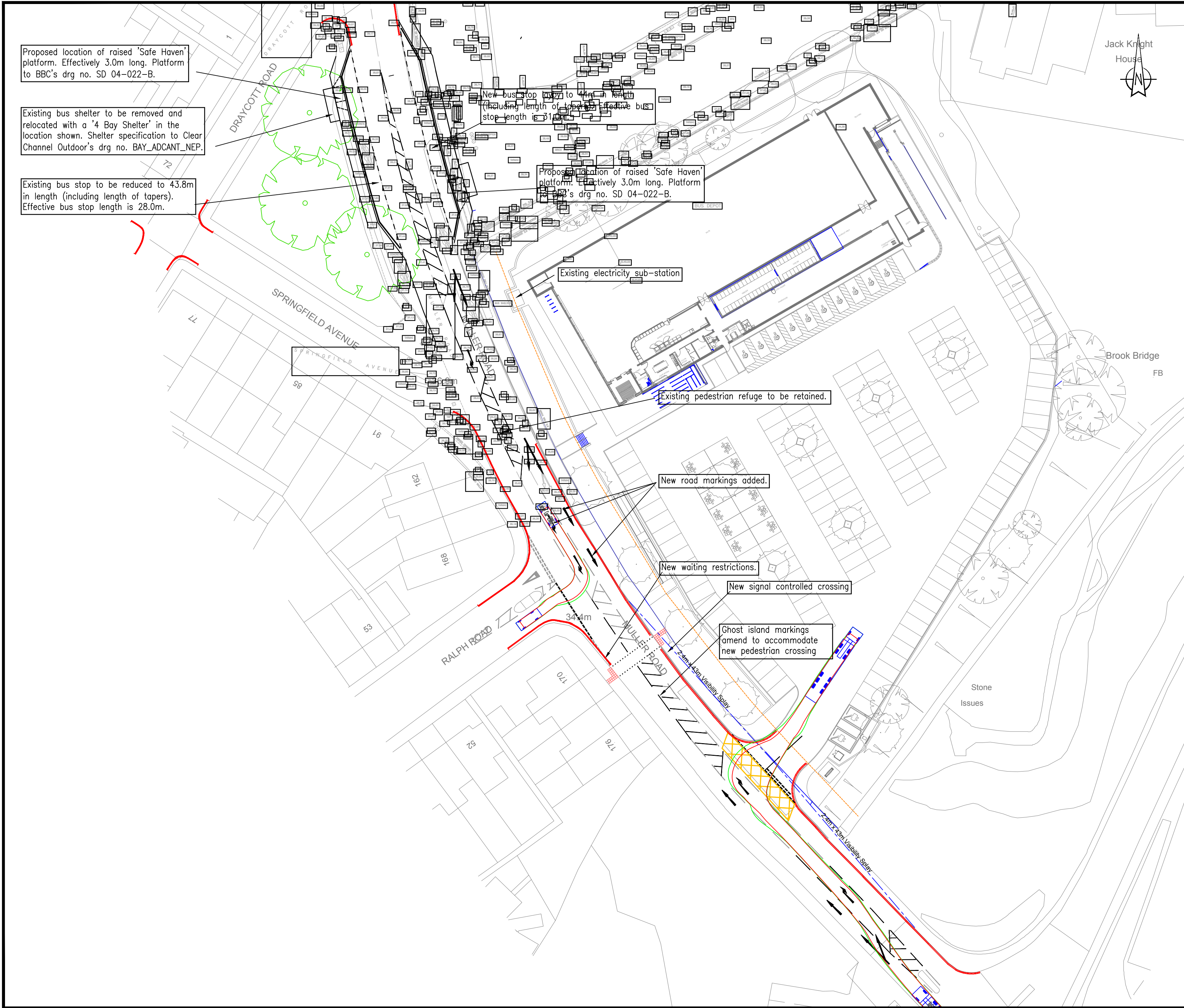
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ONE DESIGN  
ARCHITECTURAL SERVICES



SCALE 1:500 @ A2





NOTES

1. Do no scale from this drawing.

2. This drawing is for illustrative purposes only and not for construction.

3. This drawing is to be read and printed in colour.

KEY

Trees shown indicatively. Location and crown based on satellite image.

New Waiting Restrictions subject to TRO (Double yellow lines to diag no. 1018.1).

Extent of land required to facilitate bus lane along Muller Road

TRAFFIC REGULATION ORDERS

Traffic Regulation Orders (TRO) are required for the following items:

- New waiting restrictions (double yellow lines) at the locations shown.
- Loading restrictions on Muller Road.
- Weight restrictions to roads west of Muller Road to be applied under a single TRO.
- No right turns restrictions to and from Springfield Avenue.

C	Revised Site Layout	LPJ	LC	24.04.2018
B	Revised Site Layout	LPJ	LC	23.04.2018
A	Revised site access geometry	GS	LC	19.04.2018
-	First Issue	LPJ	LC	28.02.2018

REV	DETAILS	DRAWN BY	CHECKED BY	DATE

CLIENT:

Lidl

PROJECT:

Lidl, Muller Road

DRAWING TITLE:

Proposed Alternative Site Layout (Springfield Lane Left-in/Left-out only)

SCALES:	1:500	SHEET SIZE:	A2
DRAWN:	LPJ	CHECKED:	LC
		DATE:	19.04.18

WYG Transport

part of WYG group

90 Victoria Street  
Bristol, BS1 6DP  
t: 0117 925 4393 f: 0117 925 4239 e: transport.bristol@wyg.com

DRAWING NUMBER:

A105003-GA03

REVISION:

C

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## Development Control Committee A – 16 May 2018

ITEM NO. 2

**WARD:** Ashley **CONTACT OFFICER:** David Grattan

**SITE ADDRESS:** Plot B Wilson Street Bristol

**APPLICATION NO:** 17/06678/M Reserved Matters

**DETERMINATION DEADLINE:** 30 March 2018

**Reserved Matters application Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot B.**

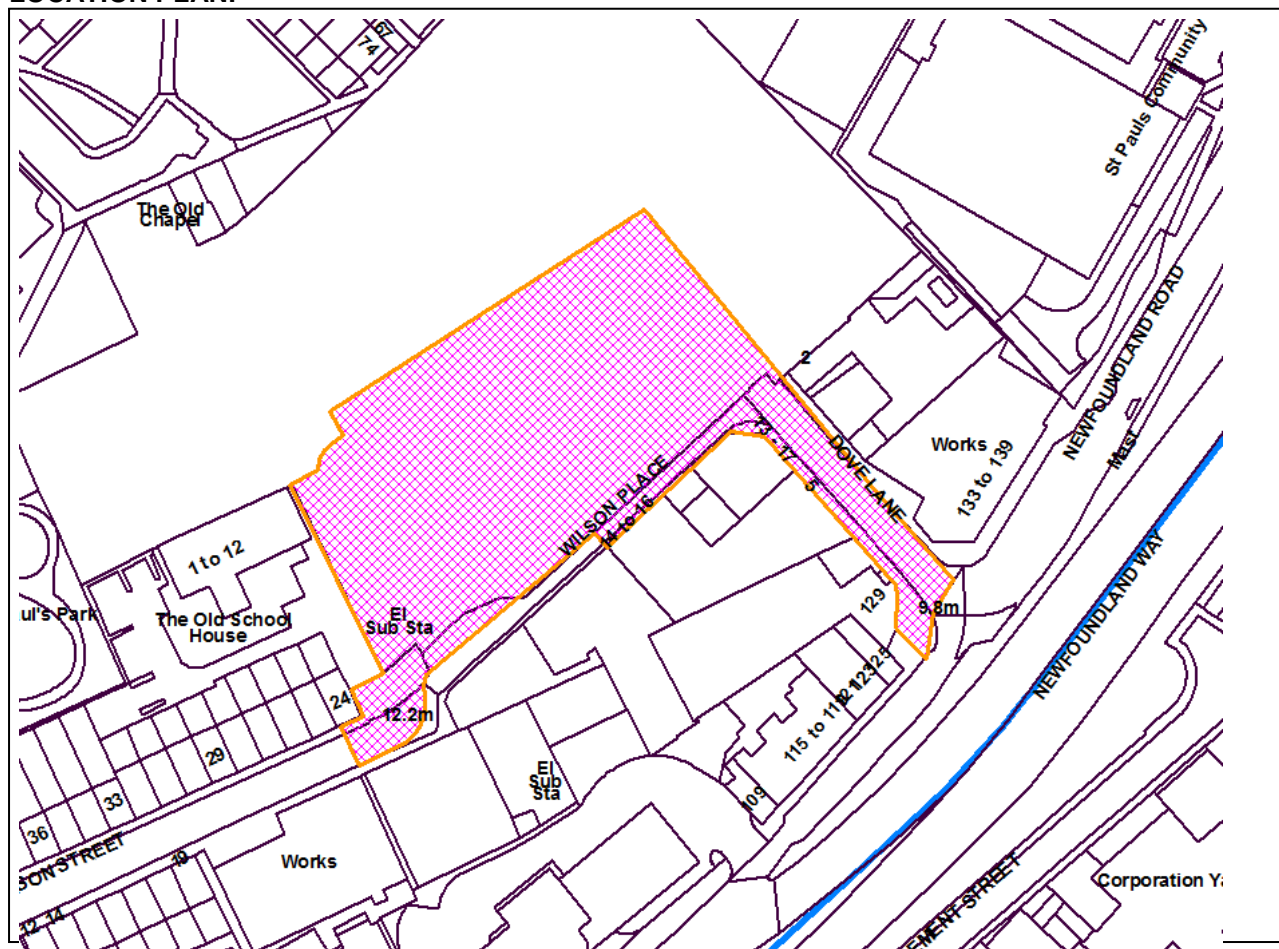
**RECOMMENDATION:** Approve details of Reserved Matters

**AGENT:** Savills  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

**APPLICANT:** Places For People Group Ltd  
4th Floor Maybrook House  
27 Grainger Street  
Newcastle Upon Tyne  
Tyne And Wear  
NE1 5JE

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

### LOCATION PLAN:





WARD: Ashley CONTACT OFFICER: David Grattan

SITE ADDRESS: Plot C Dove Lane St Pauls Bristol

APPLICATION NO: 17/06679/M Reserved Matters

DETERMINATION DEADLINE: 30 March 2018

**Reserved Matters Application Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot C.**

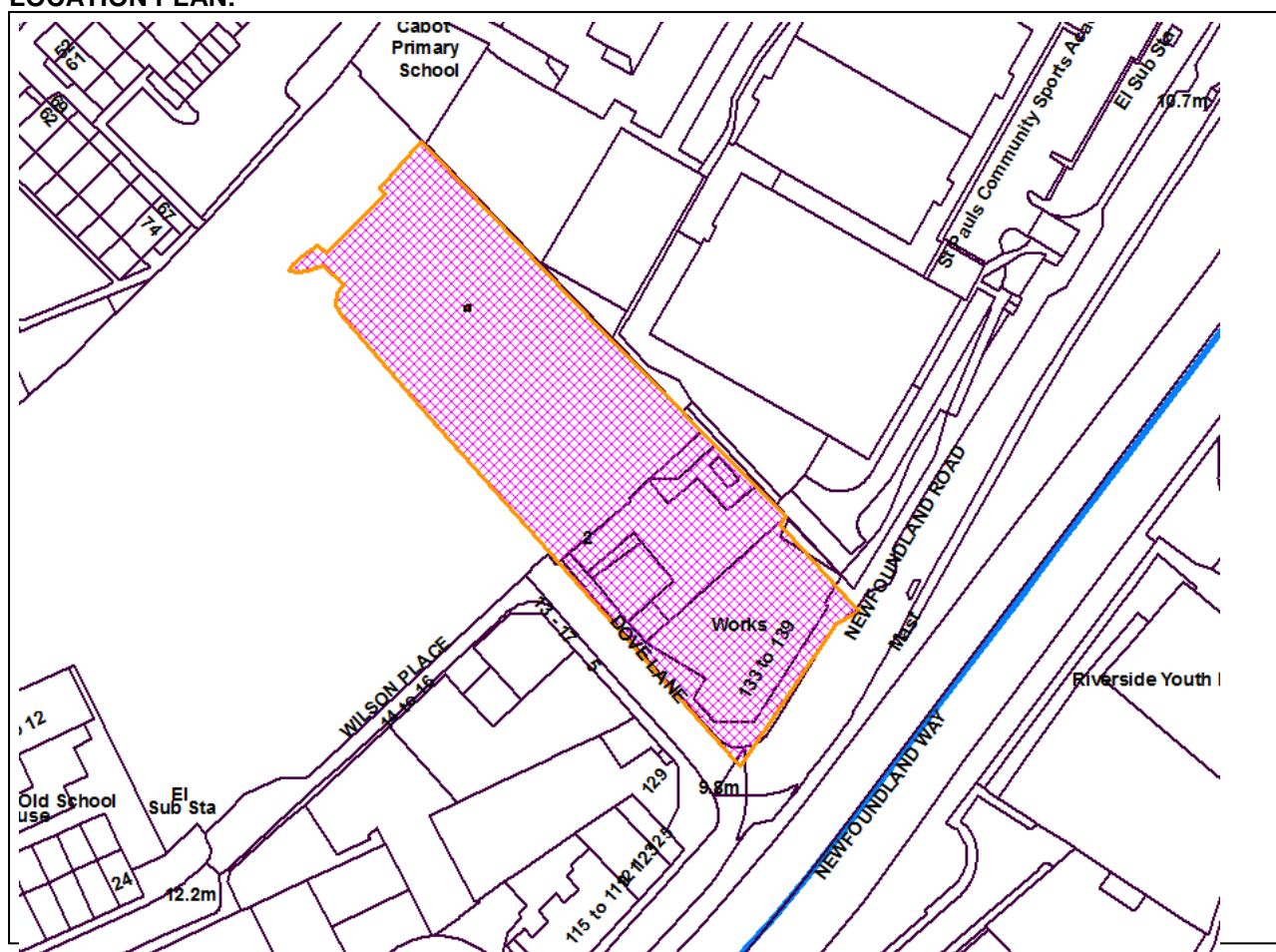
RECOMMENDATION: Approve details of Reserved Matters

AGENT: Savills (L&P) Plc  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

APPLICANT: Places For People Group Ltd  
4th Floor Maybrook House  
27 Grainger Street  
Newcastle Upon Tyne  
NE1 5JE

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

**LOCATION PLAN:**



WARD: Ashley CONTACT OFFICER: David Grattan

SITE ADDRESS: Plot D Dove Lane St Pauls Bristol

APPLICATION NO: 17/06683/M Reserved Matters

DETERMINATION DEADLINE: 30 March 2018

**DEADLINE:**

*Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot D.*

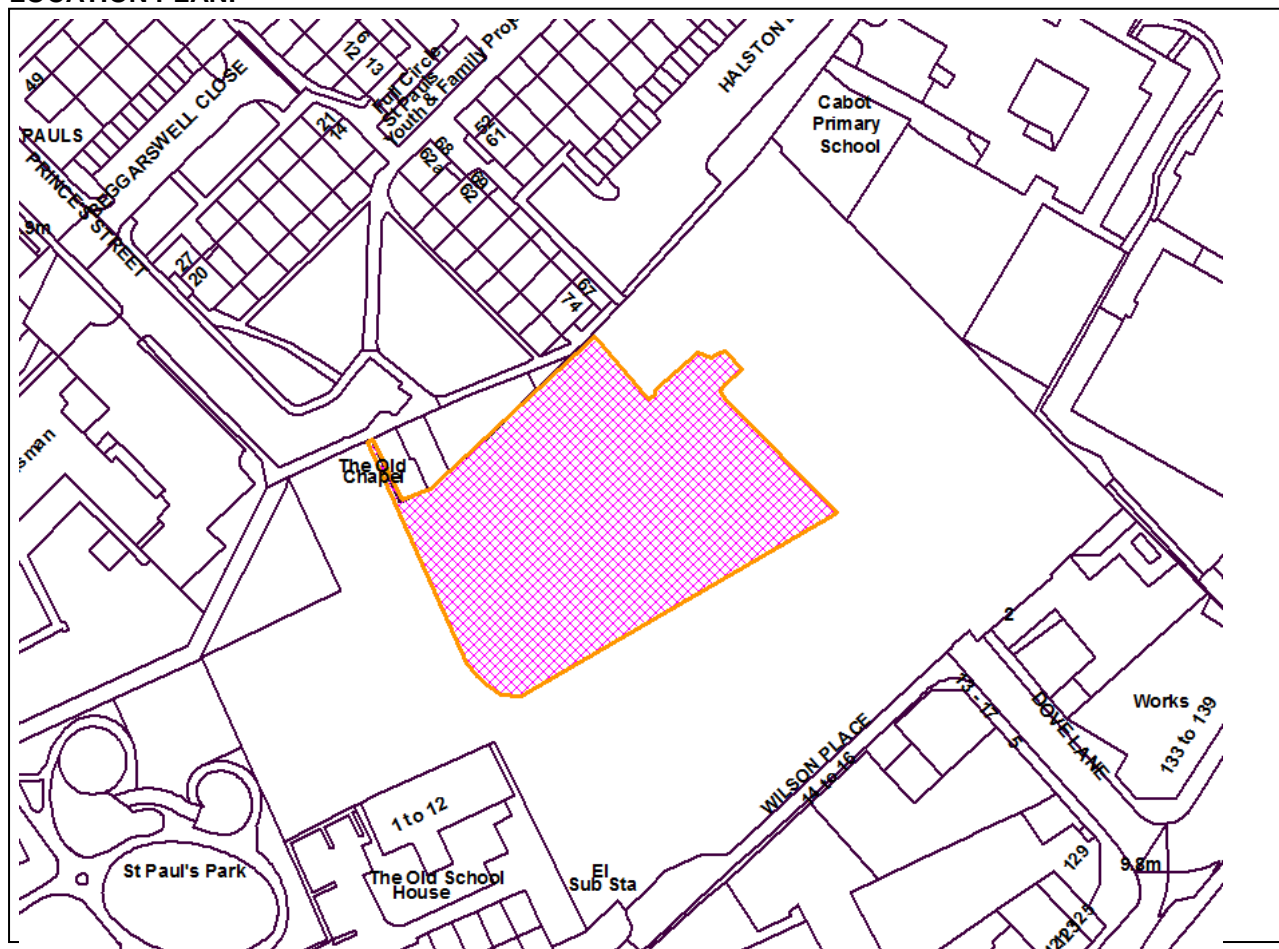
RECOMMENDATION: Approve details of Reserved Matters

AGENT: Savills (L&P) Plc  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

APPLICANT: Places For People Group Ltd  
4th Floor, Maybrook House  
27 Grainger Street  
Newcastle upon Tyne  
NE1 5JE  
Tyne And Wear

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

**LOCATION PLAN:**



WARD: Ashley CONTACT OFFICER: David Grattan

SITE ADDRESS: Plot E Wilson Street Bristol

APPLICATION NO: 17/06684/M Reserved Matters

DETERMINATION DEADLINE: 30 March 2018

**DEADLINE:**

*Full description of reserved matters are detailed in the Planning Statement and Design and Access Statement which accompany the application. Plot E.*

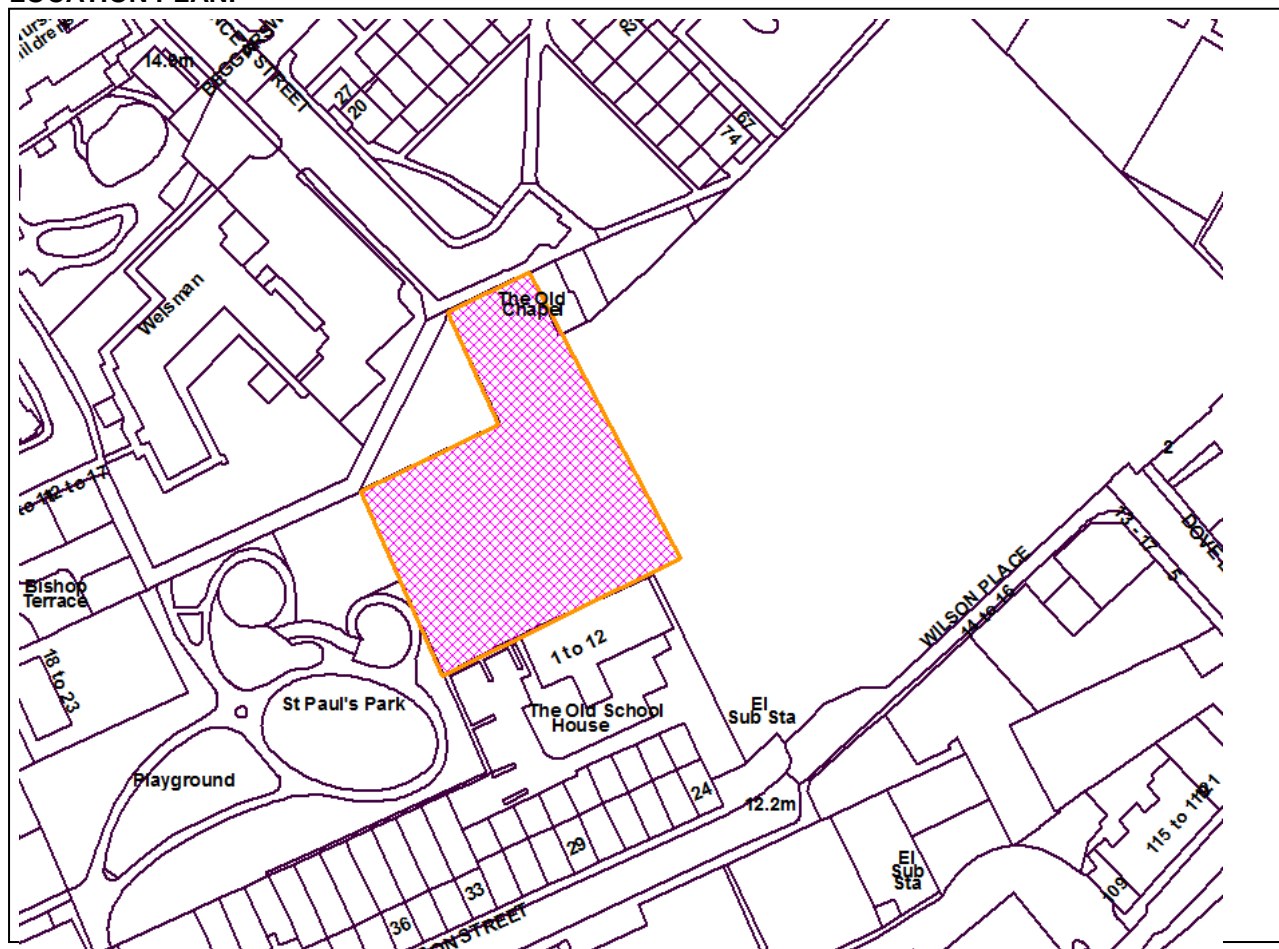
RECOMMENDATION: Approve details of Reserved Matters

AGENT: Savills (L&P) Plc  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

APPLICANT: Places For People Group Ltd  
4th Floor, Maybrook House  
27 Grainger Street  
Newcastle upon Tyne  
NE1 5JE  
Tyne And Wear

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

**LOCATION PLAN:**



WARD: Ashley

CONTACT OFFICER: David Grattan

SITE ADDRESS: Dove Lane St Pauls Bristol

APPLICATION NO: 17/06812/M

Reserved Matters

DETERMINATION DEADLINE: 30 March 2018

*Reserved Matters Application - Landscaping details for the site.*

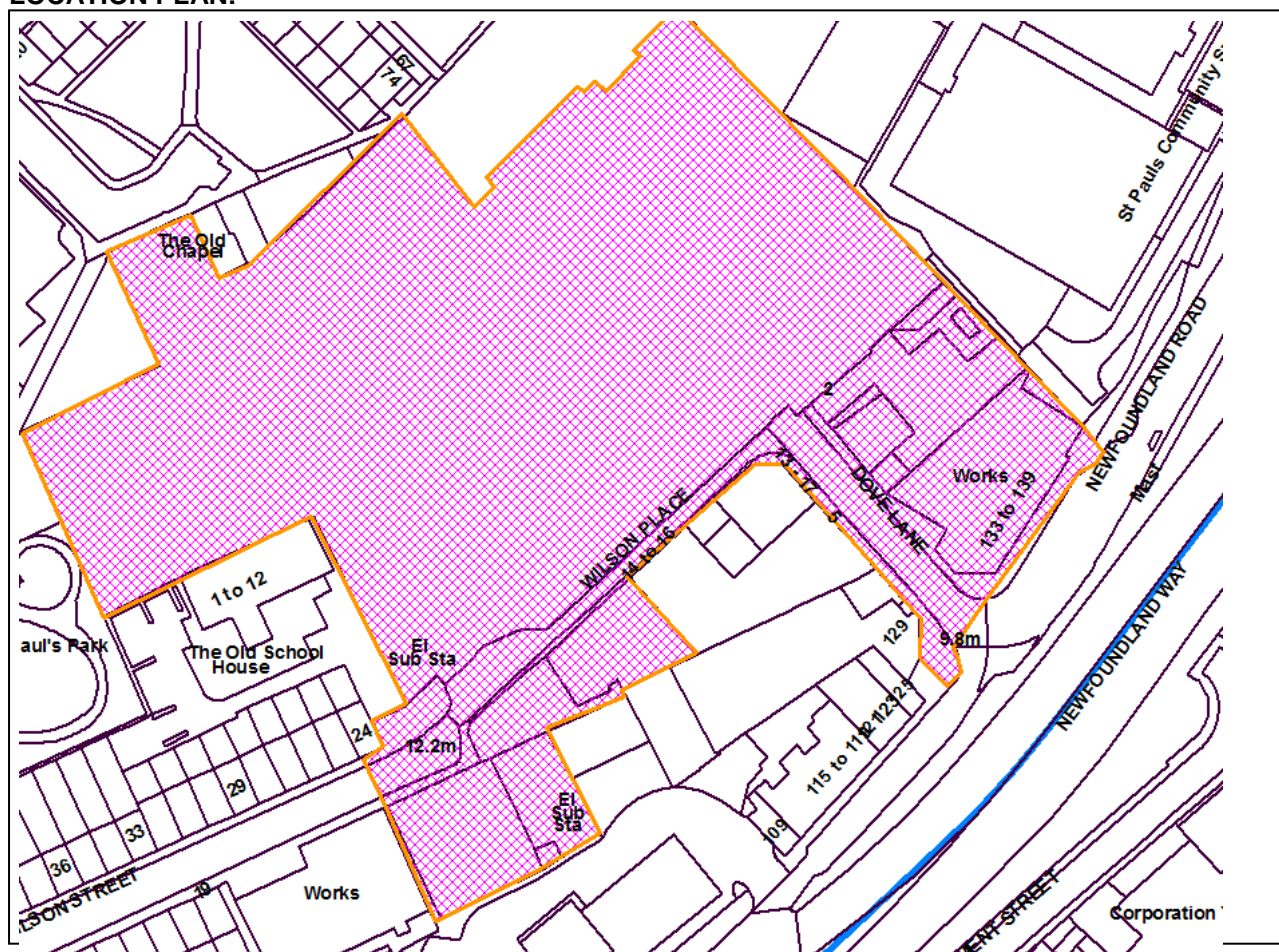
RECOMMENDATION: Approve details of Reserved Matters

AGENT: Savills (L&P) Plc  
Embassy House  
Queens Avenue  
Bristol  
BS8 1SB

APPLICANT: Places For People Group Ltd  
Maybrook House 4th Floor  
27 Grainger Street  
Newcastle Upon Tyne  
NE1 5JE

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

## LOCATION PLAN:





**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M  
Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

**INTRODUCTION**

There are five applications submitted for the approval of reserved matters by Places for People for the redevelopment of land at Dove Lane / Ervine Terrace / Wilson Place / Cheapside.

Four of the applications for the approval of reserved matters relate to individual building plots (Plot B, C, D and E) and one application for the approval of reserved matters relates to the landscaping and public realm for the site as a whole (Site Wide Landscaping). In total, the reserved matter applications submitted by Places for People comprise 230 residential dwellings, 893 square metres of retail floorspace and 1,218 square metres of office floorspace.

The applications are being brought to Committee as they relate to the delivery of an important city centre site that is allocated in the Bristol Central Area Plan for a mix of housing and employment uses.

The reserved matter applications follow an outline consent for the redevelopment of the site (11/00034/P) subject to minor amendments by section 73 applications to vary previously approved plans (13/05896/X and 17/02066/X).

**DESCRIPTION OF THE SITE AND SURROUNDING AREA**

The site comprises circa 1.6 hectares of previously developed land at the south eastern edge of the St. Paul's area of Bristol in the Ashley Ward, close to the end of the M32 motorway and to the city centre. The site is immediately bounded by St Paul's Gardens to the north; Wilson Street and St. Paul's Park to the west; the Cabot Primary School and St. Paul's Community Sports Centre to the east and a fuel garage and adjoining small business premises to the south.

In terms of wider surrounding land use, Newfoundland Road and the A4032, which connects with the M32, fall to the south. To the west lies the Portland and Brunswick Squares Conservation Area (including the Grade I listed former church building, the curtilage of which includes St Paul's Park), and the listed Georgian residential terrace fronting onto Wilson Street. To the north are residential blocks on Halston Drive, Beggarswell Close and Burnell Drive. Further to the east beyond the Cabot Primary School site, to the north of Newfoundland Road, the area comprises residential terraces arranged back-to-back with similar development grouped to the north on the streets running south from City Road.

The application sites comprise the premises of the former English Corrugated Paper Company, and a number of small adjoining land parcels. The English Corrugated Paper Factory was constructed following bombing of the area during the Second World War, which obliterated terraced housing in the Dove Lane area and the associated grid street pattern. The factory buildings were constructed after the bomb clearance, introducing a loop road around the buildings, with no pedestrian or vehicular routes through the site into the wider St Paul's area. It is now cleared and is predominantly vacant.

**Development Control Committee A – 16 May 2018****Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M****Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

The main change in circumstances since the previous applications for the site is that more buildings have been demolished, leaving a cleared site.

Plot B is centrally located within the site, with Dove Lane to the East, Wilson Place to the South, New Windsor Terrace to the West and the New Ervine Terrace to the North which forms the East/West axis of the development and aligns with St Paul's Park Church to the West.

Plot C is located at the eastern part of the site. It is framed by: Dove Lane to the south-west, Newfoundland Street to the south-east, a fence boundary with St. Paul's Community Sports Academy and Cabot Primary School to the north-east, and a surface car park lot to the north-west. This site will be visible from Newfoundland Way / the M32.

Plot D is the northern plot. To the north of Plot D is the Old Chapel, and to the east is Dove Lane. It is bound by New Windsor Terrace to the west and New Ervine Terrace to the south.

Plot E is the western plot of the site and is bordered by New Windsor Terrace to the east. To the north east is the Old Chapel building. To the south is the Old School House. To the west of Plot E is St Paul's Park with St Paul's Church beyond.

**DETAILS OF THE APPLICATIONS**

The applications comprise four building plots (Plots B – E) and the public realm and highways (Site Wide Landscaping). The table below sets out the schedule of accommodation for Plots B – E.

PROPOSED ACCOMMODATION SCHEDULE					
PLOT	B	C	D	E	TOTAL
APPLICATION REFERENCE	17/06678/M	17/06679/M	17/06683/M	17/06684/M	
LOCATION ON SITE	Triangular plot in the centre of the site	Eastern part of the site closest to the M32	To the north of the site	To the west of the site adjoining St Paul's Park	
BUILDING HEIGHT (STOREYS)	4 – 7	5 – 7	3 – 7	3	-
RETAIL FLOOR SPACE (SQ M)	128	597	168	-	893
OFFICE FLOOR SPACE (SQ M)	-	1,218	-	-	1,218
RESIDENTIAL DWELLINGS	68	92	60	10	230
DWELLING TYPES					
1B2P apartment	28	35	25	-	88
2B4P apartment	33	43	30	-	106
3B5P apartment	1	1	5	-	7
3B6P apartment	6	13	-	-	19
3B6P townhouses	-	-	-	10	10

**Development Control Committee A – 16 May 2018****Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M****Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

INDICATIVE AFFORDABLE PROVISION					
10.5% requirement	7	10	7	1	25 10.9%

The application for the approval of landscaping (17/06812/M) provides a site wide approach to landscape and public realm. This seeks to establish street typologies and character areas; shared spaces; street character areas; as well as strategies for materials, furniture, trees, planting and biodiversity. given the variety of surrounding uses, this application also proposes a variety of boundary treatments.

In terms of parking:

- Plot B includes for residential parking of 10 cars, 1 of which is a disabled space, as well as covered secure parking for 89 bicycles. In addition, 4 on-street cycle spaces are provided for parking associated with the retail unit on Dove Lane through two Sheffield stands. Additional car parking provision for Plot B is located on the private allocated parking bays on New Windsor Terrace.
- Plot C includes for residential parking of 44 cars, within a basement. Three of these parking spaces are disabled spaces. In addition, secure parking for 92 bicycles will be provided for future residents as well as 5 cycle spaces for the office employees. In addition, space for 4 bicycles will be provided on-street for parking associated with the retail floorspace on Dove Lane.
- Plot D includes for residential parking of 13 cars, 2 of which are disabled spaces, as well as covered secure parking for 60 bicycles. In addition, Sheffield stands on Dove Lane provide on-street cycle spaces to accommodate 2 bicycles.
- Plot E include residential parking for 10 cars, as well as covered secure parking for 10 bicycles.
- In addition to the above there is public parking provision through 21 on-street short stay parking spaces.

**RESERVED MATTERS FOR APPROVAL**

For all of the applications, approval is sought for the following Reserved Matters only:

- Layout;
- Appearance;
- Landscaping; and
- Scale.

Members consideration of the reserved matter applications should focus on these matters.

The applications for the approval of reserved matters are supported by an extensive suite of information to enable the discharge of Conditions, thus enabling commencement of development on site at the earliest opportunity. It is understood that the applicant's decision to discharge a large number of pre-commencement conditions in parallel with the submission of reserved matters is driven by a desire to commence development on site promptly.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M  
Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

A large number of conditions attached to the outline planning permission have been submitted for approval concurrently with the reserved matters proposals as detailed below.

Plot B: 17/06678/M

The application for Plot B also seeks to respond to Conditions attached to the outline permission:

- Approval of Details (Condition 3);
- Phasing Plan (Condition 4);
- Development Parameters Plot B (Condition 10);
- Disabled Access (Condition 27);
- Cycle Parking (Condition 28);
- On Street Cycle Parking (Condition 29);
- Parking Framework (Condition 37);
- Energy Strategy (Condition 48);
- Assessment of Impact of Heritage Assets at Reserved Matters (Condition 54);
- Dove Lane Character Study (Condition 56);
- Sound Insulation - Plots A, B and C (Condition 42);
- Landscape and Public Realm Strategy (Condition 55); and
- Screening (Condition 61).

Plot C: 17/06679/M

The application for Plot C also seeks to respond to Conditions attached to the outline permission:

- Approval of Details (Condition 3);
- Phasing Plan (Condition 4);
- Development Parameters Plot C (Condition 11);
- Disabled Access (Condition 27);
- Cycle Parking (Condition 28);
- On Street Cycle Parking (Condition 29);
- Parking Framework (Condition 37);
- Energy Strategy (Condition 48);
- Assessment of Impact of Heritage Assets at Reserved Matters (Condition 54);
- Dove Lane Character Study (Condition 56);
- Sound Insulation - Plots A, B and C (Condition 42);
- Landscape and Public Realm Strategy (Condition 55); and
- Screening (Condition 61).

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M  
Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

Plot D: 17/06683/M

The application for Plot D also seeks to respond to Conditions attached to the outline permission:

- Approval of Details (Condition 3);
- Phasing Plan (Condition 4);
- Development Parameters Plot D (Condition 12);
- Disabled Access (Condition 27);
- Cycle Parking (Condition 28);
- On Street Cycle Parking (Condition 29);
- Parking Framework (Condition 37);
- Assessment of Impact of Heritage Assets at Reserved Matters (Condition 54);
- Dove Lane Character Study (Condition 56); and
- Landscape and Public Realm Strategy (Condition 55).

Plot E: 17/06684/M

The application for Plot E also seeks to respond to Conditions attached to the outline permission:

- Approval of Details (Condition 3);
- Phasing Plan (Condition 4);
- Development Parameters Plot E (Condition 13);
- Disabled Access (Condition 27);
- Cycle Parking (Condition 28);
- On Street Cycle Parking (Condition 29);
- Parking Framework (Condition 37);
- Assessment of Impact of Heritage Assets at Reserved Matters (Condition 54);
- Dove Lane Character Study (Condition 56); and
- Landscape and Public Realm Strategy (Condition 55).

Site Wide Landscaping: 17/06812/M

The application for site wide landscaping also seeks to respond to Condition 55 (Landscape and Public Realm Strategy).

**PREVIOUSLY APPROVED DETAILS – NOT FOR CONSIDERATION/DETERMINATION**

The site has the benefit of outline planning permission for mixed use development:

*“Mixed use redevelopment of land to comprise a maximum of 32,442 sqm of floorspace; up to 21,892 sq m residential floorspace (a maximum of 250 separate units); up to 8,400 sqm of commercial floorspace (B1 Class); up to 2,000 sqm of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sqm (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works”.*

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

The following matters have been assessed and secured via conditions on the outline planning permission (and associated section 73 applications) and/or legal agreements (s.106 Agreement and subsequent Deeds of Variation). The following matters are approved and provided for information only. They are NOT for consideration/determination by Members.

**HOUSING MIX:** Condition 6 of the outline permission requires that the reserved matter applications should include at least 15% of the total number of residential units to be family sized dwellings with 3 or more bedrooms and no more than 50% of the total number of residential units shall be one bedroom units.

**AFFORDABLE HOUSING PROVISION:** The s.106 Agreement for the original application contains a Schedule specific to Affordable Housing. This secures a 10.5% provision of affordable housing for the application site. Affordable housing provision will remain at 10.5%. An indicative accommodation schedule provided with the reserved matter application shows the provision of 25 out of the 230 residential dwellings are to be provided (10.9%) in line with the 10.5% requirement.

**VIABILITY REVIEW:** The first viability review (with up to date cost and values) will be undertaken after the practical completion of both Plots D and E or the date of practical completion of 70 units. This earlier review will help the Council understand whether more than 10.5% secured via the existing s.106 Agreement could be secured as affordable housing on site. This earlier review has previously been agreed to by the applicant and has been secured via the Deed of Variation to the original s.106 Agreement.

Therefore, the position on affordable housing for this site is established and agreed via the existing s.106 Agreement and associated Deed of Variation which has secured an earlier review. Affordable housing is NOT a consideration for Members as part of the determination of the reserved matter applications.

**TRANSPORT:** Access and layout details were approved with the outline planning permission which set the formation of a highway network that links the site into the existing network to establish the five separate development plots (Plots A – E) within the application site. The highways layout and level of parking provision across the site have been assessed and agreed. Parking ratios for cars, cycles as well as requirements for disabled access are secured by way of condition. As part of the most recent application, Residential Travel Plan Strategy and Employment Travel Plan Strategy documents were approved, the s.106 Agreement for the original outline application secured over £600,000 of contributions necessary for highways, cycle infrastructure and public transport initiatives. Again, this is NOT a consideration for Members as part of the determination of the reserved matter applications.

**PLOT A:** Plot A was subject to an application for the approval of reserved matters under delegated authority in 2014. Consent was granted for 3,987 sq m GEA over four floors for a Doctors surgery with the remainder for office space. Plot A does not form part of the applications that have been submitted for the approval of reserved matters. Plot A is shown on plans for context and information purposes only. This is NOT a consideration for Members as part of the determination of the reserved matter applications.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

**RECENT PLANNING HISTORY**

The following recent applications are relevant.

Ref. No. 11/00034/P - Outline application for mixed use redevelopment of land to comprise a maximum of 32,442 sq. m of floorspace; up to 21,892 sq. m residential floorspace (a maximum of 250 separate units); up to 8,400sq m of commercial floorspace (B1 Class); up to 2,000sq m of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sq. m (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works.

Granted subject to condition(s) and s.106 Agreement on 25 January 2012

Since the granting of outline consent, several subsequent applications have been made in relation to the scheme, including discharge of conditions, variation of conditions and the submission of reserved matters:

Ref. No: 13/05299/COND - Application for approval of details reserved by condition 50 (Energy Statement) attached to outline planning permission 11/00034/P, which approved a mixed use redevelopment of land to comprise a maximum of 32,442 sqm of floorspace; up to 21,892 sqm residential floorspace (a maximum of 250 separate units); up to 8,400 sqm of commercial floorspace (B1 Class); up to 2,000 sqm of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sqm (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works.

Details approved on 11 March 2014

Ref. No: 13/05896/X - Application for variation of condition nos. 5 (permitted floor space), 10 (development parameters Plot A), 58 (design & architectural framework), 64 (list of approved plans & drawings) of planning permission 11/00034/P for outline application for mixed use redevelopment of land to comprise a maximum of 32,442 sq. m of floorspace; up to 21,892 sq. m residential floorspace (a maximum of 250 separate units); up to 8,400sq m of commercial floorspace (B1 Class); up to 2,000sq m of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sq. m (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works. (Major application)

Granted subject to condition(s) and a Deed of Variation on 9 September 2014

Ref. No: 14/00418/COND - Application to approve details in relation to condition 58 (Design and Architectural Framework/Character Study) of permission numbers 11/00034/P / 13/05896/X) - Outline application for mixed use redevelopment of land to comprise a maximum of 32,442 sqm of floorspace; up to 21,892 sqm residential floorspace (a maximum of 250 separate units); up to 8,400 sqm of commercial floorspace (B1 Class); up to 2,000 sqm of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sqm (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

landscaping and formation of public open spaces and associated infrastructure and public realm works.

Application Withdrawn, 17 September 2014

Ref. No: 14/00623/M - Reserved Matters Application for Plot A following Outline planning permission 13/05896/X - (Variation to outline permission 11/00034/P - mixed use redevelopment of land to comprise a maximum of 32,442 sq. m of floorspace; up to 21,892 sq. m residential floorspace (a maximum of 250 separate units); up to 8,400sq m of commercial floorspace (B1 Class); up to 2,000sq m of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sq. m (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works. (Major application)

Approve details of Reserved Matters, 18 September 2014

Ref. No: 14/00894/COND - Application to approve details in relation to condition Nos 28 (Additional Information) 44 (External Noise) and 52 (BREEAM) for planning permission 11/00034/P - Outline application for mixed use redevelopment of land to comprise a maximum of 32,442 sqm of floorspace; up to 21,892 sqm residential floorspace (a maximum of 250 separate units); up to 8,400 sqm of commercial floorspace (B1 Class); up to 2,000 sqm of commercial floorspace (A1, A2, A3, A4 or A5); a doctors surgery of up to 150 sqm (D1); and car and cycle parking, associated ancillary uses and infrastructure, structural landscaping and formation of public open spaces and associated infrastructure and public realm works.

Split Decision, 11 January 2016

17/02066/X - Application for variation of conditions 5 (permitted floor space), 10 (development parameters Plot A), 58 (design and architectural framework), 64 (list of approved plans) attached to Outline planning permission 11/00034/P (as amended by 13/05896/X).

Granted subject to condition(s) and a Deed of Variation on 14 December 2017

## PRE-APPLICATION CONSULTATION

Pre-application consultation was carried out by Places for People prior to the submission of the reserved matter applications. As detailed in the application documentation, this included:

- Workshops with the St Paul's Planning Group and Bristol Civic Society (July and October 2017).
- A letter to neighbouring businesses and residents notifying them of the public exhibition.
- A letter to local Councillors from the Ashley Ward, and adjacent Wards of Lawrence Hill and Central, notifying them of the public exhibition.
- Public Notice placed in Bristol Evening Post advertising the upcoming public exhibition.



**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

- Public Exhibition held in October 2017.
- A website to provide further information on the development proposals and public exhibition.

In addition to the consultation activities above, Places for People has engaged positively with Council Officers during the preparation of the reserved matter applications. There has been a continuous and positive dialogue regarding the emerging proposals between August – November 2017 as well as ongoing engagement throughout the determination of the application.

## RESPONSES TO PUBLICITY AND CONSULTATION

A total of 184 neighbouring business and residential properties were consulted on each reserved matter application on the details as originally submitted for a 21-day period from 3 January 2018 and subsequent amended details for a 14-day period from 14 March 2018.

In total, in response to all of the reserved matter applications there were fourteen public comments. Of the fourteen public comments, thirteen comments were in objection with one comment in support of the proposed development. A breakdown of the public comments provided for each reserved matter application and the main points raised are set out below.

In relation to Plot B, there was four public comments (from three individuals). All four comments were in objection to the application.

The main points of objection to Plot B are:

- The proposed screening to a neighbouring commercial property (FC Hammonds), particularly its open yard.
- The proposed solution of putting opaque film over the windows facing the yard as a temporary fix.
- Disagree that the layouts have been developed to ensure that all apartments have obscured views out of primary living spaces
- The previous planning permission was that there would be no residential units overlooking the neighbouring commercial property.
- Only commercial and retail use would be allowed in terms of overlooking neighbouring commercial property.
- Object to the use of the term "if the welding yard were to be decommissioned" being repeated throughout the application.
- Support the site being used for housing, preference for an affordable housing scheme where young disadvantaged people could live.
- Lack of parking and the impact this would have on the residents of Wilson Street.
- Issues relating to non-resident parking despite the introduction of the RPZ.
- Future development and additional housing within Wilson Street and Portland Square with increased pressure on Wilson Street and no other parking provision.

In relation to Plot C, there was five public comments (from four individuals). All five comments were in objection to the application.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M  
Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

The main points of objection to Plot C are:

- Similar comments as raised above.
- This block should be fitted with obscured glass windows as per Plot B.
- Noise and pollution from Newfoundland Road and Newfoundland Way.
- Pavements and the associated pavement width.
- Set back from the pavement from the Dove Lane boundary.
- Parking provision for local businesses.
- Parking for contractors during construction of the development without disrupting local business.
- Arrangements to keep Dove Lane open during construction.

In relation to Plot D, there was two public comments. Both comments were in objection to the application.

The main points of objection to Plot D are:

- Similar comments as raised above.
- Preference for an affordable housing scheme where young disadvantaged people can live.

In relation to Plot E, there was two public comments. Both comments were in objection to the application.

The main points of objection to Plot E are:

- Similar comments as raised above.

In relation to the Site Wide Landscaping, there has been one public comment. This comment was in support of the application.

The main point in support of the Site Wide Landscaping application is:

- Support the use of the land to build houses.

**EXTERNAL CONSULTTEES**

**HISTORIC ENGLAND – No objection.**

Application Nos. 17/06678/M, 17/06679/M, 17/06683/M & 17/06684/M

In response to the applications as submitted Historic England expressed concerns regarding the application on heritage grounds. They raised issues and safeguards outlined in their advice that they wanted to be addressed in order for the application to meet the requirements of paragraphs 61, 131, 132 and 137 of the NPPF.

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The applicant reviewed the comments and provided further information. In response to the further information submitted Historic England responded as follows:

Thank you for your letter of 13 March 2018 regarding further information on the above applications for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

CRIME REDUCTION UNIT – No objection.

The Crime Reduction Unit commented on Plot C (17/06679/M) only:

- The rear open space of the proposed development should be secured by a gate (electric) operated by either fob or card (the west side of the development). This will help to mitigate against the risk of unauthorised access being gained through the rear doors where there will be little natural surveillance.
- There appears to be an area between the proposed offices (facing Newfoundland Road) and the sports hall which would allow access to members of the public when it would ideally be private. An electronic gate (as above) should be fitted at the building line to restrict access.
- I understand that there will not be any parking in the basement car park for those using or working in the retail units. If this is not the case and retail users are permitted access, this could create vulnerability through the car park to residential areas and would require robust access control to any doors located here.
- Once tenants/owners of the retail units have been decided, a robust management plan should be put in place to ensure that the open and seating areas at the front of the proposed retail units are well maintained, lighting is adequate and CCTV is installed.

[Case Officer Note: The applicant met with the Crime Reduction Officer to go through the scheme as a whole and to discuss the points above, which satisfactorily addressed points raised.]

THE COAL AUTHORITY – No objection.

Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M

This reserved matters application site falls partly within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development at the site, specifically recorded underground coal mining at shallow depth.

We note that coal mining legacy matters have been addressed through the inclusion of Condition 19 on the outline planning permission. As such, and in light of the fact that underground coal mine workings would not ordinarily affect the spatial layout of development, I can confirm that The Coal Authority wishes to raise no objection to this Reserved Matters application.

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**INTERNAL CONSULTEES**

CITY DESIGN GROUP – In support.

Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M

The current reserved matters details have been broken into 5 individual applications covering the landscape/public realm overview and 4 individual building plots. In broad terms the diversity generated by the approach to work up these aspects of the wider scheme using different design teams responding to the principles contained within the approved masterplan is welcomed as this has contributed toward an overall picture that is rich in terms of the grain likely to result, and the avoidance of a monolithic and homogeneous quarter that have been seen in the past in other parts of the city.

In broad terms there is a high level of design support for these applications in principle and as such the comments deal with refinements to what has been proposed.

Detailed comments are incorporated into the relevant Key Issues.

**PLOT B (17/06678/M)**

The design provides a good solution to what is potentially a difficult triangular plot. The use of a tight central space overlooked by double aspect apartments with deck access provides a solution that is preferable to the more complex arrangement of duplex and double stacked apartments illustrated within the outline approval. The proposed arrangement provides better street front definition on all sides of the block whilst establishing a good degree of outlook, light and amenity for all of the residential units. The massing of the proposed scheme is within the parameter envelope and the more intimate scale of buildings opposite the historic school house is sensitively handled. The same is true of the relationship with the welding yard to the south of Wilson Street by locating the main core and secondary windows with options for screening. The inclusion of set-back individual residential entrances, as well as larger communal entrances and the commercial unit to Dove Street are likely to provide a good level of activity and interest at street level.

**PLOT C (17/06679/M)**

Plot C provides the most visible aspect of the overall development with its prominence from the M32. In many ways the proposal is the most radical with regard to its architectural approach and external treatment, and is therefore likely to receive both positive and negative responses. However, the organisation of the block, mix of uses and arrangement of apartments and common areas respond well to a number of ongoing urban design issues around higher density urban living.

The use of non-residential ground floor uses facing the M32 and the new plaza terminating New Ervine Terrace are welcomed. The efforts to incorporate private amenity space for residents as well as reduce internal corridor length and maximise the number of double aspect apartments is also positively noted. The distinctive architectural approach to upper floors potentially provides an exciting and iconic form of development to change the character of the M32 corridor and provide a prominent front door to the wider development.

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In assessing the design proposal the nature of the scheme demands close attention to the building form, street elevations, the use and longevity of materials, the quality of landscape treatments and the amenity of individual apartments particularly those overlooking the busy road corridor.

With regard to building form the scale and massing of the proposed block is within the development envelope agreed at the outline stage and as such should allow for the retention of some longer views of St Paul's Church from the M32 corridor.

**PLOT D (17/06684/M)**

The organisation of residential units within Plot D is a potential improvement on the illustrative scheme within the outline application, with regard to the pulling apart of the u-shaped plan to introduce a separation between units onto Dove Lane and New Windsor Terrace introducing a form of double aspect apartments onto a naturally lit and open walk up 'corridor space'. Whilst the proposed apartment building resolves these relationships in an effective way the overall appearance of the block is the one which most emphasises its modular building approach, and as such the key design issue is related to the articulation and materiality of the modular elements onto the street elevations.

**PLOT E (17/06684/M)**

The layout of Plot E provides an untraditional back to front relationship of the proposed blocks in order to resolve a number of site planning issues related to aspect, topography, access and providing a much needed direct route into St Paul's Park. Although the layout is compromised in broad terms it provides an acceptable solution to what may well have resulted in a block of flats rather than the more engaging terraces of town houses. The townhouse solution works particularly well on the approach to the Park and opposite the listed building in a wider context where the terraced form helps to define the wider character of the area.

**TRANSPORT DEVELOPMENT MANAGEMENT – No objection.**

Further to TDM's initial observations on the reserved matter applications for Dove Lane the applicant provided additional information/clarifications to address the points raised.

Broadly speaking the additional information is considered to be acceptable, subject to the Approval in Principle (AIP) Structures Report being provided by way of a condition to the reserved matter application for Plot C.

**PLOT B**

The applicant has amended the Design and Access Statement so that it states the right level of accessible cycle spaces 23. This is accepted and I understand that a revised DAS will be submitted to reflect this. [Case Officer note: this has been provided.]

With regards to parking being located on the lower ground level the applicant has argued that its construction would not interfere with the adopted highway. Therefore, an AIP Structural Report is not required. TDM would not agree with this statement the walls of the

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parking area will be supporting walls for the highway therefore they should provide a Structural Report to show that they are fit for purpose. With regards to the point of access the applicant has confirmed that this will be at grade. But again there must be some level change as the parking is located below ground level.

**PLOT C**

With regards to the parking provision the applicant has now provided the ratios of residential and employment parking. The applicant has stated that there will be 21 vehicle spaces and 5 employment spaces. This has been calculated using the parking ratios agreed under condition 38 of the outline permission. Based on these calculations TDM is satisfied with the ratio of parking proposed.

The applicant has stated that the original submission showed that all parking spaces had been tracked. TDM accept the details shown on Drawing No. 60546215-ACM-XX-B1-SK-CE-01 Rev P03.

Finally, in terms of the Approval In Principle (AIP) the applicant's comments are noted that they will submit an AIP Structure Report to allow TDM to assess whether the proposed construction is sufficient to support what will be the adopted highway. This will be secured by way of condition.

**PLOT D**

The applicant has indicated that the tracking drawing shows that all the parking spaces can be accessed. TDM accept the tracking shown on the submitted plans.

Its noted that the applicant has amended the car park entrance gates to a roller shutter arrangement. This is considered to be acceptable.

In terms of refuse collection, the applicant has clarified the location and walking distances. These are noted and therefore TDM have no further comments to make.

**PLOT E**

The comments on Plot E relate to Bristol Waste and therefore TDM has no further comment on this.

Detailed comments are incorporated into the relevant Key Issues.

**ARCHAEOLOGY – No objection.**

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Archaeological works have already taken place and fieldwork completed on this site. We are awaiting a scope of post excavation works and agreement on the content of a final report. This was subject to conditions on the outline consent.

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In order to avoid the need for an archaeological condition on the reserved matters application it will be necessary for the applicant to submit a statement confirming the intended outcome from the excavations for our approval. This will be done via the discharge of the relevant archaeology conditions attached to the outline planning permission.

NATURE CONSERVATION – No objection.

**PLOT C (17/06679/M)**

Living roofs which employ local substrates with a depth of at least 10 cm, features for invertebrates and wildflower seeding and which do not use Sedum would have greater wildlife benefits than the communal roof terrace which is proposed in Plot C. Both living roofs and roof terraces could be provided. Policy DM29 in the Local Plan states that 'proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.'

Further guidance on the design of living roofs is as follows. Living roofs can be integrated with photovoltaic panels and also contribute towards Sustainable Urban Drainage Systems (SuDS), air pollution mitigation and reducing the urban heat island effect. Living roofs can be provided on buildings, as well as on bin stores and cycle shelters. The roofs should be covered with local low-nutrient status aggregates (not topsoil) and no nutrients added. Ideally aggregates should be dominated by gravels with 10 - 20% of sands. On top of this there should be varying depths of sterilised sandy loam between 0 - 3 cm deep. An overall substrate depth of at least 10 cm of crushed demolition aggregate or pure crushed brick is desirable. The roofs should include areas of bare ground and not be entirely seeded (to allow wild plants to colonise) and not employ Sedum (stonecrop) because this has limited benefits for wildlife. To benefit certain invertebrates the roofs should include local substrates, stones, shingle and gravel with troughs and mounds, piles of pure sand 20 – 30 cm deep for solitary bees and wasps to nest in, small logs, coils of rope and log piles of dry dead wood to provide invertebrate niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Deeper areas of substrate which are at least 20 cm deep are valuable to provide refuges for animals during dry spells. An area of wildflower meadow can also be seeded on the roof for pollinating insects. Please see [www.thegreenroofcentre.co.uk](http://www.thegreenroofcentre.co.uk) and <http://livingroofs.org/> for further information and the following reference: English Nature (2006). Living roofs. ISBN 1 85716 934.4

The planting strategy includes Montbretia (*Crocasmia x crocosmifolia*). This plant should be omitted from the planting proposals because it is included on Schedule 9 of the Wildlife and Countryside Act 1981. It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to "plant or otherwise cause to grow in the wild" any plant listed in Schedule 9 Part 2 of the Act.

Lavender is attractive to pollinating insects and is recommended as part of the planting palette.

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PLOT D 17/06683/M

The inclusion of the proposed wildlife garden in Plot D is noted. Further details of the ecological features which are proposed in the wildlife garden should be provided.

Living roofs which employ local substrates with a depth of at least 10 cm, features for invertebrates and wildflower seeding and which do not use Sedum would have greater wildlife benefits than the communal roof terraces which are proposed for plots B and but not plots D and E. Both living roofs and roof terraces could be provided. Policy DM29 in the Local Plan states that 'proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.'

Further guidance on the design of living roofs is as follows. Living roofs can be integrated with photovoltaic panels and also contribute towards Sustainable Urban Drainage Systems (SuDS), air pollution mitigation and reducing the urban heat island effect. Living roofs can be provided on buildings, as well as on bin stores and cycle shelters. The roofs should be covered with local low-nutrient status aggregates (not topsoil) and no nutrients added. Ideally aggregates should be dominated by gravels with 10 - 20% of sands. On top of this there should be varying depths of sterilised sandy loam between 0 - 3 cm deep. An overall substrate depth of at least 10 cm of crushed demolition aggregate or pure crushed brick is desirable. The roofs should include areas of bare ground and not be entirely seeded (to allow wild plants to colonise) and not employ Sedum (stonecrop) because this has limited benefits for wildlife. To benefit certain invertebrates, the roofs should include local substrates, stones, shingle and gravel with troughs and mounds, piles of pure sand 20 – 30 cm deep for solitary bees and wasps to nest in, small logs, coils of rope and log piles of dry dead wood to provide invertebrate niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Deeper areas of substrate which are at least 20 cm deep are valuable to provide refuges for animals during dry spells. An area of wildflower meadow can also be seeded on the roof for pollinating insects. Please see [www.thegreenroofcentre.co.uk](http://www.thegreenroofcentre.co.uk) and <http://livingroofs.org/> for further information and the following reference: English Nature (2006). Living roofs. ISBN 1 85716 934.4

The potential green wall boundary treatment referred to on page 16 (section 14.0 of the Landscape and Public Realm Strategy) should be confirmed.

FLOOD RISK MANAGER – No objection.

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No comment. Foul and surface water drainage details to be submitted in relation to Conditions 19 and 23.



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BRISTOL WASTE COMPANY – No objection.

Plot B: 17/06678/M

- Several updates have been made to the plans, in line with our previous comments.
- Individual bin stores have been identified for the 4 flats with separate access from New Irvine Terrace.
- For the remaining 64 flats with shared bin store the Design and Access Statement has been updated to reflect the bin numbers shown below, as detailed in our previous comment
- We are also pleased to see that the plans now identify a dedicated bin store for the retail unit, which is separate from the residential bin store area.

Plot C: 17/06679/M

- We are pleased to confirm that the plans have been updated in accordance with our recommendations.
- The bin types and quantities are in line with our service methodology and requirements based on number of residents.
- The bin store locations have also been amended to reflect the maximum travel distances for both residents and crews.

Plot D: 17/06683/M

- Following a review of the revised documentation for the development at Dove Lane, Bristol Waste has considered the waste and recycling provision for this development.
- Original comments regarding bin types/quantities, ventilation and the storage of bulky waste have been addressed.

Plot E: 17/06683/M

- Recommend that a dedicated area of hardstanding is allocated adjacent to New Windsor Terrace.

## 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.

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**RELEVANT POLICIES**

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

BCS2 Bristol City Centre

BCS3 Northern Arc and Inner East Bristol - Regeneration Areas

BCS5 Housing Provision

BCS7 Centres and Retailing

BCS8 Delivering a Thriving Economy

BCS10 Transport and Access Improvements

BCS11 Infrastructure and Developer Contributions

BCS12 Community Facilities

BCS13 Climate Change

BCS14 Sustainable Energy

BCS15 Sustainable Design and Construction

BCS16 Flood Risk and Water Management

BCS17 Affordable Housing Provision

BCS18 Housing Type

BCS20 Effective and Efficient Use of Land

BCS21 Quality Urban Design

BCS22 Conservation and the Historic Environment

BCS23 Pollution

Bristol Site Allocations and Development Management Policies (2014)

DM1 Presumption in Favour of Sustainable Development

DM7 Town Centre Uses

DM10 Food and Drink Uses and the Evening Economy

DM12 Retaining Valuable Employment Sites

DM15 Green Infrastructure Provision

DM17 Development Involving Existing Green Infrastructure

DM19 Development and Nature Conservation

DM23 Transport Development Management

DM26 Local Character and Distinctiveness

DM27 Layout and Form

DM28 Public Realm

DM29 Design of New Buildings

DM31 Heritage Assets

DM32 Recycling and Refuse Provision in New Development

DM33 Pollution Control, Air Quality and Water Quality

DM34 Contaminated Land

DM35 Noise Mitigation

Bristol Central Area Plan (2015)

BCAP1 Mixed-Use Development in Bristol City Centre

BCAP3 Family Sized Homes

BCAP6 Delivery of Employment Space in Bristol City Centre

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BCAP14 Small Scale Retail Developments and Other Related Uses in Bristol City Centre  
BCAP20 Sustainable Design Standards  
BCAP21 Connection to Heat Networks  
BCAP24 The St Paul's Green Link  
BCAP25 Green Infrastructure in City Centre Development  
BCAP29 Car and Cycle Parking in Bristol City Centre  
BCAP31 Active Ground Floor Uses and Active Frontages in Bristol City Centre  
BCAP34 Coordinating Major Development in Bristol City Centre  
BCAP45 The Approach to St Paul's and Stokes Croft

Other relevant documents include:

SPD10 Planning a sustainable future for St Paul's (2006)

Portland and Brunswick Square Conservation Area Character Appraisal (2008)

**KEY ISSUES**

The outline planning permission was subject to a Condition (Condition 3) reserving the following matters for later consideration:

- a) The position of individual buildings
- b) The external appearance of the buildings
- c) The scale of the individual buildings
- d) Landscaping

Therefore, the applications are for the consideration of these matters.

- (A) IS THE PRINCIPLE OF THE PROPOSED USES ACCEPTABLE, AND ARE THESE USES (AND THEIR QUANTUM) COMPLIANT WITH THE OUTLINE PLANNING PERMISSION?

The site is allocated in the Bristol Central Area Plan, Site Reference: SA510. The site is allocated for a mix of housing and employment uses. The reserved matter applications are submitted for a mix of residential (230 residential dwellings) and employment (retail and office) uses in line with the site allocation.

The approved outline permission provides 'Development Parameters' for Plots B – E. The parameters for the development of each Plot have been assessed against the criteria as established by the outline consent.

PLOT B (Condition 10 of the outline permission)

- a) The proposed development falls within the maximum envelope for Plot B.
- b) On the ground floor 128 sqm of retail floorspace (Class A1, A2, A3, A4 or A5) is provided within Plot B.
- c) The reserved matter proposals for Plot B do not include office floorspace (Class B1a) on the upper floors. A Noise Assessment was submitted in support of this reserved matters

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application to demonstrate that the provision of residential accommodation in this zone within the plot to replace the office floorspace is acceptable (See Key Issue E for further detail on this).

Plot B will comprise the development of 68 residential dwellings with a mix of 1, 2 and 3 bed dwellings, the majority of which are 1 and 2 bed apartments. The other parameters (building height/footprint) are in accordance with the parameter plan submitted in respect of application no. 17/02066/X. As such, Plot B is considered to be in compliance with the outline permission.

PLOT C (Condition 11 of the outline permission)

- a) The proposed development falls within the maximum envelope for Plot C.
- b) The reserved matters proposals for Plot C comprise the development 597 sqm of retail floorspace (Class A1, A2, A3, A4 or A5) on the ground floor.
- c) The reserved matters proposals for Plot C comprise 1,218 sqm of office floorspace (Class B1a).

Plot C will comprise the development of 92 residential dwellings, with a proposed mix of 1, 2 and 3 bed dwellings, the majority of which are 1 and 2 bed apartments. The other parameters (building height/footprint) are in accordance with the parameter plan submitted in respect of application no. 17/02066/X. As such, Plot C is considered to be in compliance with the outline permission.

PLOT D (Condition 12 of the outline permission)

- a) The proposed development falls within the maximum envelope for Plot D.
- b) The reserved matter proposal for Plot D include 168 sqm of retail floorspace (Class A1, A2, A3, A4 or A5).

Plot D will comprise the development of 60 residential dwellings with a mix of 1, 2 and 3 bed dwellings, the majority of which are 1 and 2 bed apartments. The other parameters (building height/footprint) are in accordance with the parameter plan submitted in respect of application no. 17/02066/X. As such, Plot D is considered to be in compliance with the outline permission.

PLOT E (Condition 13 of the outline permission)

- a) The proposed development falls within the maximum envelope for Plot E.
- b) Only residential dwellings are proposed as part of the reserved matter application. Plot E comprise the development of 10 residential dwellings, all of which will be 3-bed townhouses.

The other parameters (building height/footprint) are in accordance with the parameter plan submitted in respect of application no. 17/02066/X. As such, Plot E is considered to be in compliance with the outline permission.

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**SITE WIDE LANDSCAPING (17/06812/M)**

No parameters are set for the site wide public realm proposals. The submitted Landscaping Plans add detail to the layout and highway network approved as part of the outline permission. As such, the landscaping proposals are considered to be in compliance with the outline permission.

**SUMMARY**

Overall, the reserved matter applications are provided in accordance with development parameters set as part of the outline planning permission. As such all of the reserved matter applications and the proposed uses are considered to be in compliance with the outline permission.

**(B) ARE THE DESIGN AND LANDSCAPING ASPECTS OF THE RESERVED MATTER APPLICATIONS ACCEPTABLE?**

Policy BCS21 of the Core Strategy promotes high quality design, requiring development to contribute positively to an area's character, promote accessibility and permeability, promote legibility, clearly define public and private space, deliver a safe, healthy and attractive environment and public realm, deliver public art, safeguard the amenity of existing development and future occupiers, promote diversity through the delivery of mixed developments and create buildings and spaces that are adaptable to change.

The adopted development management policies reinforce this requirement, with reference to Local Character and Distinctiveness (DM26), Layout and Form (DM27), Public Realm (DM28) and the Design of New Buildings (DM29).

The City Design Group has welcomed the diversity generated by the approach to work up Plots B – E and the wider landscaping scheme using different design teams responding to the principles contained within the approved masterplan. Design Officers consider that this has contributed toward an overall picture that is rich in terms of the grain likely to result, and the avoidance of a monolithic and homogeneous quarter that have been seen in the past in other parts of the city.

There is a high level of design support for these applications in principle and as such the comments deal with refinements to what has been proposed. A number of minor refinements have been made during the determination process in response to comments from Design Officers:

- Plot B – the relationship with the cycle store has been updated with a secure route provided between the cycle store and the entrance lobby.
- Plot C – the use of street trees along Dove Lane in a single alignment, changes to the entrance and apartment layout with emphasis of the entrance from Dove Lane, giving greater emphasis and scale and design of this communal entrance to better reflect its importance and provide a good visual feature of the building from New Irvine Terrace.
- Plot D – subtle changes to the east and south elevations have been undertaken which resolve previous concerns with regards to the elevation onto New Windsor

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Terrace, particularly with regard to the ground floor space and landscape. For the base material and the coloured elements, samples will be conditioned.

- Plot E – City Design Group expressed concerns around Plot E, and the way the scheme addressed New Ervine Terrace. The increased overlooking is welcomed. A more defensible space in front of the building is now proposed by enclosing the green areas with railings to protect the landscape and use of the semi-private garden space and protect the building facades from tagging and anti-social activity. The use of an artist blacksmith to procure metalwork would also add a contemporary feel and contribute toward the public art contribution of the wider scheme.
- Site Wide Landscape – the main amends have been in relation to the introduction of street planting on Dove Lane (Plot C) and the boundary treatment on New Windsor Terrace (Plot E).

Condition 56 requires that Reserved Matters applications should be informed by the approved Dove Lane Character Study (May 2014 Revision 5). Each Reserved Matters application should demonstrate how and where the proposed development relates to the surrounding Character areas.

To address the requirements of this condition, the Design and Access Statement for each Plot sets out how each reserved matter application has taken into account the Dove Lane Character Study and how the designs respond to the identified surrounding character areas. Information presented within the Design and Access Statement illustrate the key themes from the surrounding Character Areas which have influenced the proposals, and how scale, massing, materials and colour have all been influenced by these character areas.

Condition 55 of the outline planning permission requires the submission Landscape and Public Realm Strategy as a pre-commencement condition. During the pre-application stage it was agreed with the Council that this Strategy is highly relevant to the reserved matters proposals. The application is supported by Landscape and Public Realm Strategy to outline the site wide strategy, including the landscape and public realm proposals for each Plot. This provides an overview of the details required particularly materials, pavement treatment, street furniture, lighting, and planting. This Strategy has been reviewed by Officers and updated to take on board comments relating to each Plot (as outlined above).

In conclusion, it is considered the reserved matter applications have given careful consideration to the position of individual buildings, the external appearance, the scale of individual buildings and landscaping across the whole Dove Lane site, and therefore all of the reserved matter applications are considered to accord with Policy BCS21 and Policies DM26-29.

**(C) IS THE IMPACT UPON DESIGNATED HERITAGE ASSETS ACCEPTABLE?**

Applications should be considered in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, which states in section 66(1) that local authorities shall have 'special regard to the desirability of preserving the building or its setting' when considering proposals affecting listed buildings or their settings. Section 72 of the same Act requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

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The NPPF defines 'designated' heritage assets as being: World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Parks and Gardens, Registered Battlefields or Conservation Areas. There are no heritage assets within the site, but the site does border onto the Portland and Brunswick Square Conservation Area, which contains a number of listed buildings, including Grade I listed buildings surrounding Portland Square.

With regard to the assessment of heritage assets during the outline application stage a Protocol was agreed with and endorsed by English Heritage. The Protocol establishes which heritage assets need to be considered as part of each reserved matters application.

In addition to the above, the outline permission requires development requires consideration of heritage assets as part of any reserved matters application (Condition 54), so the application also needs to be considered against Policy BCS22 of the Core Strategy, which requires that development safeguard or enhance heritage assets.

In respect of each reserved matter application the key heritage assets are the Portland and Brunswick Square Conservation Area, Portland Square, St Paul's Church (Grade I listed), the listed terrace on Wilson Street (1-2 Wilson Street and 24 – 42 Wilson Street: Grade II listed), and the Old School House on Wilson Street (Grade II listed).

In support of the each reserved matters application a detailed Assessment has been submitted, which has assessed the potential effects of the proposed development of each Plot on the setting and significance upon the heritage assets. The findings of each assessment upon these heritage assets are set out below on a plot by plot basis.

**PLOT B**

Portland and Brunswick Square Conservation Area: The Assessment confirms that the proposed development is considered to result in a low beneficial impact to the setting of Brunswick and Portland Square Conservation Area where high-rise buildings are already present within the surrounding landscape of the Conservation Area.

St Paul's Church and St Paul's Park: Plot B is located c.190m east-north-east of the Grade I Listed Building of St Paul's Church and c.68m east-north-east of the curtilage Listed boundary walls of its former graveyard (now St Paul's Park). The proposed development will introduce another multi-storey building to the St Paul's district, which may partially screen or compete with the dominance and status of St Paul's Church in certain long ranging views across the city. However, the key views of the asset from the adjacent streetscapes and its former graveyard of St Pauls Park will not be obscured. The impact of the proposed development upon St Paul's Church and St Paul's Park is considered to be Neutral.

Wilson Street: Plot B is located c.17m north-east of the Grade II Listed Buildings at Wilson Street. There may also be glimpses of the upper storeys and roofline of the proposed development from the junction of Wilson Street with Lemon Street; but the entire building will be visible only from the eastern end of Wilson Street (i.e. looking east from outside Nos. 42 Wilson Street). The impact of the proposed development upon the Listed Buildings at Wilson Street is considered to be Neutral.

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The Old School House: Plot B is located c.10m east of The Old School House. The proposed development will reduce the extent of the cleared Dove Lane site and introduce new built form that may enhance the setting of The Old School House, however it has the potential to reduce or remove westerly facing vantage points at which to appreciate the architectural and historical interest of the Listed Building. The impact of the proposed development upon The Old School House is considered overall to be Neutral.

**PLOT C**

Portland and Brunswick Square Conservation Area: Plot C is located c.100m north-east of the eastern boundary of the Conservation Area. Redevelopment of the Dove Lane site presents the opportunity to introduce built form that enhances part of the wider townscape setting of the Conservation Area, which has otherwise suffered decline. The overall impact of the proposed development upon the Portland and Brunswick Square Conservation Area is considered to be Low Beneficial.

Portland Square: Plot C is located c.260m east-north-east of the six Grade II Listed Buildings at Portland Square. The impact of the proposed development upon the Listed Buildings at Portland Square is considered to be Neutral.

St Paul's Church and St Paul's Park: Plot C is located c.220m east-north-east of the Grade I Listed Building of St Paul's Church and c.125m east-north-east of the curtilage Listed boundary walls of the former graveyard (now St Paul's Park). Plot C will introduce another multi-storey building to the St Paul's district, which may partially screen or compete with the dominance and status of St Paul's Church in certain long ranging views across the city. However, the key views of the asset from the adjacent streetscapes will not be obscured and there may be new vistas of the asset from the windows of the proposed development itself. The impact of the proposed development upon St Paul's Church and St Paul's Park is considered to be Neutral.

Wilson Street: Plot C is located c.100m north-east of the Grade II Listed Buildings at Wilson Street. The proposed development will reintroduce buildings (albeit of a different scale and design) to an area that in the 19th century was occupied by terraced housing, thereby restoring an element of the wider historic setting. The impact of the proposed development upon the Listed Buildings at Wilson Street is considered to be Low Beneficial.

The Old School House: Plot C is located c.90m east-north-east of The Old School House. The proposed development will reduce the extent of the cleared Dove Lane site and introduce new built form that may enhance the setting of The Old School House. The impact of the proposed development upon The Old School House is considered to be Low Beneficial.

St Agnes's Church: Plot C is located c.310m south-west of the Grade II Listed Building of St Agnes's Church. A glimpse of St Agnes's Church from St Paul's Park may be obscured by the proposed development, but as this is only an incidental view, this is not considered to result in harm to the significance of either asset. The impact of the proposed development upon St Agnes's Church is considered to be Neutral.



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Portland and Brunswick Square Conservation Area: The proposed development will result in the construction of a six-storey mixed use building to the c. 55m to the north-east of the Conservation Area. It is not considered that the proposed development will alter the character of the streetscapes (e.g the 'important building line' along Wilson Street) or detract from an appreciation of landmark and other historic buildings within the Conservation Area. Considering the proposed rejuvenation of existing waste land, the overall effect of the proposed development upon the Portland and Brunswick Square Conservation Area is considered to be Low Beneficial.

Wilson Street Listed Buildings: Plot D is located c. 50m. to the north-east of the Grade II Listed Buildings on Wilson Street. The proposed development will reintroduce building (albeit of a different scale and design) to an area that in the 19th century was occupied by terraced housing and later by an industrial building. The impact of the proposed development upon the Listed Buildings at Wilson Street is considered to be Low Beneficial.

The Old School House: The Old School House Plot D is located c. 18m to the north-east of The Old School House. The proposed development will reduce the extent of the cleared Dove Lane site and introduce new built form into an area of current derelict waste ground that with sympathetic design may enhance the setting of The Old School House. The impact of the proposed development upon The Old School House is considered to be Low Beneficial.

**PLOT E**

Portland and Brunswick Square Conservation Area: Plot E abuts the eastern boundary of the Conservation Area. Any glimpses of the proposed development are not considered to alter the character of the 'important building line' along Wilson Street or detract from an appreciation of landmark and other historic buildings within the Conservation Area. The overall impact of the proposed development upon the Portland and Brunswick Square Conservation Area is considered to be Low Beneficial.

St Paul's Church and St Paul's Park: Plot E is located c.90m north-east of the Grade I Listed Building of St Paul's Church with the northern boundary of Plot E defined by an extension to the curtilage Listed northern boundary wall of the former graveyard (now St Paul's Park). The proposed development and St Paul's Church are located at opposite sides of St Paul's Park. The proposed development is not anticipated to obscure or notably alter any key views of St Paul's and there may be new vistas of the asset from the windows of the proposed development itself. The impact of the proposed development upon St Paul's Church and St Paul's Park is considered to be Neutral.

The Old School House: Plot E abuts the plot of The Old School House; the southern boundary of Plot E is defined by the curtilage-Listed northern boundary wall of The Old School House. The proposed development will reduce the extent of the cleared Dove Lane site, introduce new built form that may enhance the setting of The Old School House, and perhaps present opportunities to appreciate its curtilage-Listed wall. Pending sympathetic design, the impact of the proposed development upon The Old School House is considered to be Low Beneficial.

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**SUMMARY**

In summary, the Statement concludes that the Plots would have mainly neutral and low beneficial impacts upon the significance of the considered designated heritage assets.

Overall, each reserved matter application has given careful consideration to the section 66(1) in terms of the 'special regard to the desirability of preserving the listed building or its setting' and section 72 in terms of the special attention given to the desirability of preserving or enhancing the character or appearance of the conservation area. As such, the reserved matter applications are considered meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Policies BCS22 and DM31 of the Local Plan.

**(D) WOULD THE RESERVED MATTER PROPOSALS HAVE AN ADVERSE IMPACT ON THE AMENITY OF SURROUNDING RESIDENTS?**

As referred to above (Key Issue B), amongst the criteria referred to in policy BCS21 of the Core Strategy is that development should safeguard the amenity of existing development and future occupiers. In this case, the neighbouring land uses are predominantly commercial, industrial, education and leisure - therefore the impact on the residential environment will be limited.

A Daylight & Sunlight Amenity Assessment was prepared and submitted with the application in support of Plots B -E. This considered the Daylight & Sunlight amenity together with the scope for shadowing on 15 properties containing some 425 windows believed to belong to circa 248 rooms.

Of the 15 properties analysed, 12 meet or in some instances exceed the guidelines and will receive good levels of Daylight & Sunlight Amenity following the construction of the proposed development. Of the 15 properties assessed, 2 of the properties are regarded as being very close to meeting the guidelines for Daylight Amenity and meet the Sunlight Amenity requirements. Exercising a degree of flexibility, as recommended within the BRE Report, the results are considered as acceptable.

In the one instance (14 – 16 Wilson Place) which does not meet the guidelines for some of the windows and rooms, there are some degrees of mitigation ranging from the non-habitable usage of the property (this property comprises a two storey light industrial and office site), the use of artificial supplementary lighting and unusually deep rooms.

Overall, the Plots have been designed in such a way to maximise the development potential of the site whilst respecting the levels of Daylight & Sunlight Amenity received by the relevant neighbouring properties. Notwithstanding that the proposal will have some impact in terms of access to daylight and privacy on an industrial use, as stated above the proposal is within the parameters set out in the outline permission.

The outline permission also seeks to replace large scale industrial units with uses with less of an impact on residential amenity. Therefore, the relatively minimal impacts of the development have to be balanced against the wider benefits to the residential environment. On balance, therefore, it is considered that the proposal will not have an overall negative impact, and therefore complies with the relevant policies.

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It is noted that concerns have been raised in public comments about the potential impact of construction on neighbouring residential properties. The original outline permission is subject to a condition requiring the submission of a Construction Management Plan and therefore there is no requirement for any additional controls to be attached to this permission.

**(E) WOULD THE PROPOSED DEVELOPMENT IMPACT ON THE VIABILITY OF  
NEIGHBOURING COMMERCIAL USES?**

Policy BCS23 of the Core Strategy requires that account should be taken of the impact of new development on the viability of existing uses by reasons to sensitivity to noise or other pollutions. The application site is located in a position adjacent to commercial uses, including a petrol station to the south and industrial uses to the south east and west. The site is also close to a busy road, such that the environment is generally noisy and subject to pollution.

However, the outline permission partly takes this into account, given that the office use is located to the south of the site, where it forms a buffer between the noisy environment and the residential development to the north of this. Notwithstanding this, Condition 42 of the outline planning permission requires details of sound insulation to be submitted with the reserved matters for plots A, B and C, and such a report has been submitted in respect of the applications for Plot B and Plot C.

The Noise Report submitted provide results of an environmental noise survey, and recommends specifications for façade sound insulation for the residential areas within Plot B and Plot C. The reports confirm that in order to provide an acceptable acoustic environment within habitable spaces, façade elements should comply with the minimum sound reduction indices specified in the Assessment for Plot B and Plot C. In addition, noise levels within outdoor amenity spaces are considered to be acceptable. Subject to these details being secured by way of condition, it is reasonable to consider that the proposal would not result in any additional pressure on the viability of the neighbouring uses in respect of noise created.

Concern has been raised about how the access will be maintained during construction. The original outline permission is subject to a condition requiring the submission of a Construction Management Plan, details of this would be secured through this, and therefore there is no requirement for any additional controls to be attached to this permission.

**(F) DOES THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS  
TRANSPORT AND MOVEMENT ISSUES?**

Transport and movement objectives of the Bristol Local Plan include promoting means of travel other than by the private motorcar. This includes promoting cycling, walking and public transport. Policy DM23 is instrumental in delivering these objectives.

As stated above, the principle of development and the surrounding highway network are approved by the outline permission. The approved plans also provide an indication of the position of the access for the individual plots, and the proposed reserved matters application is in accordance with this, and the design of the accesses is considered appropriate.

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**DISABLED ACCESS**

Condition 27 requires a scheme indicating provision for disabled access for each of the Plots.

Plots B has been designed in accordance with the guidance set out in Approved Document M of the Building Regulations. This has been achieved through all entrances to the building being accessible from the street via a level threshold, all entrance doors to apartments accessed via a level threshold and the parking provision including one accessible parking space located adjacent to the main lift core.

Plot C has been designed in accordance with the guidance set out in Approved Document M of the Building Regulations. This has been achieved through a number of provisions, including all entrances to the building being accessible from the street via a level threshold, all entrance doors to apartments accessed via a level threshold and the parking provision including three accessible parking spaces located in the basement.

Plot D has been designed in accordance with the guidance set out in Approved Document M of the Building Regulations. This has been achieved through a number of provisions, including all entrances to the building being accessible from the street via a level threshold, all entrance doors to apartments accessed via a level threshold and the parking provision including 2 accessible parking spaces.

Plot E has been designed in accordance with the guidance set out in Approved Document M of the Building Regulations. This has been achieved through a number of provisions, including all entrances to the building being accessible from the street via a level threshold and all entrance doors to apartments accessed via a level threshold.

**CYCLE PARKING**

Condition 28 requires details of cycle parking facilities and Condition 29 requires details of on-street cycle parking.

Plot B: A total number of 89 secure and covered cycle spaces are provided on Plot B. Cycle storage is also provided on the pavement along New Ervine Terrace in the form of Sheffield stands, with capacity for 4 bicycles.

Plot C: Secure parking for 92 bicycles will be provided for future residents as well as 5 cycle spaces for the office employees. In addition, space for 4 bicycles will be provided on-street for parking associated with the retail floorspace on Dove Lane.

Plot D: A total number of 62 cycle spaces are provided on Plot D, 60 of which are located within the building and 2 of which are located in the public realm on Dove Lane.

Plot E: A total number of 10 cycle spaces are provided within Plot E. On-street cycle parking is provided within the wider site for visitors.

In terms of cycle provision both secure and on-street has been reviewed (and amended in places) and complies with the requirements of Condition 28 and Condition 29.

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**PARKING FRAMEWORK**

The car parking requirements across the site are covered by Condition 37 which provides a car parking ratio to be delivered on a plot by plot basis. The parking ratios have been fixed as part of the outline permission, so that car parking is provided in accordance with the following ratios across the site:

Residential – 1 space per 4.3 dwellings

Employment – 1 space per 250 square metres

Plot B: The Plot B application proposals provide 10 car parking spaces for future residents within the plot, through at-grade undercroft parking, accessed from Wilson Place. In addition, on-street car parking is provided to serve the retail floorspace provided.

Plot C: The Plot C application proposals provide 44 car parking spaces for future residents within the plot, within a basement accessed from Newfoundland Way. In addition, on-street car parking is provided to serve the retail floorspace.

Plot D: The Plot D application proposals provide 13 car parking spaces for future residents within the plot. In addition, on-street car parking is provided to serve the retail floorspace within the wider site.

Plot E: The Plot E application proposals provide 10 car parking spaces for future residents within the plot.

**SUMMARY**

In terms of parking provision for 230 residential dwellings, the application of a minimum of one space per 4.3 dwellings would result in 53 spaces being provided. The reserved matter applications provide for 87 spaces and as such it is considered to be in compliance with the parking ratios approved through the outline permission.

In terms of parking provision for the employment uses (retail and office) the application of a minimum of one space per 250 square metres would result in a minimum of 8.4 spaces being provided. The application proposes 21 spaces for the employment uses and as such it is considered to be in compliance with the parking ratios approved through the outline permission.

It is considered that the overall provision of parking is within the Parking Framework approved at outline stage, and would not be harmful to highway safety. In addition, 253 cycle parking spaces (secure and on-street) are to be provided.

As such, the proposals are considered to be in accordance with the outline permission, BCS10 (Transport and Access Improvements), DM23 (Transport Development Management) and BCAP29 (Car and Cycle Parking in Bristol City Centre).

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**(G) DOES THE PROPOSED DEVELOPMENT ADOPT AN APPROPRIATE APPROACH TO SUSTAINABLE DESIGN AND CONSTRUCTION?**

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

A sustainability and energy strategy was submitted with the outline permission which stated that BREEAM Communities 'Very Good' could be achieved for the development. It also suggested a number of strategies for improving the performance of the individual buildings, to be secured through each individual reserved matters application. In accordance with the original statement this would achieve a 15% saving on CO2 emissions over and above the building regulations requirement.

Condition 48 of the outline planning permission states that:

*“The development shall be constructed in accordance with the 'Dove Lane Site-Wide Energy Statement' dated 30th October 2013, and the supplement with the same name dated 31st January 2014, approved in respect of Condition 50 of the planning permission no. 11/00034/P, unless this is superseded by an energy statement submitted in support of any reserved matter. Each reserved matters application shall be accompanied by a statement of conformity with this document and shall be future proofed to enable retrospective connection to any district heat network. The works required to meet this strategy shall be retained as operational thereafter”.*

Each plot specific Energy Strategy outlines how the proposals comply with the requirement of the condition that each plot on the site achieves a minimum 15% reduction in residual CO2 emissions across the whole site. Each Energy Strategy confirms that the requirements will be achieved through the provision of solar photovoltaics (PV). The PV array is to be accommodated on allocated roof areas.

The Sustainable Cities Team reviewed the details submitted with the application; the Energy Strategy proposed was a change in approach in relation to previously approved details. A site wide district heating scheme was previously approved under this condition. No justification for the variation was provided with the initial Energy Strategies submitted. It is suggested it was on cost grounds. A cost comparison between the previously approved site wide district heating scheme and the use of solar photovoltaics was requested.

A technical note on the Pros and Cons of District Heating vs. the standalone solution (solar PV) was provided to explain and justify the change in approach to the energy strategy for the site. This included a cost comparison between the approaches. This outlines the significant difference in cost between delivering the standalone Solar PV solution (approx. cost. £600k) and a district heating / combined heat power alternative (£1.65m).

Notwithstanding the significant cost difference, Places for People has also outlined that the primary reason for the change in approach and seeking to deliver solar PV's is to ensure the development can be delivered as soon as possible, avoiding unnecessary delays.

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Each Energy Strategy provides a commitment that whilst it is not proposed to install a site wide district heat network solution at this stage; Places for People would like to ensure that future connection to such a network is possible. In line with this the space heating and hot water services plant for each building will be compatible with possible future connection to any district heating system. This will comprise riser space and incoming ducts for future district heating pipework and provision for a plate heat exchanger to enable the heat network to supply heat into the existing heating systems within the building.

Whilst the future proofing for a connection to district heat network is limited to each building, the reserved matter proposals do not limit the ability to connect to or for a district heat network to be progressed in the wider city centre although the costs of laying extra pipework and disruption to future residents would likely result.

The Energy Strategy for each plot meets the minimum 15% reduction in residual CO2 emissions, in order to support the requirement for an overall 15% reduction across the whole site. The approach of a standalone solar PV with the option of later connection to a future district heating system was also used on the consented reserved matter application on Plot A, as such it is considered to be an acceptable approach with evidence on the cost and the imperative for delivery from the applicant noted.

The outline permission includes a condition (Condition 51) requiring a biodiversity enhancement scheme. The Nature Conservation Officer comments relate largely to proposed enhancements, and therefore these issues should be fully considered at the application to discharge condition stage (this condition was not submitted for approval concurrently with the reserved matters applications for these plots).

## CONCLUSION

The applications submitted for approval of reserved matters for Plots B – E further to the outline planning permission for the redevelopment of the Dove Lane site (11/00034/P) subject to minor amendments by section 73 applications to vary previously approved plans (13/05896/X and 17/02066/X).

The reserved matters applications are compliant with the parameters set in the original outline permission, including the position of individual buildings; the external appearance of the buildings; the scale of the individual buildings; and the site wide landscaping.

This report has considered a number of key issues in detail for each Plot, covering the assessment of impact on heritage assets (and their setting), residential amenity, neighbouring commercial uses, transport and movement (namely the detail of what is being provided and previously agreed ratios), and aspects of sustainability.

There is a high level of design support for these applications. The diversity generated by the approach to work up these aspects of the wider scheme using different design teams responding to the principles contained within the approved masterplan is welcomed as this has contributed toward an overall picture that is rich in terms of the quality of the development likely to result, and the avoidance of a monolithic and homogeneous quarter that have been seen in the past in other parts of the city.

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It is considered that the design of the buildings will enhance the appearance of the area, and help progress the delivery of an important city centre site that is allocated for a mix of housing and employment uses.

As such, each reserved matter application is considered to be in accordance with the outline permission and relevant planning policies. Each reserved matter application is recommended for approval.

Plot B (17/06678/M): The development of 68 residential dwellings and 128 sqm of retail floorspace (Class A1, A2, A3, A4 or A5).

Recommendation: Approve details of Reserved Matters.

Plot C (17/06679/M): The development of 92 residential dwellings, 597 sqm of retail floorspace (Class A1, A2, A3, A4 or A5), and 1,218 sqm of office floorspace (Class B1a).

Recommendation: Approve details of Reserved Matters.

Plot D (17/06683/M): The development of 60 residential dwellings and 168 sqm of retail floorspace (Class A1, A2, A3, A4 or A5).

Recommendation: Approve details of Reserved Matters.

Plot E (17/06684/M): The development of 10 residential dwellings

Recommendation: Approve details of Reserved Matters.

Landscaping (17/06812/M): Public realm, hard and soft landscaping proposals across the site.

Recommendation: Approve details of Reserved Matters.

The applications for the approval of reserved matters are supported by an extensive suite of information that have been assessed and are also recommended for approval to enable the discharge of Conditions, thus enabling commencement of development on site at the earliest opportunity.

## COMMUNITY INFRASTRUCTURE LEVY

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

The original planning permission to which this application relates was granted prior to the implementation of CIL and therefore no CIL is payable.



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**CONDITIONS FOR PLOT B (17/06678/M)**

RECOMMENDED Approve details of Reserved Matters

Pre commencement condition(s)

1. Sample panels before specified elements started

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

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

2. Noise Mitigation Measures

No development shall take place until a scheme of noise insulation measures in accordance with the recommendations of the Environmental Noise Assessment report submitted by MACH (dated 30.11.2017) is submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development is provided with an acceptable environment and the proposal does not impact on the viability of neighbouring commercial uses.

3. Highway to be adopted

No development shall take place until construction details of the new road network shown in drawing no. 1101-P Rev 3 Landscape General Arrangement Plan, to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason: To ensure the road network is constructed to a satisfactory standard for use by the public and are completed prior to occupation.

Pre occupation condition(s)

4. Sustainability

The development shall be constructed in accordance with the Dove Lane, Bristol, Energy Strategy submitted by AECOM in support of the application. All measures included in the statement, including the provision of Photovoltaic panels, shall be provided and be operational, prior to the occupation of the development hereby approved.

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Reason: To ensure that the development complies with the sustainability aims of the development plan.

5. Completion of vehicular access - Shown on approved plans

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

Reason: In the interests of highway safety.

6. Completion and maintenance of car/vehicle parking - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

7. 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.

8. Implementation of hard landscape works - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

List of approved plans

9. 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.

0110 A Proposed Site Layout Plan

0111 A Proposed Site Layout Roof Plan

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0201 A Proposed Lower Ground Floor  
0202 A Proposed Ground Floor Plan  
0203 A Proposed First Floor Plan  
0204 A Proposed Second Floor Plan  
0205 A Proposed Third Floor Plan  
0206 A Proposed Fourth Floor Plan  
0207 A Proposed Fifth Floor Plan  
0208 A Proposed Sixth Floor Plan  
0209 A Proposed Roof Plan  
0300 A Proposed Context Elevations sheet 1 of 2  
0301 A Proposed Context Elevations sheet 2 of 2  
0302 A Proposed New Ervine Terrace Elevation  
0303 A Proposed New Windsor Terrace Elevation  
0304 A Proposed Wilson Place Elevation  
0305 A Proposed Dove Lane Elevation  
0310 A Proposed Site Sections

Reason: For the avoidance of doubt.

**CONDITIONS FOR PLOT C (17/06679/M)**

RECOMMENDED Approve details of Reserved Matters

Pre commencement condition(s)

1. Further details before relevant element started – basement walls

An Approval in Principle Structural Report for the basement walls shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

Reason: To ensure the structural integrity of the basement walls to support what will become adopted highway.

2. Sample panels before specified elements started

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

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

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

3. Noise Mitigation Measures

No development shall take place until a scheme of noise insulation measures in accordance with the recommendations of the Environmental Noise Assessment report submitted by MACH (dated 30.11.2017) is submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development is provided with an acceptable environment and the proposal does not impact on the viability of neighbouring commercial uses.

4. Highway to be adopted

No development shall take place until construction details of the new road network shown in drawing no. 1101-P Rev 3 Landscape General Arrangement Plan, to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason: To ensure the road network is constructed to a satisfactory standard for use by the public and are completed prior to occupation.

Pre occupation condition(s)

5. Sustainability

The development shall be constructed in accordance with the Dove Lane, Bristol, Energy Strategy submitted by AECOM in support of the application. All measures included in the statement, including the provision of Photovoltaic panels, shall be provided and be operational, prior to the occupation of the development hereby approved.

Reason: To ensure that the development complies with the sustainability aims of the development plan.

6. Completion of vehicular access - Shown on approved plans

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

Reason: In the interests of highway safety.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**

**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

7. Completion and maintenance of car/vehicle parking - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

8. 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.

9. Implementation of hard landscape works - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

List of approved plans

10. 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.

2000 A Proposed Site Layout Ground Floor Plan  
2010 A Proposed Site Layout Roof Plan  
1999 A Proposed Plan - Lower Ground Floor  
2000 A Proposed Plan - Ground Floor  
2001 A Proposed Plan – Level 1 and 2  
2003 A Proposed Plan – Level 3 and 4  
2005 A Proposed Plan – Level 5  
2006 A Proposed Plan – Level 6  
2010 A Proposed Plan - Roof  
3000 A Proposed Site Sections  
0400 A Proposed Context Elevations  
4001 B Proposed Elevation West  
4002 B Proposed Elevation South  
4003 A Proposed Elevation East

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

4004 A Proposed Elevation North  
1100-P REV 01 Landscape Plan – Plot C

Reason: For the avoidance of doubt.

**CONDITIONS FOR PLOT D (17/06683/M)**

RECOMMENDED Approve details of Reserved Matters

Pre commencement condition(s)

1. Sample panels before specified elements started

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

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

2. Highway to be adopted

No development shall take place until construction details of the new road network shown in drawing no. 1101-P Rev 3 Landscape General Arrangement Plan, to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason: To ensure the road network is constructed to a satisfactory standard for use by the public and are completed prior to occupation.

Pre occupation condition(s)

3. Sustainability

The development shall be constructed in accordance with the Dove Lane, Bristol, Energy Strategy submitted by AECOM in support of the application. All measures included in the statement, including the provision of Photovoltaic panels, shall be provided and be operational, prior to the occupation of the development hereby approved.

Reason: To ensure that the development complies with the sustainability aims of the development plan.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**

**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

4. Completion of vehicular access - Shown on approved plans

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

Reason: In the interests of highway safety.

5. Completion and maintenance of car/vehicle parking - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

6. 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.

7. Implementation of hard landscape works - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

List of approved plans

8. 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.

0002 B Proposed Site Layout Plan  
0003 A Proposed Site Layout Plan Roof  
0100 C Proposed Ground Floor Plan  
0100 A Proposed First Floor Plan  
0100 A Proposed Second Floor Plan

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**

**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

0100 A Proposed Third Floor Plan  
0100 A Proposed Fourth Floor Plan  
0100 A Proposed Fifth Floor Plan  
0100 A Proposed Sixth Floor Plan  
0100 A Proposed Roof Plan  
0200 B Proposed South Elevation  
0201 B Proposed East Elevation  
0202 B Proposed West Elevation  
0203 A Proposed North Elevation  
0204 A Proposed Sectional Elevation AA  
0205 A Proposed Sectional Elevation BB  
0206 A Proposed Sectional Elevation CC  
0207 A Proposed Sectional Elevation DD  
0208 A Proposed Sectional Elevation EE  
0209 A Proposed Sectional Elevation FF  
0300 A Proposed Sections AA & BB  
0301 A Proposed Sections CC & DD  
0302 A Proposed Section EE & FF  
0400 B Proposed Context Elevations 1 of 2  
0400 B Proposed Context Elevations 2 of 2  
0500 A Proposed bin store layout

Reason: For the avoidance of doubt.

**CONDITIONS FOR PLOT E (17/06684/M)**

RECOMMENDED Approve details of Reserved Matters

Pre commencement condition(s)

1. Further details before relevant element started - design

Further details (including detailed drawings at the scale of no less than 1:10 where relevant) of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) The boundary treatment of Plot E with New Windsor Terrace.

Reason: To ensure that the appearance of the development is satisfactory.

2. Sample panels before specified elements started

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



**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

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

3. Highway to be adopted

No development shall take place until construction details of the new road network shown in drawing no. 1101-P Rev 3 Landscape General Arrangement Plan, to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason: To ensure the road network is constructed to a satisfactory standard for use by the public and are completed prior to occupation.

Pre occupation condition(s)

4. Sustainability

The development shall be constructed in accordance with the Dove Lane, Bristol, Energy Strategy submitted by AECOM in support of the application. All measures included in the statement, including the provision of Photovoltaic panels, shall be provided and be operational, prior to the occupation of the development hereby approved.

Reason: To ensure that the development complies with the sustainability aims of the development plan.

5. Completion of vehicular access - Shown on approved plans

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

Reason: In the interests of highway safety.

6. Completion and maintenance of car/vehicle parking - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**

**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

7. 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.

8. Implementation of hard landscape works - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory.

List of approved plans

9. 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.

0002 B Proposed Site Layout Plan  
0003 A Proposed Site Layout Plan Roof  
0100 D Proposed Ground Floor Plan  
0100 B Proposed First Floor Plan  
0100 B Proposed Second Floor Plan  
0100 A Proposed Third Floor Plan  
0100 A Proposed Roof Plan  
0200 B Proposed South Elevation and Sectional Elevation AA  
0201 B Proposed North Elevation and Sectional Elevation BB  
0202 C Proposed East and West Elevations  
0203 B Proposed Sectional Elevation CC  
0300 B Proposed Sections AA, BB, CC & DD  
0400 C Proposed Context Elevations

Reason: For the avoidance of doubt.

**Development Control Committee A – 16 May 2018**

**Application Nos. 17/06678/M, 17/06679/M, 17/06683/M, 17/06684/M & 17/06812/M**  
**Land Surrounding Dove Lane St Pauls Bristol BS2 9JE**

**CONDITIONS FOR SITE WIDE LANDSCAPING (17/06812/M)**

RECOMMENDED Approve details of Reserved Matters

1. Sample panels before specified elements started

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

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

2. Highway to be adopted

No development shall take place until construction details of the new road network shown in drawing no. 1101-P Rev 3 Landscape General Arrangement Plan, to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

Reason: To ensure the road network is constructed to a satisfactory standard for use by the public and are completed prior to occupation.

3. Implementation of hard landscape works - shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the landscaping proposals hereby approved have been carried out in accordance with the approved plans, unless a revised programme is agreed in writing with the Local Planning Authority.

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.

1101-P Rev 3 Landscape General Arrangement Plan  
1102-P Rev 2 Landscape Masterplan  
RP-L-01 Rev 1 Landscape and Public Realm Strategy (March 2018)

Reason: For the avoidance of doubt.

## Supporting Documents

### **2. Plot B, Plot C, Plot D, Plot E Dove Lane/Wilson Street**

1. Character areas
2. Outline parameters sheet
3. Site wide landscape plan
4. Plot B
5. Plot C
6. Plot D
7. Plot E

## 2.2 Context Character

### Site Surroundings

The site had most recently been occupied with derelict industrial buildings which have now all been demolished. Some industrial buildings of a low grade still remain along the periphery of the site adjacent to Newfoundland Way. The Plot B site is within close proximity to the Grade 2 listed Old School House and Wilson Street terrace, also Grade 2 Listed as well as the Portland and Brunswick Square conservation area.

### Character Area Study

Condition 59 of the outline planning application states that all reserve matters applications for all plots are to show how the proposals have been informed by the approved Dove Lane Character Area Study (for more detail refer to section 8.8 ). The study illustrates that the boundaries of 3 separate character areas run through the site, including the character areas of Portland and Brunswick Square, St Paul's and Newfoundland Way.

"The Portland & Brunswick Square conservation area forms one character area; adjoining this is a character area that is defined as the Newfoundland Way character area which encompasses the commercial gateway into Bristol and is extended to Cabot Circus and by it's nature overlaps in part with the Portland & Brunswick Square character area. The third area identified is predominantly residential use and identified for the purposes of this study as the St Paul's character area."  
(Extract from The Dove Lane Character Area Study, 2014, Rev 5)

As shown in the adjacent Site Context Plan the Plot B site lies within the predominantly residential St Paul's Character Area as defined by the aforementioned study. However, due to the close proximity and high visibility of the site to the other 2 character areas defined in the study the formation of the site's own distinct identity could be informed as much by its boundaries as it is by its centre. The sites character is more akin to a diverse blend as a result of the juxtaposition of the historic with the industrial urban fabric.

Key

- |   |  |   |                                    |   |                  |
|---|--|---|------------------------------------|---|------------------|
|  | Newfoundland Way Character Area                                  |  | Existing landscaped area           |  | Location House   |
|  | Portland and Brunswick Square Character Area / Conservation Area |  | Approved Outline Planning Boundary |  | Hammonds Yard    |
|  | St Pauls Character Area  |  | Wilson Street terrace              |  | Dove Lane Plot A |
|  | Existing Buildings   |  | The Old School House               |  | Dove Lane Plot C |
|  | Grade 2 listed building  |  | The Old Chapel                     |  | Dove Lane Plot D |
|   |  |  | Potters House                      |  | Dove Lane Plot E |



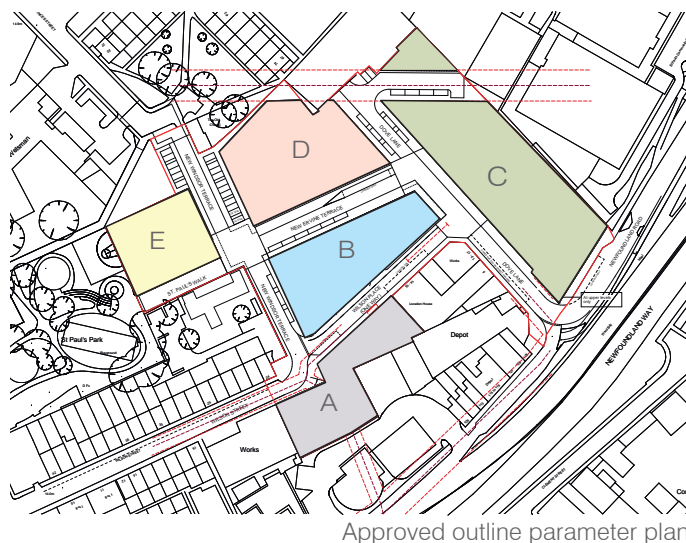
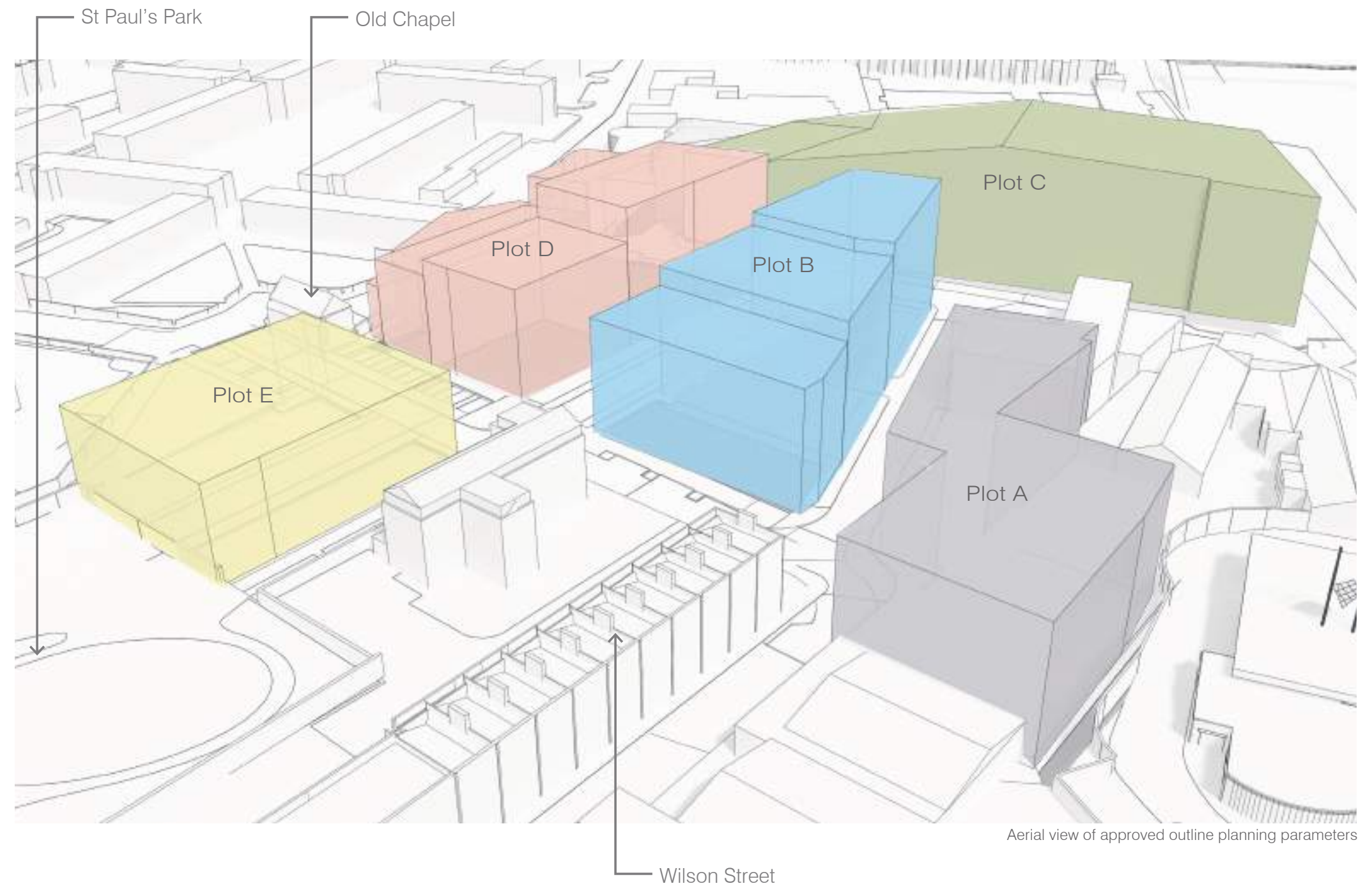
Site Context Plan - Permitted Masterplan Layout



## 1.5 Background

Outline Planning Permission was approved for the Dove Lane site on 25 January 2012 with a minor variation approved on 9 September 2014. The Reserved Matters applications for Plots B, C, D and E are intended to be submitted in unison, which will ensure a coherent understanding of how each individual plot has been designed to integrate into the overall vision.

Places for People working alongside a team of consultants have developed a detailed proposal for Plot B that has been designed to augment the overriding vision set out in the outline planning application. Bristol City Council and the wider St Paul's community have been involved as key stakeholders in the emerging proposals through a Pre-application report submitted in September 2017 and following this a public consultation event held in Oct 2017.





### Boundaries

- (00.00) Existing Levels  
+ 00.000 Proposed Building finish floor levels by plo  
architect  
+ FFL 00.000 Proposed levels by PBA

1. Short stay on street parking.
2. St Pauls Park
3. Neighbourhood Plaza
4. Office Courtyard (Plot C)
5. Shrub planting to streetscape
6. Shared space
7. Private mews street
8. Contra flow cycle lane.
9. Amenity garden
10. Gateway entrance materiality to Plot A
11. Wildlife Garden (Plot D)
12. On street parking
13. Gateway courtyards into Plot D
14. Car club parking
15. Communal Garden (Plot C)
16. Private gardens to Terrace end units
17. Proposed street tree planting
18. Podium garden (Plot B)
19. Roof Terrace (Plot B)
20. Roof Terrace (Plot C)

AMENDMENTS SINCE RMA ISSUE:

- a. LOCATION OF TREES ADJUSTED AND BOUNDARY TREATMENT TO PLOT D
- b. LOCATION OF PEDESTRIAN CROSSING POINT ADJUSTED.
- c. DROP KERB VEHICLE ACCESS TO PLOTS
- d. 2 NO. OF PROPOSED TREES REMOVED FROM PODIUM GARDEN OF PLOT B
- e. ROOF GARDEN LAYOUT REVISED.
- f. LAYOUT OF NEIGHBOURHOOD PLAZA TO PLOT C REVISED
- g. PLANTER LAYOUT EXTENT REVISED AND 3 NO. OF STREET TREES ADDED IN
- h. OFFICE COURTYARD LAYOUT REVISED
- i. STEPS ADDED TO PLOT C ENTRANCE
- j. PLOT D WILD LIFE GARDEN LAYOUT REVISED
- k. REMOVAL OF TWO PUBLIC SEATINGS
- l. DRIVEWAY TREATMENT

1. ALL LANDSCAPE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS AND ARCHITECT'S DRAWINGS AND SPECIFICATIONS
2. ALL DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DESIGN AND ACCESS STATEMENT DOCUMENTS
3. THE LEVELS SHOWN ON THIS DRAWING HAVE BEEN SET BY CIVIL AND INFRASTRUCTURE ENGINEER (PETER BRETT ASSOCIATES). PLOT LEVELS HAVE BEEN SET BY RESPECTIVE PLOT ARCHITECTS. ALL LEVELS ARE SUBJECT TO ON-GOING DESIGN COORDINATION IN THE FOLLOWING WORK STAGES

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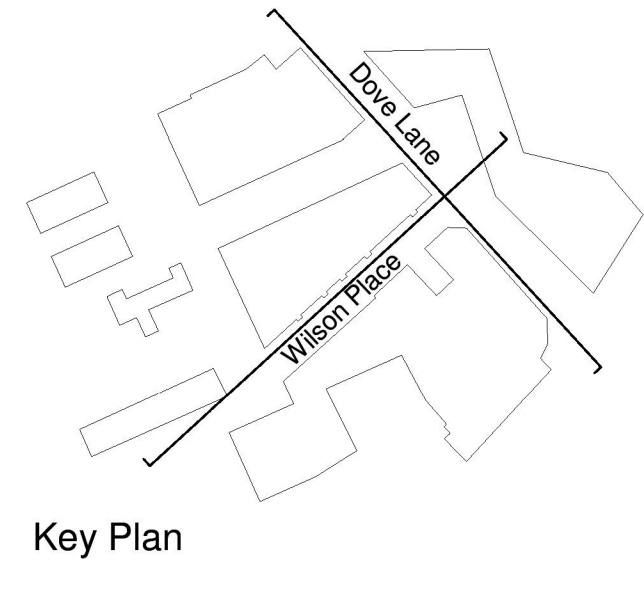
PROJECT  
DOVE LANE, ST. PAULS  
PUBLIC REALM

TITLE

LANDSCAPE PLAN SITEWIDE  
MASTERPLAN

Status:	
FOR PLANNING	
Drawing Number:	Rev:
DOV496-GRA-X-00-DR-L-1102-P	03



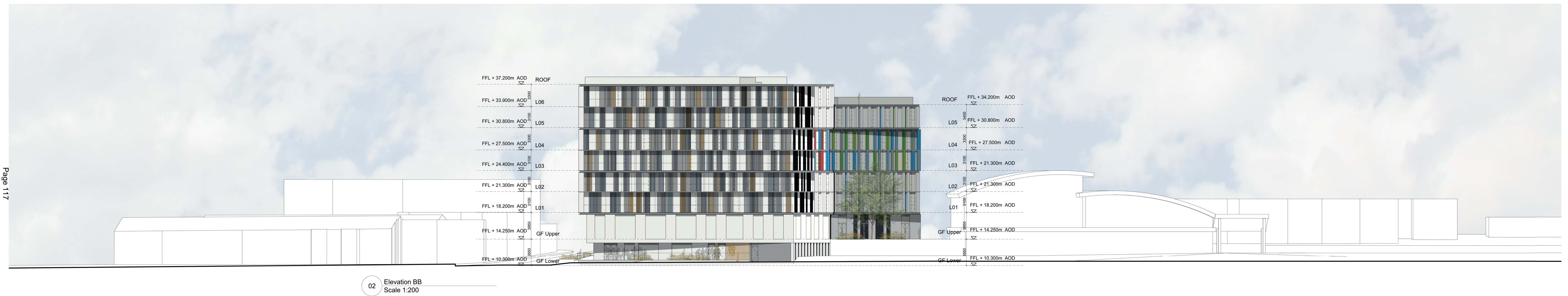


Wilson Place Elevation  
1 : 200



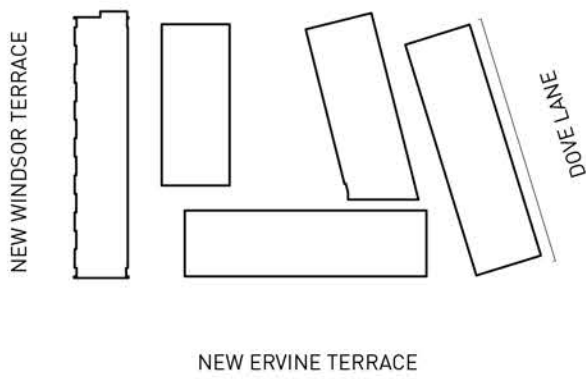
Dove Lane Elevation  
1 : 200







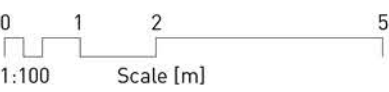
KEY PLAN



KEY

- OUTLINE PLANNING PERMISSION BOUNDARY
- RESERVED MATTERS APPLICATION BOUNDARY
- RESERVED MATTERS PARAMETER BOUNDARY
- 1 CEMENTACIOUS CLADDING BOARDS
- 2 COLOURED METAL BALUSTRADES
- 3 COLOURED METAL CLADDING PANEL
- 4 COLOURED METAL PROFILED FRAMING
- 5 BATH STONE CLADDING (OR SIMILAR TO BE AGREED)
- 6 DOUBLE GLAZED WINDOWS WITH COLOURED PPC ALUMINIUM FRAMING
- 7 LOUVRED METAL DOORS
- 8 METAL FENCING
- 9 GLAZED SHOPFRONT DOORS
- 10 METAL ROLLER SHUTTER DOORS

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Rev	Date	Init	Notes	Chkd
-	29.11.17	A/JN	Reserved Matters Application Issue	TL
A	16.02.18	A/JN	Materials illustrated, carpark doors revised to roller shutter arrangement	TL
B	03.04.18	A/JN	Bin store access revised to suit consultee feedback	TL

Lead Designers

**AWW** inspired environments

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Bristol - Rivergate House, Bristol, BS1 6LS  
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www.grant-associates.com

Notes

This drawing may be scaled for the purposes of Planning Applications, Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes.

Always refer to figured dimensions. All dimensions are to be checked on site. Discrepancies and/or ambiguities between this drawing and information given elsewhere must be reported immediately to this office for clarification before proceeding. All drawings are to be read in conjunction with the specification and all works to be carried out in accordance with latest British Standards / Codes of Practice.

Client

**places for people**

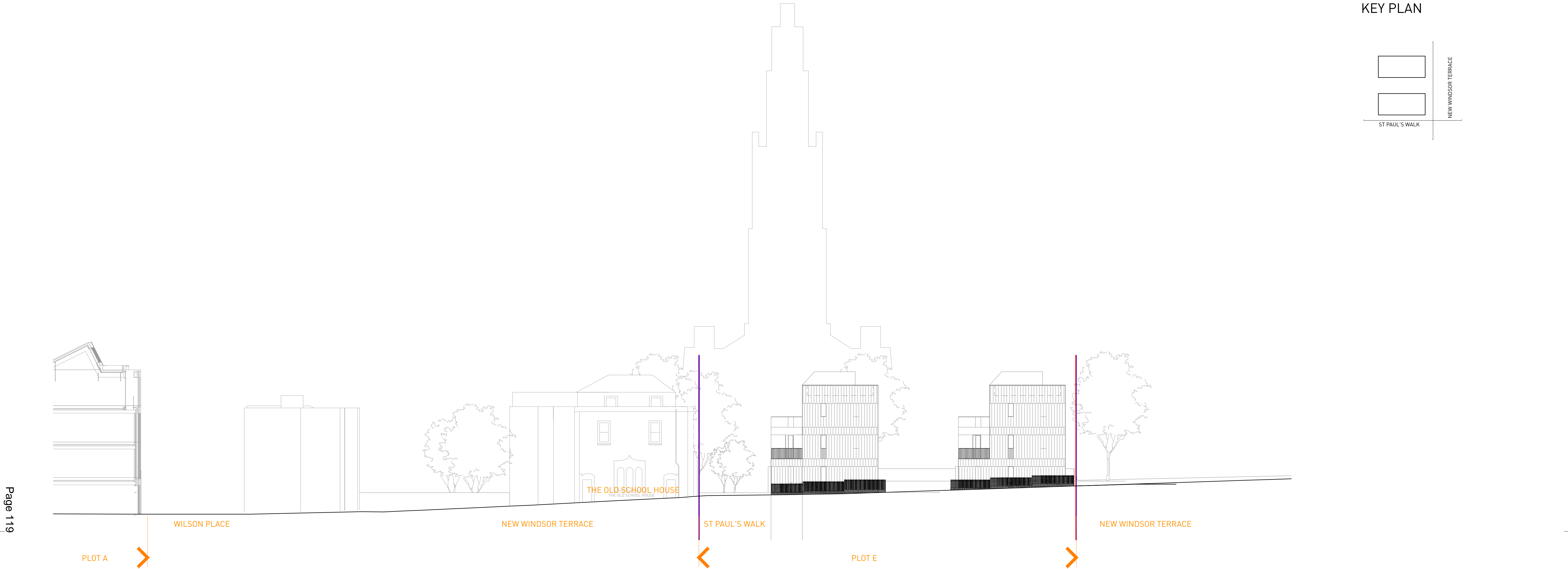
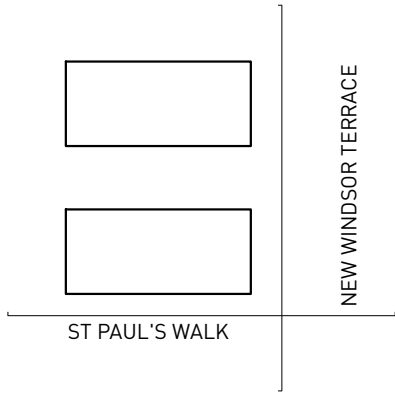
Project Title  
DOVE LANE, ST PAULS  
PLOT D

FCBS Dwg Ref  
Drawing Title  
PROPOSED EAST ELEVATION

Scale	Sheet	Drawn	Checked	Date
1:100	A1	AJN	TL	03.04.18
Status	PLANNING		Project No. 1851	
Drawing No.	TDO-PD-00-DR-A-0201		Revision B	



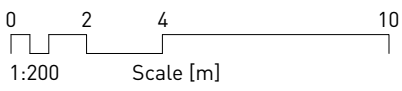
KEY PLAN



PROPOSED STREET ELEVATION NEW WINDSOR TERRACE (WESTSIDE)



PROPOSED STREET ELEVATION ST PAUL'S WALK AND NEW ERVINE TERRACE (NORTHSIDE)



## Development Control Committee A – 16 May 2018

ITEM NO. 3

**WARD:** Lockleaze **CONTACT OFFICER:** Paul Chick

**SITE ADDRESS:** Eastgate Centre Eastgate Road Bristol

**APPLICATION NO:** 18/00634/P Outline Planning

**DETERMINATION DEADLINE:** 16 May 2018

**Outline Planning Application for the demolition of an existing Class A3 / A5 drive-thru restaurant and erection of new Class A1 retail unit, two Class A3 / A5 pod units and a replacement Class A3 / A5 drive-thru restaurant. Access, Layout and Landscaping sought for approval. (Major Application)**

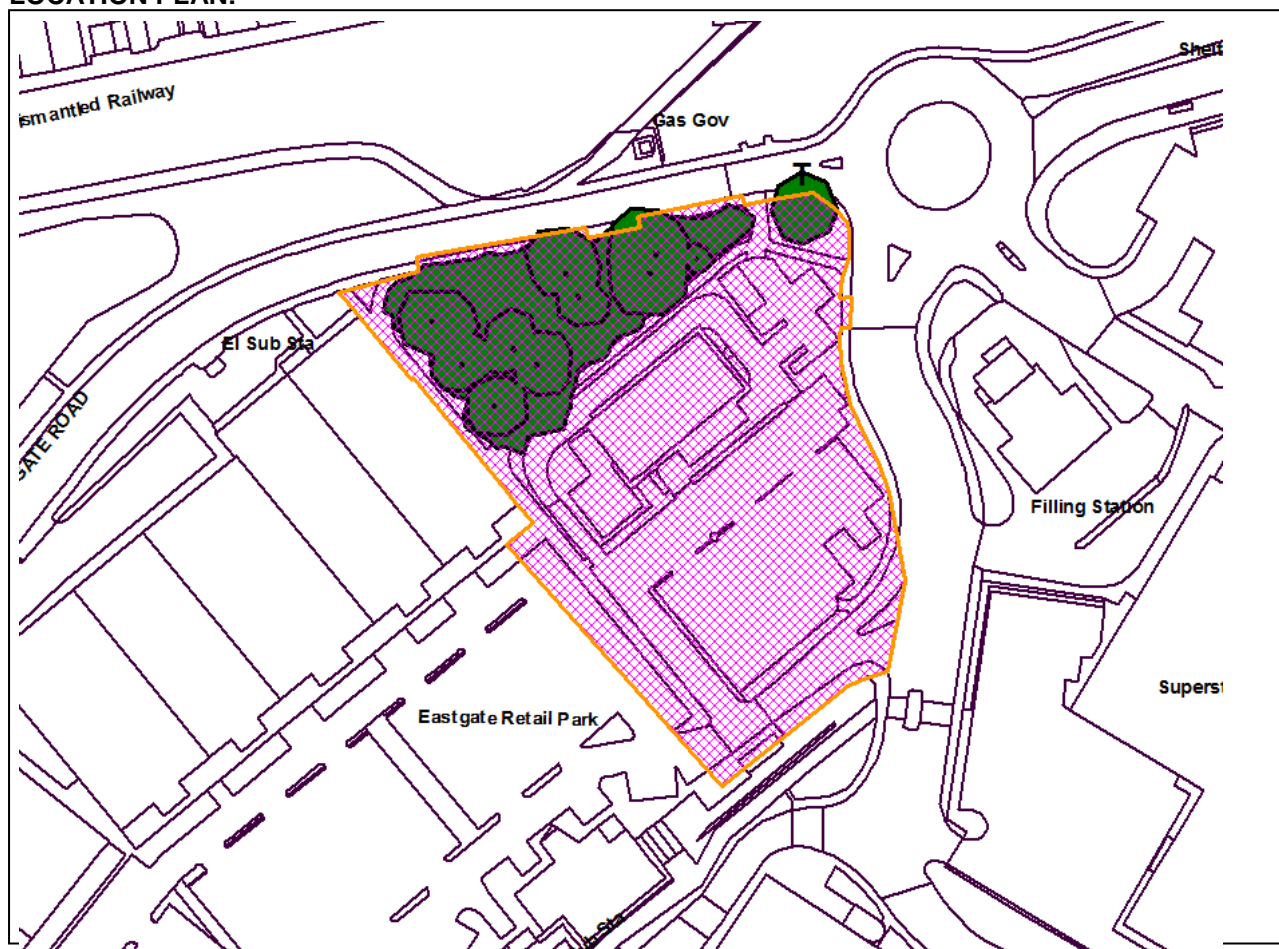
**RECOMMENDATION:** Refuse

**AGENT:** Savills (UK) Limited  
Savills (UK) Limited  
Belvedere  
12 Booth Street  
Manchester  
M2 4AW

**APPLICANT:** CPG Wilmslow Limited  
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 – 16 May 2018**  
**Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol**

## COUNCILLOR REFERRAL

The application has been referred to the Development Control Committee by local ward councillors Gill Kirk and Estella Tincknell on the grounds that Eastgate should be considered as an existing local/district shopping centre with associated local planning policy, and the wider implications for potential improvements along the Muller Road corridor, and knock on effects including relating to sustainable transport.

## SITE DESCRIPTION

The site concerned is 0.74 hectares in size and comprises the north eastern part of the Eastgate Retail Park. The site is occupied by a mix of car parking and circulation space, a Burger King 'Drive-Thru' A3 / A5 restaurant and a triangular-shaped belt of trees which separate the Burger King from Eastgate Road to the north. The trees are protected by two Tree Preservation Orders.

The site is unallocated in the Bristol Local Plan and lies within the Lockleaze ward.

## PROPOSED DEVELOPMENT

The application is submitted in outline, and proposes a new Class A1 retail unit of 929 square metres (net), two class A3/A5 pod units and a replacement A3 / A5 'drive-thru' restaurant, with the existing one demolished. All matters would be reserved with the exception of access, layout and landscaping.

It is a resubmitted application following the withdrawal of application reference 17/01580/F for the same proposal on 5<sup>th</sup> December 2017.

The majority of the trees would be removed to provide a new service entrance and exit from Eastgate Road.

## COMMUNITY INVOLVEMENT

A Statement of Community Involvement has been submitted with the current application, advising that discussions were held with cabinet members of Place [Growth and Regeneration] and Highways, local ward members, the Lockleaze Network Trust, South Lockleaze and Purdown Neighbourhood Group, Easton Business Improvement District and The Lockleaze Voice. (These discussions were held before the submission of the withdrawn application reference: 17/01580/F.)

The applicant advised that all parties confirmed their full support for the proposed development at that time.

## PLANNING HISTORY

The Eastgate Park has a detailed and long planning history. The Park was initially granted full planning permission in March 1987 (ref: 00207F/87/N) for non-food retail warehousing and associated car parking. The planning consent had a restrictive goods condition attached as follows (Condition 7):

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"No retail warehouse hereby permitted shall be used for the retail sale predominantly of clothing, fashion accessories, sporting goods, books or stationery or any of them and for the avoidance of doubt it is confirmed that the occupation of Unit 2 by Children's World Limited, a subsidiary of the Boots Company Plc or their successors trading in a similar manner is deemed to comply with the provisions of this Condition".

The Council's case for justifying a restriction on the range and type of goods sold from the application site and across the Eastgate retail warehouse park is driven by a need to seek to protect the vitality and viability of the hierarchy of protected retail centres across the City. Whilst not in force at the time of the 1987 decision, the objective as set out above is established by the former national policy framework PPS 6 and specifically by former Local Plan policies S1 and S2.

Further applications to increase the overall quantum and to vary the nature of the use of the floor space were considered in 1999 and 2000 either by the Council and/or at appeal and were duly dismissed. It is relevant to note that during the consideration of one of the appeals that were heard in 2000 with regards to condition 7 of the 1987 permission as set out above, an Inspector concluded that the use of the word predominant within the condition established a bench mark for enforcement purposes.

In September 2002 planning permission (ref: 02/01127/F/C) was granted for the extension of units D and H to form 3no. new retail units referred to as H, J and K and an extension to existing unit D to form a new unit E. The permission effectively allowed an increase in the amount of retail floor space by approximately 18 sq m (as reported) and 124 car parking spaces. To reflect a change in the retail trade since 1987 and to continue to ensure there was no impact on existing retail centres, the following condition (condition 3) was attached to the consent:

'None of the floor space hereby permitted shall be used for the retail sale predominantly of clothing, fashion accessories, sporting goods, books or stationery, or any of them'.

The key change arising from the wording of the condition compared to the 1987 condition is that the restriction applies to the approved floor space and not to each individual unit.

Subsequent to the 2002 approval, application 03/04902/X/C was submitted and sought to vary condition 3 as set out above to allow the sale of clothing, fashion accessories and footwear in as far as it relates to unit H. The application was refused on the grounds that no robust assessment had been undertaken including an assessment of need and available sites and that the proposed liberalisation of retail trade from the site would be detrimental to the vitality and viability of surrounding centres. Whilst the application was refused, Unit H is now occupied by Next selling a full product range. Because the unit still sells predominantly non-restricted goods in terms of the amount of floor space allocated to each product range, the LPA have not pursued enforcement action. When interpreting condition 3 the LPA has agreed that providing the restricted ranges of goods did not take up a greater proportion of retail space than the non-restricted goods, then that change of goods could not be argued to be predominant. This approach would allow up to 49% of the floor space within the 4 units covered by the 2002 permission to be used for retail restricted goods.

Planning permission 05/04078/X then varied the terms of trade to provide greater clarity for any future occupier of Unit K. (Unit K was then the only unit of the four covered by the 2002 permission which had never been occupied). Planning permission 05/04078/X established an overall limit of floor space (5331 sqm) across all the floor space in the 4 units covered by the 2002 application. Thresholds for each unit are based on the proposition that all of the floor space in unit K is used to retail goods from the restricted range. Further variations to the pattern of trade were then approved 06/01237/X (Units A, B, C, D F and G) and 06/04148/X (units E to K) to seek to clarify the terms of trade across the park as a whole. No increase in floor space was involved in either of these later proposals.

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Planning permission for an insertion of additional mezzanine floorspace into combined units J/K and alterations to the pattern of trade across the park was approved on 9th August 2007 (07/02550/F). The approval included a condition which applied a single figure of 5,331sq to the permitted floor area for the sale of restricted goods across the park.

The next application 08/01342/F granted permission for the insertion of additional mezzanine floorspace into combined Units C/D and alterations to the front and rear of Units C/D. Permission was granted subject to a condition restricting the area of floorspace which can sale comparative goods.

The applicants sought to remove the restrictive goods condition on two separate occasions in the last few years (12/00254/X and 12/05316/X). Both applications were refused under delegated powers and appeals were lodged against the decisions. On both occasions the Planning Inspectorate dismissed the appeals following an informal hearing and a public inquiry respectively. On both occasions the inspector concluded that in terms of the 'sequential test' there were suitable, viable and available premises within the City Centre to accommodate these retail units to sell unrestricted goods. Allowing the appeals could prolong their vacancy longer than would otherwise be necessary and to this extent there would be an adverse impact on the city centre's vitality and viability in the short term.

In 2015 permission was granted to sell food from Unit J (15/04749/X). Restrictive conditions were still attached to the permission to ensure that the existing terms of sale of retail goods remained unchanged across the remaining retail units in Eastgate Park.

A further planning application (15/04749/X) was submitted in 2015 to again remove the condition. This was refused permission under delegated powers for the same reasons as the previous appeals, that the proposal still fails the sequential test and would have an impact on retail investment and undermine the growth of the city centre.

Finally, in 2016 the last in a line of identical proposals was submitted by CPG South East Ltd at Eastgate Retail Park (ref: 16/01193/X), which have included two appeal dismissals (in 2013) and a refusal of permission without a subsequent appeal in 2015.

The application sought to remove the following condition:

"Unless otherwise agreed in writing by the Local Planning Authority the amount of floor space to be used for the retail sale of clothing, fashion accessories, sporting goods, books or stationery or any of them, shall not exceed 1,858 sqm in Units C/D and 3,473 sqm in the total combined floorspace of Units A, B, E, F, G, H, J and K."

Reason: To minimise any adverse impact upon designated centres.

The applicants submitted a detailed retail assessment which addressed the tests required by the NPPF and the Bristol Local Plan (sequential test and impact). The applicants considered that the circumstances had changed since the decision taken in 2015 by officers and the appeal decision and considered the application acceptable for the following reasons:

- o An appeal decision by the Secretary of State (Rushden Lakes 2014) and the fact that the Government has rescinded the practice guidance on need, impact and the sequential approach that previously required applications to consider the scope for disaggregation. Therefore the sequential test for this application should consider sequentially preferable sites for the entire retail park, and there were no suitable sites available in the city centre.

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- o Two development plan sites in the City Centre were previously identified as part of the previous appeal as being potentially capable of accommodating retail development. These were sites KS02 and KS03 identified in the Bristol Central Area Action Plan (CAP). The applicant considered that both these sites were unlikely to be available within the medium to long term, and therefore could not be considered to be available sites.
- o The proposal would not have a significant adverse impact on Bristol City Centre as concluded by the previous appeal inspector.
- o The condition is unenforceable. In order to enforce the condition, the use of the retail floorspace as a whole had to be constantly monitored.

However, the recommendation was to refuse the application in accordance with the previously refused applications referred to above. The application was however, referred to a Development Control Committee by a local ward councillor, Gillian Kirk. The Committee at its meeting on 28<sup>th</sup> September 2016 resolved to go against the Officer recommendation and granted permission to remove the restrictive goods condition.

**RESPONSE TO PUBLICITY AND CONSULTATION**

The application was advertised by way of a site notice and local residents and businesses were consulted.

In response, 15 objections were received including submissions from the Bristol Civic Society and the Ingmire Road Residents' Association:

The Bristol Civic Society Commented as follows:

*"Although there has been some reduction in the proposed net additional floorspace, [from the original submission of the withdrawn application] the reasons for that objection are the same as the Society's reasons for objecting to this proposal and they are copied below for ease of reference.*

*Bristol Civic Society objects strongly to the proposal. In the Society's view it would be harmful to the successful functioning of the city centre shopping area to permit an expansion in retail floorspace of this magnitude at Eastgate. There are significant vacancies in Broadmead and Galleries and the proposal would also be inconsistent with the possible redevelopment of the Callowhill site. It is important that the City Centre shopping offer is encouraged to consolidate and improve so that it is an effective counter attraction to Cribbs Causeway. We note that the retail analyst commissioned by the Council considers that the proposal would not satisfy the Council's planning policies for retail development.*

*Retail development comprising 15,000 sq. ft. in addition to the replacement drive through would also generate a lot of extra road traffic. The nearby junction with the M32 is already congested at peak times and this would be exacerbated by the proposal. Inevitably, there would also be additional traffic on the neighbouring residential streets which would harm the amenity of these areas and reduce air quality."*

The Ingmire Road Residents' Association commented as follows:

*"I write in relation to the above planning application on behalf of the Ingmire Road Residents' Association.*

*I will not repeat all that has been said by the very many objectors to the previous application [Ref: 17/01580/P], but to summarize; this area already has completely unacceptable levels of traffic*



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*congestion, with all the horrible air and noise pollution that goes with it. The Council has a duty to be reducing this congestion and pollution, and certainly not allowing any application that is going to increase it. This proposed expansion of the number of units and activity in the area clearly will increase traffic congestion in the area very substantially."*

Objections received from the public are concerned with two areas: an increase in traffic, resultant traffic congestion and increasingly poor air quality; and the loss of trees and impact on the remaining trees to be retained.

In addition, a comment was made that the Statement of Community Involvement is misleading as there is a high level of opposition to the proposals and claiming unanimity of support cannot be substantiated.

No comments were received in support of the application.

It should be noted that the above is a summary of the public comments received and that full copies of all comments received are available on the Council's online planning register.

**INTERNAL CONSULTEES**

Transport Development Management:

Principle:

The application proposes to demolish the existing drive thru and in its place construct a new A1 unit, two pod units one of which will have a mezzanine which is proposed as a gym, with a new drive thru with associated car/cycle parking and waste storage. As the Stage One Road Safety Audit raises concerns which have not been adequately addressed, Transport Development Management recommends that the application be refused.

Transport Statement:

The Transport Statement submitted sets out that excluding the drive thru, the proposed retail units will generate 958 two way trips on a Friday and 974 trips on Saturday and with the drive thru will result in 1,212 two way trips on a Friday and 1,210 two way trips on a Saturday. Using data set out within TRICS Research Report 95/2 – Pass-by & Diverted – A Resumé 80% of these trips are assumed to be pass by and linked trips with only 20% being new trips. Applying this assumption to the peak periods - Friday between 1pm and 2pm and Saturday between 2pm and 3pm, just 20 new two way trips would be created. Whilst many of the objections received cite concerns with an increase in traffic an analysis of the capacity of the roundabout using TRL software Junction 9 indicates that whilst the maximum RFC (Ratio To Flow Capacity) will increase on all four arms during the above periods (with the exception of Eastgate Road (E) during the Friday midday peak) the levels are below 0.85 (saturation level) and as such the roundabout will be able to safely support the additional vehicle movements the site is likely to generate.

Travel Plan:

A Framework Travel Plan has been submitted. However, based on the size of the development, only a Travel Plan Statement is required.

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Eastgate Road: Zebra Crossing:

To the north of the site is an unsegregated cycle path which links Glenfrome Road to Eastgate Road via a zebra crossing. To enable vehicles to access the rear service yard, the application proposes to re-site the crossing 15m westwards. The plan of the proposed access arrangements indicates that vehicular visibility splays of 2.4m x 25m (20mph) and clear forward visibility of at least 50m can be provided. To ensure that moving the zebra crossing could be achieved safely the applicant was asked to commission a Stage One Road Safety Audit. This was undertaken by Avon Traffic & Safety Services Ltd on Wednesday the 18th of April at 1pm. Four key issues were identified:

- 1) Risk of Nose to Tail Shunt Type Collisions: Due to the close proximity of the entrance to the service yard to the exit from the roundabout onto Eastgate Road, motorists exiting the roundabout could fail to comprehend that an HGV in front is leaving the road at the proposed new access. This risk is increased due to the speed of some vehicles as they leave the roundabout and the presence of a retaining structure in the nearside verge, which restricts visibility from the roundabout.
- 2) Risk of vehicle/pedestrian and/or vehicle/cycle collisions: Whilst the crossing will be moved westwards the existing unsegregated cycle path from Glenfrome Road to Eastgate Road will be left in situ. Unless a new spur is provided on the desire line, rather than doubling back pedestrians/cyclists may choose not to use the crossing. This could place them at a greater risk of being unseen by approaching vehicles resulting in those crossing being hit and injured.
- 3) Risk of vehicle/cycle collisions: A number of cyclists were observed to use the crossing. To avoid the risk of confusion as to who has the right of way and the risk of shunt type collisions or collisions with cyclists, the crossing should be changed to one designed for both pedestrians and cyclists.
- 4) Risk of vehicle/pedestrian collisions: Drivers turning left out of the service yard may not realise they are approaching the zebra crossing, or that a pedestrian is crossing and fail to stop, thereby resulting in their being injured.

In response the applicant stated:

- 1) As the entrance to the service yard is 25m from the exit from the roundabout, vehicles travelling within the speed limit will have adequate time to avoid such a collision. This however, assumes that all vehicles currently using Eastgate Road travel at 20mph. Any proposals must take into consideration existing road conditions and if necessary provide appropriate mitigation. A speed survey is therefore recommended.
- 2) As the applicant does not own the land on which the unsegregated cycle path is located, it is not possible to move it so that it will be on the desire line. Instead they have proposed installing a guard rail, although this would be contrary to national guidance. This must be addressed as any development must ensure the safety of all road users and not give rise to unacceptable traffic conditions as set out within Policy DM23: Transport Development Management of Bristol Local Plan – Site Allocations and Development Management Policies.
- 3) The existing zebra crossing operates safely and as a result does not need to be changed, as evidenced by the lack of any road traffic accidents at this location. This however, is based solely on accident data and not observed users. Consequently a survey of the number of cyclists/pedestrians using the crossing should be undertaken to determine if a revised design is required.
- 4) The zebra crossing will be moved further westwards. This would be in line with paragraph 2.1.1 Approach to a Side Road of Local Transport Note 2/95 The Design of Pedestrian Crossings.

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If these issues can be addressed the applicant would be required to enter into a Section 278 Agreement to undertake these works and the existing Traffic Regulation Order for the crossing will need to be amended, the cost of which (£5,395) must be met by the applicant.

**Vehicular Access Points:**

To enable the units to be served, a rear service yard is proposed which will have a dedicated entrance and exit both of which will be signed, feature vehicle crossovers for which a Section 171 Licence will be required and a set of gates. This is acceptable.

**Layout of Car Park:**

The site layout plan indicates that all of the parking spaces will be 2.4m wide x 4.8m long, with the four disabled spaces having a 1.2m side and rear hatched area. This is acceptable providing they are signed and marked accordingly. All of the spaces will be laid out communally and where they face each other a 6m gap has been provided for manoeuvring purposes. To link the drive thru to this footway and the footway that runs through the site to the adjacent Pizza Hut, four zebra crossings are proposed with pedestrian crossing facilities and dropped kerbs incorporating tactile paving. To avoid any conflict between vehicles accessing the carpark the site layout plan proposes a one way route that will be denoted by road markings and a stop and give way line as well as “No Entry” and “No Right Turn”. Swept path analysis has been submitted which demonstrates that a car can safely enter and exit the running lane.

**Pedestrian Access:**

The site layout plan indicates that the existing pedestrian routes will be maintained with the exception of the footway through the carpark which will be removed to enable additional parking spaces to be created. To enable pedestrians to reach Tesco and Ikea from Eastgate Road there are pedestrian crossing facilities with dropped kerbs incorporating tactile paving within the deflection island at the roundabout. Several requests have been received by Highways Area Engineering Team to provide zebra crossings and a pedestrian island within the area of white diagonal stripes that separates incoming and outgoing traffic. Whilst this is outside the site's boundary such a link would improve connectivity for pedestrians and cyclists which can only improve the accessibility of the proposed units/drive thru. To ensure pedestrians/cyclists have unrestricted access to the site the footpath between the existing retail units and the proposed units as well as the link next to unit three should be dedicated as a permissive route.

**Servicing:**

The site layout plan proposes that the retail units will be served from the rear by a new service yard that will have a gated entrance and exit. To prevent vehicles becoming an obstruction to oncoming traffic the gates will be left open during the day and only one delivery vehicle will be permitted to use the yard at any one time. Swept path analysis has been submitted that demonstrates a 16.5m articulated HGV can turn right out of the yard. Whilst a right turn ban could not be practically enforced to avoid becoming an obstruction to oncoming traffic drivers should be encouraged to turn left out of the site and use the roundabout between Glenfrome Road and Eastgate Road to turn around. This manoeuvre should be reinforced by no right turn signs within the curtilage of the site. In order to serve the proposed drive thru a substantial section of the carpark within the site's boundary will need to be coned off whilst an HGV undertakes deliveries. Whilst this is acceptable such manoeuvres should be undertaken early in the morning or late at night to avoid times at which the carpark will be at its busiest. A Servicing and Management Plan setting out how deliveries will be managed for both the drive thru and retail units must be submitted prior to occupation.

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The application proposes to reduce the size of the overall car park from 498 to 466 spaces, representing a loss of 32 spaces. To assess what affect the proposals would have on the car park, parking surveys were conducted on Friday the 13th and Saturday the 14th. These showed that even with this reduction, when factoring in the demand for additional parking based on proposed new retail units and the gym, there would still be 168 empty spaces during the Friday peak and 22 empty spaces during the Saturday peak. Of the 63 spaces adjacent to the development four spaces will be designated for the use of disabled people, which based on the above standards is acceptable. The Stage One Road Safety Audit indicated that at least one of these should be located near to the drive thru and this therefore should be taken into consideration.

In respect of cycle storage nine Sheffield Stands are proposed for visitors which providing they are set at least 1m from the kerb edge are acceptable. Ideally all of the stands should be protected by a canopy. For staff a secure, enclosed store will be provided. This must be able to accommodate at least six cycles. Vertical or angled racks are not acceptable. Appropriate showering and changing facilities should be provided.

**Waste:**

The site plans submitted propose that for the drive thru there will be an external area which will be gated, where refuse will be stored. Given that there is likely to be food waste all of the bins must be fully secure. No information has been provided as to the number of bins that will be provided or how often they will be collected and in what manner. The same applies for the store for the retail units and the gym. Clear plans showing the layout and design of these stores must be submitted to ensure that they are suitable. As they are both commercial uses, a commercial contractor will be responsible for collecting the waste. Bristol Waste now offers a commercial service. A Waste Management Plan setting out how waste will be stored and collected must be submitted prior to occupation.

**Construction Management:**

Due to the impact the demolition and construction works will have on the surrounding highway network a Construction Management Plan must be produced and submitted. This would need to be adhered to throughout the construction period.

**Recommendations:**

Whilst Transport Development Management is not adverse to the commercial usage of the site the applicant must adequately address the issues raised by the Stage One Road Safety Audit and in particular the relocation of the zebra crossing vis a vis the unsegregated cycle path. Whilst Transport Development Management appreciate that the applicant does not own the land on which it is located the cycle path must be re-sited so that it links directly to the relocated crossing. If it is not on the desire line pedestrians/cyclists may choose not to use it, thereby placing themselves at risk of being hit by approaching vehicles that may not see them. Moving the crossing without altering the cycle path would introduce an unacceptable risk, which presently does not exist, as demonstrated by the fact that there have been no recorded accidents. Whilst the applicant cannot be held responsible for individual's behaviour, any proposals must not give rise to unacceptable traffic conditions. As such in its current form the proposal would be contrary to National Planning Policy Framework paragraphs 32 and 35, Policy BCS10: Transport and Access Improvements of Bristol Development Framework Core Strategy – Policies and Policy DM23: Transport Development Management of Bristol Local Plan – Site Allocations and Development Management Policies. Consequently Transport Development Management recommends that the application be refused.

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**Landscape Design:**

As the application is a resubmission of the previous scheme (ref: 17/01580/F) the comments submitted are the same, as set out in full below.

The application seeks approval for the redevelopment of a retail site located within an area of significant green infrastructure surrounding the complex of large retail developments in Eastville. Considered as a whole this infrastructure mitigates to some extent the effects of intense traffic activity both in terms of visual amenity and urban air quality.

Approval of this outline application will result in the felling of a number of TPO'd mature trees and the removal of a substantial amount of existing green infrastructure. The application covering letter mentions the inclusion of a tree survey, but a full arboriculture assessment was not submitted. The Design and Access Statement provides little evidence of appreciation of the value of the existing landscape particularly the mature oak on the visually significant apex of the site between Eastgate Road and the access road to the Ikea. The loss of the existing landscape arises through the location of a new service road off Eastgate Road to the rear of the proposed units. There is no consideration of alternative layout arrangements - building lines, building size, parking arrangements - to facilitate retention of important site vegetation. Further, the trees scheduled for retention will have suffered canopy suppression due to having developed alongside other trees and will not make good specimens when surrounding vegetation is removed.

The applicant claims that the landscape scheme provided justifies the development proposal in relation to a raft of design and green infrastructure policies; in the absence of proper site analysis this is merely a statement rather than a considered conclusion and the proposals will not mitigate for the deleterious effects - loss of green infrastructure, TPO'd trees and visual amenity arising from the proposal. For this reason I recommend that the application is refused.

**Further Landscape Design Comments (following amendments):**

The revised Tree Survey supplied by Alan Engley and Associates provides a higher rating for a number of trees lost to the development on Eastgate Road than as was previously assessed. While the proposals to ensure the retention of the important oak are welcomed, it is clear that the other grade B trees make a contribution to the quality of the townscape on this frontage. The loss of important trees that further impoverishes townscape quality (aesthetic, wildlife interest, mitigation of climate change, air quality) is clearly counter to the aspirations of the Local Plan Core Strategy policy BCS9 which requires individual green assets (including trees) to be retained wherever possible. The revised Design and Access Statement provides no evidence that alternative layout arrangements have been considered that might avoid or reduce tree loss, so from the perspective of BCS9 the proposals cannot be supported.

**Tree Officer Comments:**

The arboricultural report provided is dated July 2017 and is the same report that was provided for application 17/01580/P (withdrawn). This is a preliminary inspection of the trees on site which provides an opinion on the condition of each tree more akin to a tree health & safety survey rather than a development site survey. A Tree Constraints Plan (July 2017) has been provided to aid the design but no further arboricultural documentation has been provided to support this application. The report provides insufficient detail to support this application.

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The following is required:

- An arboricultural report in line with BS5837: 2012: Trees in relation to design, demolition and construction – Recommendations.
- Tree survey detailing trees on and off site that have an influence on the proposed development
- A tree protection plan to identify trees to be retained or removed
- Arboricultural implications assessment and method statement for the protection of trees to be retained

The proposed site layout (10195-P-103-H) seeks to remove all but 3 trees on site, this is completely unacceptable and I most strongly object to this proposal.

The mature trees on site are protected by TPO 282 due to the significant amenity contribution they provide, During the previous application it appeared that some of the under storey vegetation had been removed and therefore woodland TPO 1321 was applied to ensure all of the young and mature trees on site were protected.

The mature trees ash and oak are a historic remnant of a landscaped garden (Circa 1900) from the former gas works that occupied the site, the ash appear to have been managed as old pollards which have now grown out. They are historic trees with potential veteran tree characteristics that warrant the TPO status and must be retained. Due to poor management or lack of management the trees have a number of less than satisfactory defects associated with them that have in part been identified within the supporting arboricultural report from July 2017.

I have aged the trees using the stem diameters provided within the arboricultural report and the Alan Mitchell methodology of estimating the age of trees. The average estimated age of the ash trees (T4,5,7,9 & 10) is 90 years (the ash have been historically pollarded which will have reduced their growth rate and therefore their actual age is likely to be greater than this estimate); the estimated age of the oak T12 is 108 years. These are trees of considerable age, that present a number of veteran and ancient tree characteristics.

The National Planning Policy Framework (NPPF)

Conserving and enhancing the natural environment

Para 118: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that locations clearly outweigh the loss.

The proposal takes no account of the Bristol Core Strategy Policy (BCS9) which requires an appropriate type and amount of new or enhanced green infrastructure to be incorporated into new development.

The proposed does not identify any new or enhanced green infrastructure assets.

DM15: Green Infrastructure Provision

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The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development. The design, size, species and placement of trees provided as part of the landscape treatment will be expected to take practicable opportunities to:

- I. Connect the development site to the strategic green infrastructure network, and/or Bristol Wildlife Network.
- II. Assist in reducing or mitigating run-off and flood risk on the development site.
- III. Assist in providing shade and shelter to address urban cooling.
- IV. Create a strong framework of street trees to enclose or mitigate the visual impact of the development.

The trees protected by Tree Preservation Order (TPO) 282 on site (T1, 2, 3, 4, 5, 7, 9, 10, 11 & 12) are valuable amenity assets that warrant the protection of this order and have not been considered during the design process. Poor quality mitigation has been suggested; outlined within the Planting Plan 17-01- PL-201-Rev A. This has not considered any of the requirements set out in the Planning Obligations, Supplementary Planning Document 2013 (Bristol Tree Replacement Standard).

This proposal seeks to remove 16 of the 19 trees on site, 8 of which are protected by TPO 282. 3 trees have been classified as category R and therefore would not require mitigation. However the 13 trees that have been identified for removal would require 50 replacements or a financial contribution. 6 replacement trees have been identified within the Planting Plan (17-01-PL-201-Rev F) although one is unlikely to survive in the location proposed. In excess of 40 further replacement trees are required or a financial contribution of £38,269. These figures show the dramatic change suggested within the locality and the deficiency in mitigation proposed. Insufficient justification has been provided to remove all but 3 of these trees.

If consent is granted T7 has been isolated to such an extent with a significant encroachment into its root protection area (RPA) of approximately 40%, that its loss is highly likely within a few years of the completion of the proposed development along with the younger trees within the undeveloped area adjacent to this tree.

The loss of these trees would directly conflict with DM15. Rather than improving or enhancing the visual amenity and natural environment, the proposed development would fragment, degrade and remove a key green infrastructure asset located within the heavily developed retail park. This verdant area is the only natural area of any significance within the whole of the Eastgate retail park and must be retained.

**DM17: Development Involving Existing Green Infrastructure****Trees**

- All new development should integrate important existing trees
- Development which would result in the loss of ancient woodland, aged trees or veteran trees will not be permitted.
- Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard.

*“Due to their characteristics and value, Aged and veteran trees are considered to be of relatively greater importance than other trees and even trees of a similar species. Aged trees, by definition, have developed characteristics associated with great age and often have particular landscape and townscape value. Veteran trees are considered to have particularly important nature conservation value. Both will often have significant visual amenity, and potentially historic and cultural*

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*importance. As such their loss or harm will not be permitted, and design and layout of development will be expected to integrate them into development.”*

**Conclusion:**

The proposed has not provided sufficient arboricultural documentation to assess the application with regard to tree protection and working methodology around the small number of tree identified for retention.

The proposed mitigation measures are poor and have not been presented to show due consideration to the Bristol Tree Replacement Standard within the Planning obligations SPD.

The trees are protected by TPOs 282 and 1321; and this has been given no consideration regarding design layout or retention of these important amenity features.

**OTHER CONSULTEES**

Air Quality Officer: Raise no objection as the additional traffic generated by the proposal is below the threshold at which air quality effects are considered significant.

Pollution Control: There are no issues with the current Burger King premises. Raise no objections. Recommend conditions.

Nature Conservation: Raise no objections. Recommend conditions.

Sustainable City Team: Raise no objections. Recommend conditions.

Flood Risk Team: Raise no objections. A detailed Sustainable Drainage Strategy for management of surface water would be required through the reserved matters application in the event of an approval.

Land Contamination: Raise no objection. Recommend conditions.

Urban Design: No comments received.

**EXTERNAL CONSULTEES**

The Coal Authority: Raise no objection. Recommend condition.

The Bristol Waste Company: Raise no objection.

Wales and West Utilities: Raise no objection.



**Development Control Committee A – 16 May 2018****Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol****KEY ISSUES****(A) IS THE PRINCIPLE OF RETAIL DEVELOPMENT ACCEPTABLE IN THIS LOCATION?**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.

Eastgate Retail Park is one of four retail parks found in the city which are not identified within the hierarchy of retail centres set out under Policy BCS7 of the Bristol Core Strategy. It is therefore defined as an 'out of centre' location and there are no specific policies which protect and promote retail provision in such locations.

The application therefore proposes a number of 'main town centre uses' (in this case retail and food and drink uses) in an out of centre location. Policy BCS7 requires designated centres to be the focus for retail, office, leisure and entertainment uses. Policy DM7 requires that "*Retail and other main town centre uses should be located within the centres identified on the Policies Map*". It states that out of centre development of main town centre uses will only be permitted where:

- 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."*

This policy requirement is known as the 'Sequential Approach' or 'Sequential Test' and is also set out in the NPPF (Paragraph 24 and 27).

The policy also states that retail development in out of centre locations will not be permitted if it would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres.

**The Sequential Test**

The applicant has undertaken the relevant assessments and concluded in a 'Planning, Retail and Economic Statement' (PRES) that the proposal complies with the 'sequential test' stating that there are no sequentially preferable sites either within or adjacent to any existing defined centres. A further conclusion is reached that the development would not have a harmful impact on any existing designated centres.

Section 6 of the PRES assesses alternative sites and premises based on the scale and form of the whole proposed development. The approach adopted is that there is no policy requirement to disaggregate the proposals so that a range of sites can be considered as suitable to accommodate different parts of the proposal in applying the sequential test. For clarity, this also includes the requirement to accommodate the replacement Class A3/5 retail unit, in terms of its physical design to accommodate a drive-through element.

In response to this, the Council's retail consultant has advised that this is an incorrect approach to the sequential test. The advice received is that whilst it had been assumed that the requirement for consideration of disaggregation had been dropped from national retail planning policy, recent decisions by the Planning Inspectorate suggest that the picture is mixed, depending on the circumstances of the case.

**Development Control Committee A – 16 May 2018****Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol**

In this case the application is in outline with no named retailers or confirmed type/style of comparison goods retailer. The applicant has put forward a suggested condition to restrict the range of goods sold to 'bulky goods'. The proposed wording would state that the retail floorspace would not be used for the sale of the following goods, unless any individual category of the following goods is sold from no more than 10% of the retail sales area.

- a) Food and Drink
- b) Adult and children clothing, shoes and accessories
- c) Jewellery and watches
- d) Pharmaceutical goods, toiletries and perfumes
- e) Books, magazines and stationary
- f) Toys and games

However, this proposed wording would allow for a significant range of non-bulky items. In so doing, the proposed unit would be attractive to a range of retail operators.

This suggests that there is no reason why separate sites and/or premises in sequentially preferable locations could not be suitable alternatives for individual units within the proposed development.

The Council's retail consultant considers that the PRES does not demonstrate flexibility in format and scale when assessing the suitability of alternative sites, and considers that there are suitable and available vacant premises within Bristol City Centre, such as within Broadmead and Cabot Circus. In addition the Horsefair/Callowhill Court redevelopment area should be considered as a suitable and available sequentially preferable alternative to the application site.

Outside the city centre, the consultant also disagrees with the findings of the PRES in respect of other vacant premises in the Fishponds town centre that in his view should not be discounted.

Accordingly, it is concluded that the applicant has failed to demonstrate that the proposed development complies with the sequential test.

It should be noted that the above is a summary and that detailed arguments have been submitted in relation to the sequential test including two legal opinions referring to various appeal decisions. The legal opinion that the Council has received states that as a matter of law the flexibility required under Paragraph 24 of the NPPF to consider format and scale is a matter of planning judgement and cannot be prescribed or limited as suggested by the applicant's QC. This includes the question of disaggregation. Further advice received was that issues of availability and the appropriate timescale for the sequential test were also questions of judgement for the Council.

#### Retail Impact

There is agreement that the proposed development is unlikely to have a significant adverse impact upon the health of, or investment within, defined 'town centres' in the catchment of the proposal.

#### (B) IS THE LOSS OF GREEN INFRASTRUCTURE ACCEPTABLE?

The proposal would result in the loss of 16 of the 19 trees on the application site and one of the three trees shown to be retained is unlikely to survive. This loss of green infrastructure has to be considered against Core Strategy Policy BCS9, which aims to protect, provide, enhance and expand the green infrastructure assets which contribute to the quality of life within and around Bristol. BCS9 states that individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. When this is considered to apply, appropriate mitigation of the lost green infrastructure assets will be required. BCS9 further adds that open

**Development Control Committee A – 16 May 2018****Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol**

spaces which are important for recreation, leisure and community use, townscape and landscape quality and visual amenity will be protected and sets out criteria whereby some areas of open space may be released, through the development plan process.

DM17 provides further detail regarding development involving existing green infrastructure. The policy states that development which would result in the loss of unidentified open space (other than Important Open Space designated on the accompanying SA and DM Policies Map) which is locally important for recreation, leisure and community use, townscape and visual amenity will not be permitted.

In respect of trees, DM17 states:

*“All new development should integrate important existing trees.*

*Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted.*

*Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided.”*

The area of the application site with the trees is a historic remnant of a landscaped garden (Circa 1900) from the former gas works that occupied the site. It is protected by two TPOs and contains several trees with potential veteran characteristics. This green infrastructure would effectively be lost through implementation of the development proposed. It is an important landscaped area of open space that provides significant visual amenity and relief from what is otherwise an intensely built up area on this side of Eastgate Road. Its loss would impoverish the townscape quality in all senses (aesthetic, wildlife interest, mitigation of climate change and air quality). There has been no consideration of alternative layout arrangements that might avoid or reduce the loss of trees, and indeed the applicant has advised that no suitable alternative configurations exist.

In terms of achieving the policy aims of the Core Strategy (see BCS9 above), it should again be noted that the Eastgate Centre is not a defined retail centre within the Core Strategy. It is an out-of-centre retail destination and as such is unallocated in the Local Plan.

The Core Strategy retail policy aim is to support a network of defined accessible centres in Bristol as key focuses for development and as the principal locations for shopping and community facilities as well as local entertainment, art and cultural facilities. As Eastgate is not a defined centre, its expansion does not meet this policy aim.

In view of the above, the loss of green infrastructure is unacceptable as it fails to comply with the requirements of BCS9 and DM17.

In support of the proposal, the applicant's agent has argued the following points (in response to which comments are added in brackets):

In terms of mitigation for the loss of green infrastructure, the proposal would deliver green infrastructure through:

- The delivery of sustainable buildings that meet Core Strategy policy requirements
- The delivery of a green wall
- The delivery of new landscaping within the car parking
- Assisting the Council in delivering environmental realm improvements for the proposed links to the Frome Greenway [However no detail has been provided on this point]
- Assisting the delivery of a Charging Hub for electrically powered vehicle modes by providing land within Eastgate Centre for the facility [Discussions had commenced on this possibility,

**Development Control Committee A – 16 May 2018****Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol**

however, due to funding issues charging hubs cannot be located on private land such as Eastgate Centre]

- Works to the oak tree on the Eastgate roundabout to ensure its protection and enhancement

The applicant contends that the loss of the trees is ... *“de minimus in the context of the overall landscaped areas that surround the Eastgate Centre”*, but has agreed to provide a payment of £38,269 in accordance with the Bristol Tree Replacement Standard.

In addition the agent notes that the proposal would deliver £192,000 in the form of a Community Infrastructure Levy payment, 15% of would be provided to the Lockleaze Neighbourhood Partnership (£28,000). The agent suggests that some of this payment could be used to provide replacement green infrastructure in the vicinity.

Further points raised in support are as follows:

- The application accords with the relevant policies in the Local Plan [As set out above it does not comply with the relevant policies in the Local Plan]
- The new facilities will support Eastgate Centre as a key retail destination in the hierarchy of Bristol's retail offer [Eastgate Centre is not a defined retail centre and is unallocated in the Local Plan. Notwithstanding this point, the Eastgate Centre has consistently traded well and currently has no vacancies. Following the removal of restrictions on the range of goods that can be sold (reference: 16/01193/X), it is now attractive to a wider range of retail operators further securing its vitality]
- Food and Drink facilities will increase the dwell time at the Eastgate Centre and provide employment [This would equally apply if the development was located in a defined centre in accordance with the sequential test]
- Retention of the existing employment and service facilities through relocation of the existing Burger King facility
- Delivery of development that promotes sustainable retail trips through the co-location with existing facilities [This would apply equally if not more so if the development was located in an existing defined centre in accordance with the sequential test]
- The delivery of retail facilities that would not harm existing town centre vitality and viability [If located in a defined centre, the facilities would improve that centre's vitality and viability]
- The creation of additional employment [The additional employment would occur if the development was located in a defined centre]
- Support by CPG (applicant) of the Easton Business Improvement District ('BID') application

(Please refer to the agent's letter of 26<sup>th</sup> April 2018 appended to this report for full details of the above.)

To conclude, it is considered that the points raised do not provide justification to outweigh the provisions of the relevant policies of the Local Plan as outlined above. Accordingly, the removal of this important area of green infrastructure is unacceptable.

**(C) IS THE PROPOSAL ACCEPTABLE IN TERMS OF TRANSPORT AND MOVEMENT ISSUES?**

The detailed comments submitted by Transport Development Management are set out above.

In summary, there is an issue over the proposed relocation of the zebra crossing on Eastgate Road as the cycle path should be re-sited so that it links directly to the relocated crossing. As proposed it is not on the desire line for pedestrians and cyclists who may choose not to use it, thereby placing themselves at risk of being hit by approaching vehicles. Moving the crossing without altering the cycle path would introduce an unacceptable risk. As a principle, highway proposals must not give rise to unacceptable traffic conditions that would occur if this scheme was implemented.

**Development Control Committee A – 16 May 2018****Application No. 18/00634/P: Eastgate Centre Eastgate Road Bristol**

In response to this the applicant refers to Paragraph 32 of the NPPF and the consideration of whether a proposal would have a severe impact on the highway network. However, the word 'severe' refers not just to traffic impact but considers the scheme as a whole. As such, although it is appreciated in terms of actual movements the proposal is unlikely to have a significant impact on the highway network, the re-location of the crossing and the adverse impacts on the risk of vehicle/pedestrian/cycle collisions as set out in the submitted Road Safety Audit is considered unacceptable. Therefore the proposal can be considered 'severe' and as such is contrary to the NPPF and Local Plan policies BCS10 and DM23.

In all other respects the proposals are considered acceptable in terms of transport and movement issues.

**(D) ANY OTHER ISSUES:**

Air Quality: Many of the objections received refer to deterioration in air quality as a result of the proposals. However, the advice received from the Air Quality Team is that the additional traffic generated by the scheme is below the threshold at which air quality effects are considered significant.

In terms of all other relevant issues such as flood risk, nature conservation, pollution control and sustainability the proposals are considered acceptable.

**CONCLUSION**

It is considered that the proposal fails to satisfy the sequential test required under long established retail policy and should be refused, as stated at Paragraph 27 of the National Planning Policy Framework and in accordance with Local Plan policy DM7.

The proposal would result in the loss of green infrastructure protected by two Tree Preservation Orders. This is an important landscaped area providing significant visual amenity in an intensely built-up area on the south side of Eastgate Road. There is no justification to allow for the loss of trees proposed and the proposals should be refused in accordance with Local Plan policies BCS9 and DM17.

The proposals would result in a highway safety issue through the proposed relocation of the zebra crossing on Eastgate Road and should be refused in accordance with Local Plan policies BCS10 and DM23.

**RECOMMENDED REFUSE**

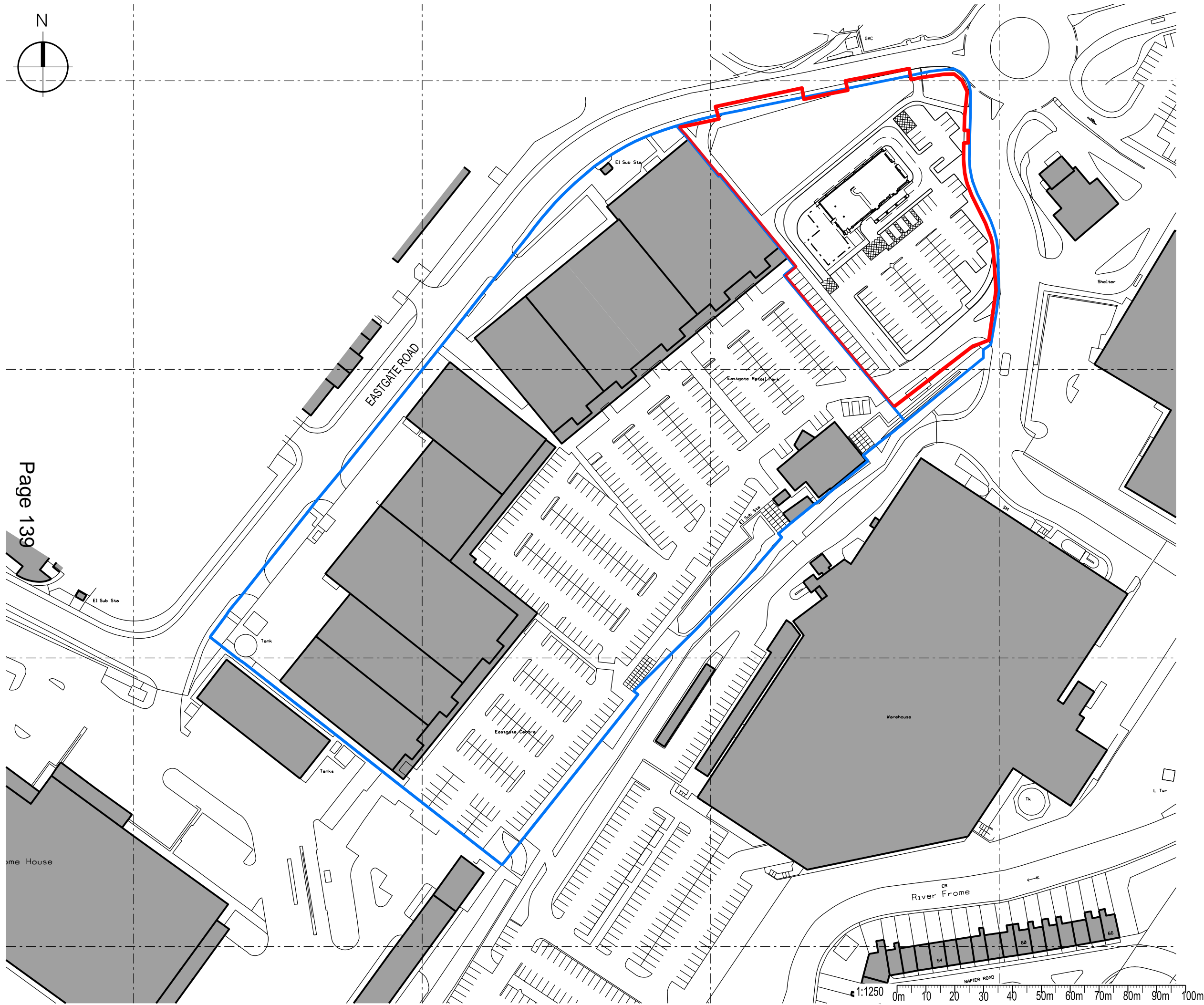
The following reason(s) for refusal are associated with this decision:

1. The Planning, Retail and Economic Assessment submitted with the application fails to satisfy the requirements of the sequential test as set out in the National Planning Policy Framework and DM7 of the Bristol Local Plan, as there are sequentially preferable, suitable and available alternatives within Bristol City Centre and Fishponds Town Centre.
2. The proposal would result in the unjustified loss of green infrastructure and as such is contrary to the provisions of policies BCS9 and DM17 of the Bristol Local Plan.
3. The proposed re-location of the zebra crossing on Eastgate Road would result in adverse impacts on the risk of vehicle/pedestrian/cycle collisions and is considered unacceptable. As such the proposal is contrary to policies BCS10 and DM23 of the Bristol Local Plan.

## Supporting Documents

### **3. Eastgate Centre. Eastgate Road**

1. Site location plan
2. Proposed site layout
3. Indicative proposed elevations
4. Indicative elevations Burger King
5. Letter from agent 26<sup>th</sup> April



OWNERSHIP BOUNDARY

APPLICATION BOUNDARY  
0.744 Ha

REV. DATE NOTES INIT.

CLIENT / PROJECT

CONSOLIDATED PROPERTY GROUP

**eastgate**  
RETAIL CENTRE

DRAWING TITLE

SITE LOCATION PLAN

STATUS

PLANNING

DATE AUG.17 DRAWN SW SCALE @ A3 1:1250

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
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DRAWING NO.	10195	P	100
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Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix Colour	C

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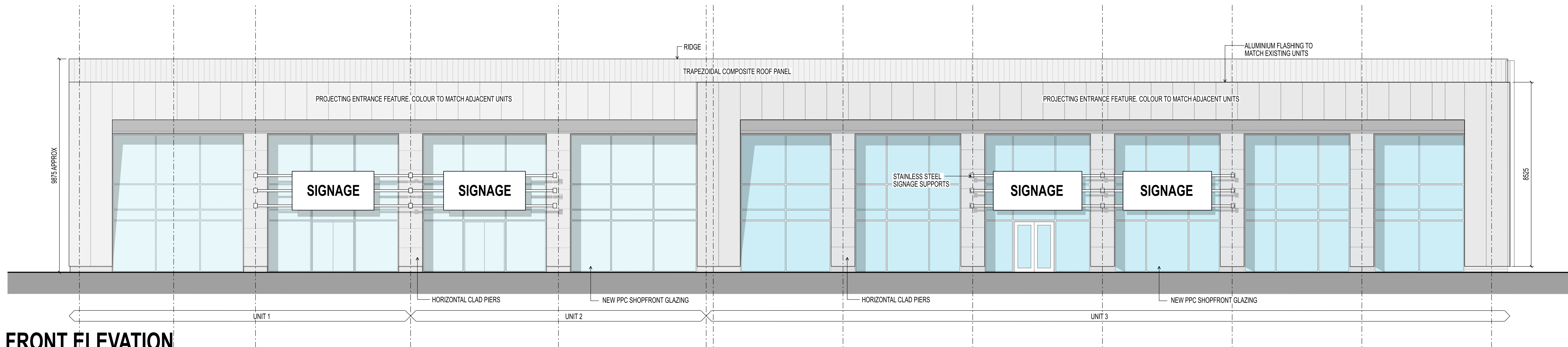
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**RG**  
architects

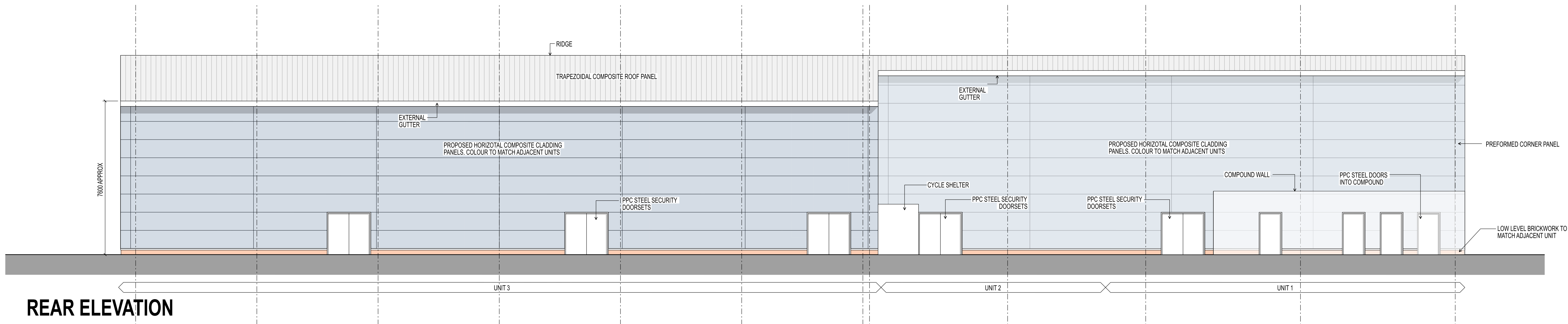




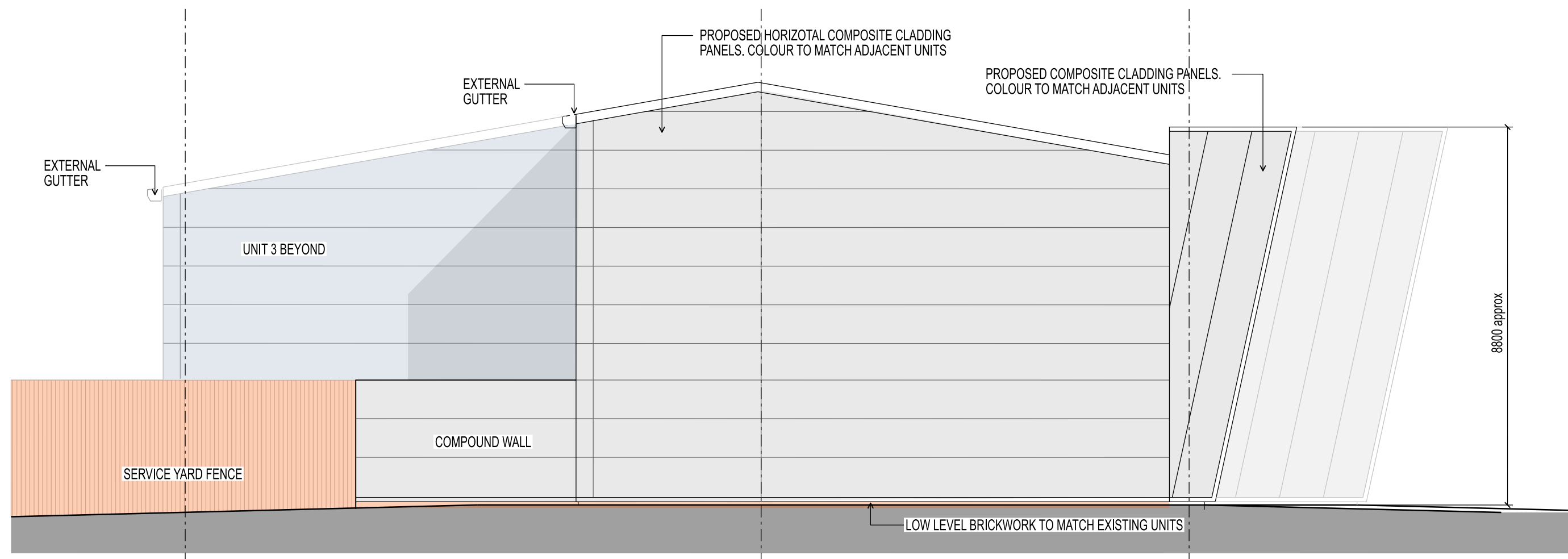




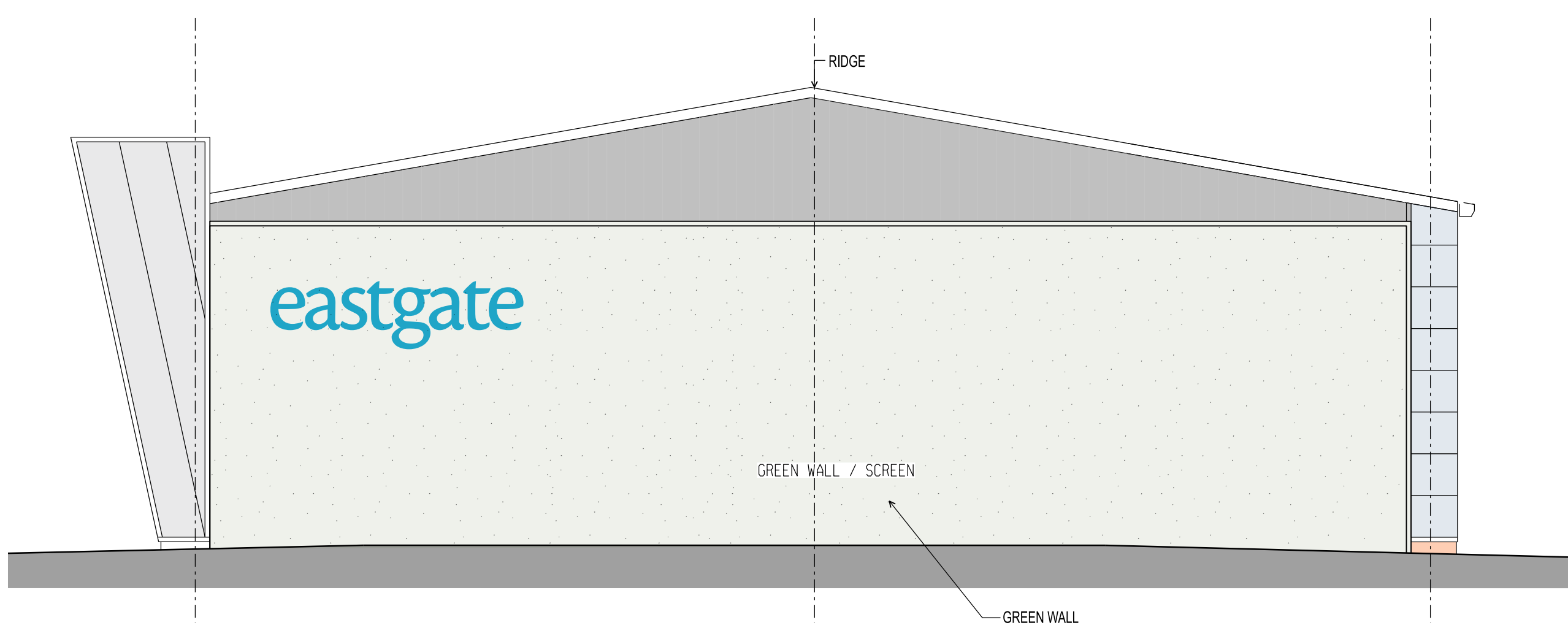
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION (UNIT 1)



SIDE ELEVATION (UNIT 3)

F	05.02.18 TOTEM REMOVED & GREEN WALL ADDED TO UNIT 3 SIDE ELEV. BOUNDARY WALL CHANGED TO FENCE	AJP
E	17.08.17 TERRACE UPDATED	SW
D	16.08.17 TERRACE UPDATED	SW
C	26.08.17 ELEVATIONS AMENDED	MB
B	17.02.17 ELEVATIONS AMENDED	SW
A	27.02.17 COLOUR ADDED TO ELEVATIONS	SW
REV.	DATE	NOTES

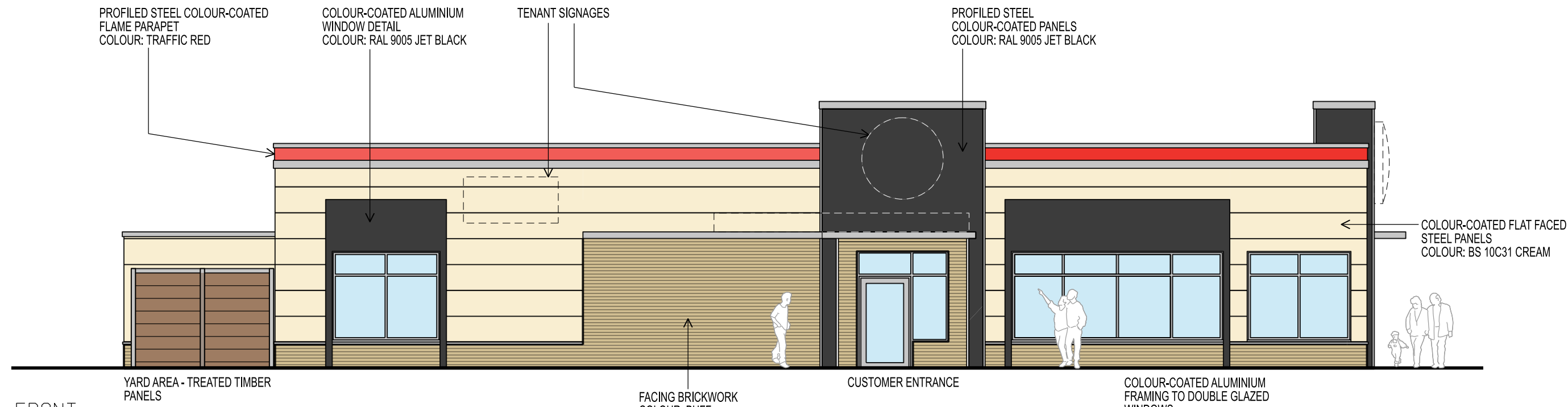
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CONSOLIDATED PROPERTY GROUP  
**eastgate**  
RETAIL CENTRE  
DRAWING TITLE  
INDICATIVE PROPOSED ELEVATIONS

STATUS  
**PLANNING**

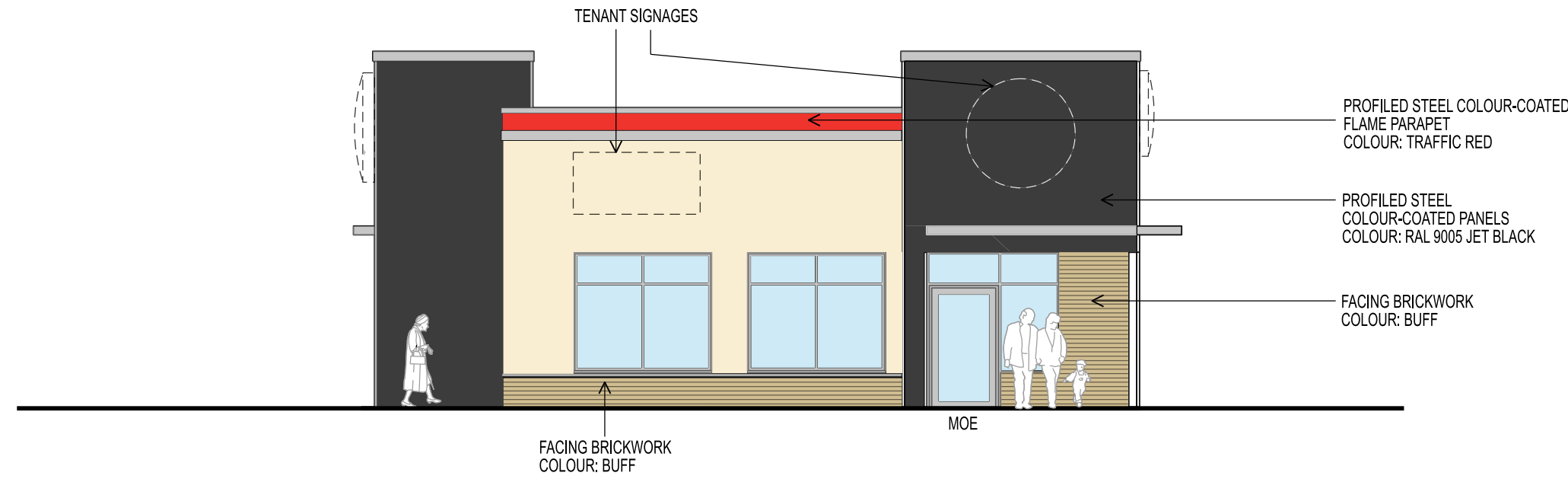
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PROJECT NUMBER	10195	UNIT	P	CL / SITE CODE	107
DRAWING NO.	10195	CL / SITE CODE	107	TYPE & NUMBER	F
Rev	1	Rev	1	Rev	1

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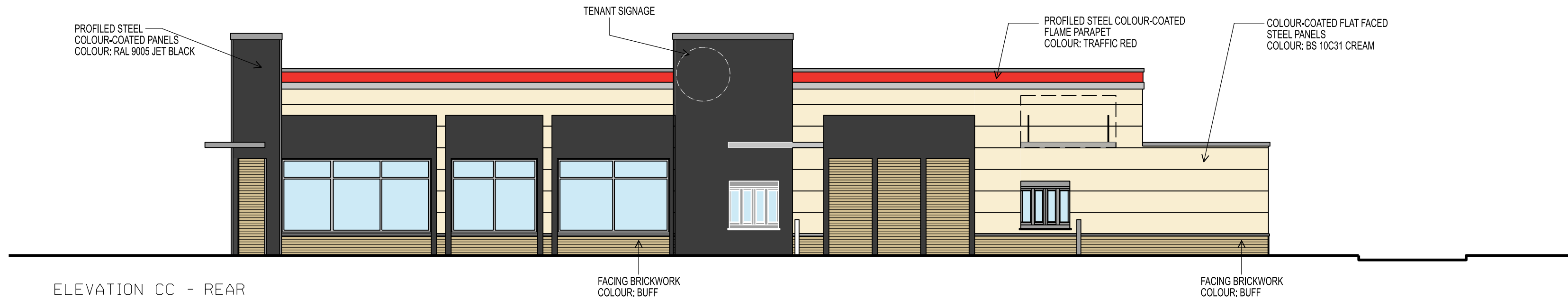
ELEVATION AA - FRONT



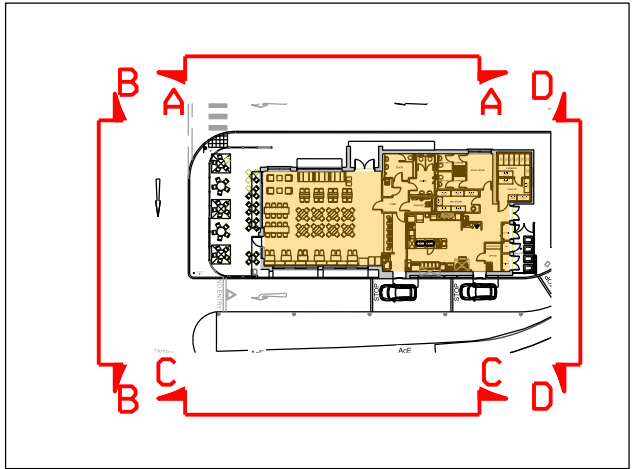
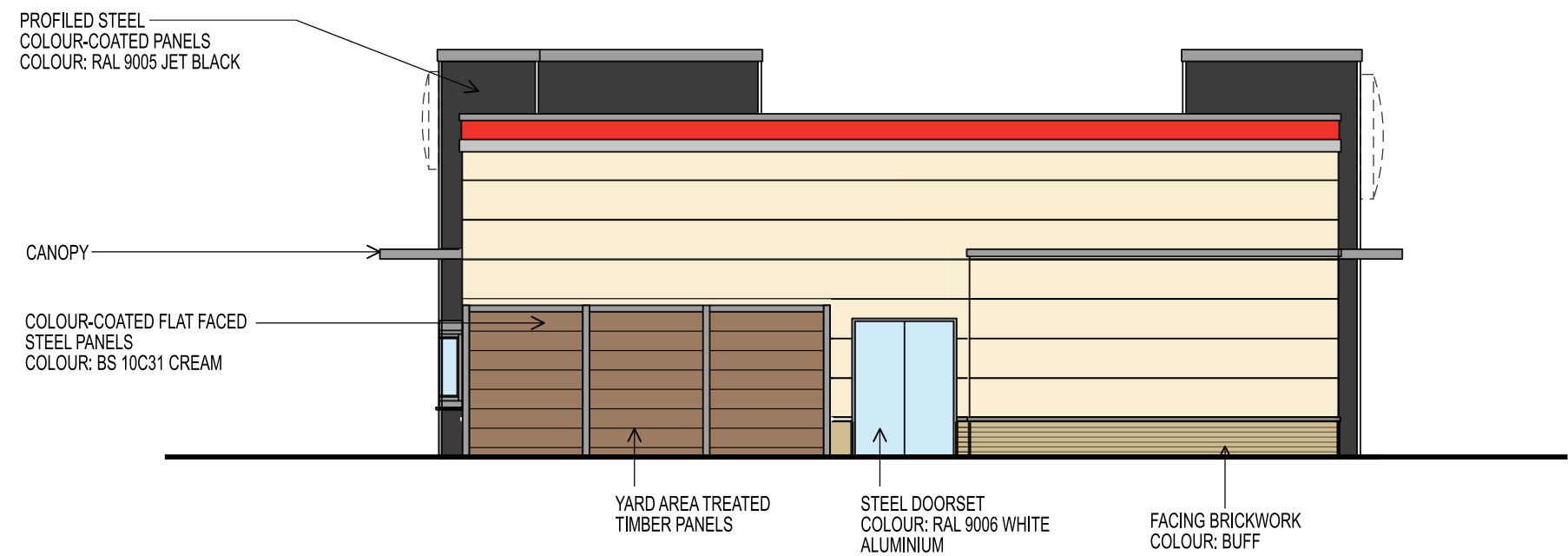
ELEVATION BB - SIDE



ELEVATION CC - REAR



ELEVATION DD - SIDE



KEY PLAN (NTS)

TENANT SIGNS SHOWN INDICATIVE AND ARE SUBJECT TO A SEPARATE PLANNING APPLICATION

A	22.02.17 BK LAYOUT UPDATED	SW
REV.	DATE	NOTES
		INIT.

CLIENT / PROJECT  
**CONSOLIDATED PROPERTY GROUP**  
**eastgate**  
RETAIL CENTRE  
DRAWING TITLE  
**INDICATIVE PROPOSED ELEVATIONS**  
**BURGER KING**

STATUS  
**PLANNING**

DATE	DRAWN	SCALE @ A2
AUG.17	SW	1:100

PROJECT NUMBER	UNIT / BLOCK	CI / SFB CODE	TYPE & NUMBER	REVISION LETTER
10195			P 111	A

Site Location Plans	L	GA Plans	P	Elevations	E
Sections	S	Details	D	Prefix: Colour	C

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26 April 2018  
L180426 - Benefits of the Proposal



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Dear Paul,

**The Town and Country Planning Act 1990 (as amended)**  
**Eastgate Retail Park, Eastgate Road, Bristol, BS5 6XX**  
**Application Reference 18/00634/P**

**Outline Planning Application for the demolition of an existing Class A3 / A5 drive-thru restaurant and erection of new Class A1 retail unit, two Class A3 / A5 pod units and a replacement Class A3 / A5 drive-thru restaurant. Access, Layout and Landscaping sought for approval**  
**Application by CPG Wilmslow Limited**

## Introduction

We write further to our telephone conversation on 19 April 2018, and your e-mail dated 12 April. The e-mail set out matters in relation to the following points:

1. Retail policy
2. Landscaping
3. Ecological matters
4. Highways

We discussed and agreed that ecological matters and highways would be addressed imminently and that they would not result in a reason to refuse the planning application.

On retail policy matters, we have provided substantial evidence that demonstrates the proposal is acceptable in retail policy grounds both as part of the application submission and subsequently both in the form of comments to address the matters raised in your e-mail of 12 April and a Legal Opinion from Leading Counsel, David Elvin QC.

It is agreed that the proposed development will not have a significant adverse impact on defined retail centres and our evidence demonstrates that the proposal satisfies the sequential test. Our approach to the sequential test is endorsed by a number of parties including those advising the Council and development partners and we would be hopeful that the Local Planning Authority confirms that this matter is addressed prior to taking the application to planning committee. We don't propose to reiterate in detail the case on the sequential test, other than to state that there is no policy that requires retail proposals to be disaggregated. The whole proposal needs to be considered as that is what is proposed. There are no available sites that are suitable for the proposed development, which comprises a replacement drive-thru, two small pod units and a bulky goods retail warehouse. The sequential test is satisfied.



As the proposed retail development will be restricted to the sale of bulky goods, it will not compete with the City Centre in terms of existing trade, nor will it compete with the City Centre for occupiers. Occupiers that would operate under the proposed condition will be large format bulky goods retail warehouse occupiers.

Our view therefore is that there is only one matter between the parties, which relates to landscaping matters. This letter sets out details of the material considerations that weight heavily in favour of the grant of permission and should outweigh any concerns over the landscaping that is removed as a result of the planning application.

## **Policy Background**

The Local Planning Authority's position is that the removal of the landscaping conflicts with Policies BCS9, DM15 and DM17 of the development plan. For ease of reference, we set out the policy text below. It is firstly however important to note that the landscaped area that is affected by the proposal is not 'Important Open Space' as defined on the Council's Local Plan Policy Map. There are areas around the wider Eastgate Centre that benefit from this designation. That is not the case here and so it follows that the Council itself does not consider the landscaped area to be Important Open Space in the development plan that requires protecting. The approach to have substantial concerns over its removal when there are substantial benefits realised by the proposed development conflicts with relevant planning policies.

The policy text referred to above is:

### **Policy BCS9**

*'The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.'*

*Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required.'*

*Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.'*

### **Policy DM15**

*'...Trees*

*The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development.*

*The design, size, species and placement of trees provided as part of the landscape treatment will be expected to take practicable opportunities to:*

- i. Connect the development site to the Strategic Green Infrastructure Network, and/or Bristol Wildlife Network; and*
- ii. Assist in reducing or mitigating run-off and flood risk on the development site; and*
- iii. Assist in providing shade and shelter to address urban cooling; and*
- iv. Create a strong framework of street trees to enclose or mitigate the visual impact of a development.'*

### **Policy DM17**

*'All new development should integrate important existing trees.'*

*Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted.*

*Where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided, in accordance with the tree compensation standard below:...*

Policy DM15 requires additional management of existing trees and new landscape opportunities to meet certain criteria. The existing trees are not managed, but the grant of permission provides the Local Planning Authority with an opportunity to ensure that existing trees are managed appropriately. It is common-place for a landscape management condition to be imposed on the grant of permission and it would be appropriate to include in this instance. We understand that there are no concerns over the landscaping proposed as part of the application, but the removal of existing trees is resisted. Accordingly, the proposal doesn't conflict with Policy DM15.

Policy BCS9 does not provide a bar to the removal of trees, and enables the Local Planning Authority to take a balanced judgement to considering proposals. Likewise none of the trees are characterised as 'Aged trees or Veteran trees' and there is no policy bar under Policy DM17 to the removal of the trees. In any event, the National Planning Policy Framework ('The Framework') is clear at Paragraph 118 that the grant of permission can be forthcoming where Aged trees or Veteran trees are proposed to be removed, if the benefits of the development clearly outweigh the removal of the trees.

It follows that there is no policy bar to the removal of the trees and the matter is a planning judgement which should be weighed against the benefits of the proposed development in accordance with the requirements of relevant policies in the development plan.

Likewise the provision for planning judgement is encapsulated in Policy DM1 of the development plan and Paragraph 14 of The Framework, which sets out the presumption in favour of sustainable development and confirms that permission should be granted unless any adverse impacts of granting permission would significant and demonstrably outweigh the benefits of the proposal<sup>1</sup>.

Paragraph 21 of The Framework provides clear policy support for proposals that secure sustainable economic growth and confirms that:

*'Investment in business should not be over-burdened by the combined requirements of planning policy expectations.'*

Paragraph 70 of The Framework also confirms that planning decisions should: *'ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.'*

In the light of the above, it is clear in relation to landscaping matters that:

1. The trees at the site are not Aged trees or Veteran trees and so their removal is not expressly prevented by Policy DM17 – we comment that The Framework does not prevent the removal of such trees in any event.
2. The development plan policies provide a requirement to consider all matters when weighing up the balance of whether a proposal that results in the removal of trees is acceptable.
3. Investment in business that secures sustainable economic growth should not be over-burdened by the requirements of planning policy.

---

<sup>1</sup> Savills notes that this is where there are no policies relevant to the application or relevant policies are out of date, but consider the emphasis of planning judgement is encapsulated in this requirement.

It follows that a planning judgement on the removal of trees in accordance with the requirements of planning policy must be taken in full view of all other planning matters before concluding whether their removal is acceptable or not. We do not consider that the Local Planning Authority has approached the removal of the trees in this way and accordingly, has not applied the policies of either the development plan, or The Framework in the way that they are required. We set out as follows that when assessed in the round, the conclusion on the proposal is that:

1. There are overwhelming benefits delivered by the application proposal
2. There is an urgent requirement for the proposal
3. The proposal is positive investment in Bristol
4. The proposal has substantial community benefits
5. The benefits of the proposal far outweigh the loss of trees
6. Accordingly, the proposal accords with the development plan

We therefore conclude that the balancing judgement applied to the proposal tilts the balance firmly toward the grant of permission.

### **Background: The Proposal**

The Local Planning Authority is aware that the Eastgate Centre is an important retail facility in the City and that there is a strong level of support for its ongoing vitality and viability from Councillors and residents. There is specific support from Councillors for this application.

Not only is the Eastgate Centre an important retail facility, it is a valuable economic location providing substantial levels of employment for local residents, with at least 630 people employed at the Centre.

The Centre is therefore of strategic importance as a retail facility and employment location to local residents.

CPG acquired the Eastgate Centre in 2011 and have sought to proactively promote its importance and devise strategies that ensure its future vitality and viability. The initial phase of the strategy was to ensure that conditions preventing the sale of certain goods were removed to ensure that any vacant retail space that arose could quickly be occupied to ensure continuity of retail and employment provision in the local area. Whilst that application was either refused or recommended to be refused by officers on a number of occasions, Members of the Planning Committee provided officers with a clear position in granting permission to remove those restrictions against officer recommendation to refuse in 2016<sup>2</sup> that the Eastgate Centre is an important and vital retail destination in the retail hierarchy of Bristol that meets the shopping needs of the local community and fulfils a district centre role. Accordingly, Councillors requested that officers designate the Eastgate Centre as a district centre in the Local Plan Review. A representation to request that appropriate designation for the Centre in the Local Plan Review was submitted on the 21 February 2017.

Subsequently, CPG has continued to proactively promote the Eastgate Centre to ensure its future vitality and viability including through applications to enhance the branding and signage at the Centre, and this current application that will deliver buildings that meet modern occupier requirements, increase the retail offer and dwell time at the Centre and create enhanced employment opportunities. The proposal therefore assists in future-proofing the Eastgate Centre as an important retail destination in the City and assists CPG in being able to maintain current retail provision at the site, and in turn local employment.

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<sup>2</sup> Application Reference 16/01193/X

The Council will be alert to uncertainty in the retail occupier market at present and the Eastgate Centre is not immune to this uncertainty. The uncertainty surrounding the Cribbs Causeway proposal and the prospect of its delivery is also impacting on tenant discussions at the Eastgate Centre. Ensuring that the Eastgate Centre can fulfil its role as an important retail facility and employment generator in Bristol should therefore be considered an important economic objective of the Council. The proposal is positive investment in Bristol that assists in securing the sustainable economic growth of the City through the delivery of positive economic development that will assist with the vitality of the existing retail destination and ensure that it can contribute to meeting existing and future retail and economic needs in the City.

We note that the Council has been supportive of initiatives at Imperial Retail Park in the south of the City to ensure that it can evolve and contribute vitally and viably to the retail offer of the City. These proposals include the removal of Tree Preservation Order (TPO) trees<sup>3</sup>. The Eastgate Centre fulfils a similar role to Imperial Retail Park, but in the north of the City. We consider that efforts that identify its important contribution to the retail offer of the City and proposals that promote its vitality and viability should be supported for the same reasons that proposals at Imperial Retail Park are supported. Ensuring this important retail destination in Bristol can contribute vitally and viably to meeting local residents' retail needs is a material consideration for that weighs in favour of the grant of permission.

### **Consideration: The Proposal**

The above frames the context for the urgent requirement and the positive benefits that it will deliver. The substantial benefits that the proposal delivers, means that when all matters are weighed in the planning balance, the proposal does not conflict with either Policy BCS9 or DM17, namely:

1. The proposal is necessary as demonstrated above and meets other policy aims in the development plan
2. The removal of the trees is essential to the delivery of the proposal to support the vitality of the Eastgate Centre as an important retail and employment location in Bristol

It is critical to the retention of Burger King at the site that a new drive-thru facility is delivered for this occupier. The Council will be aware that the economics of development mean that it is not as simple as demolishing the existing Burger King and delivering a new drive-thru restaurant in its place. That would not be viable. Funding is required to deliver the new facility which only arises through the delivery of the remainder of the development. The proposal is a composite proposal that will be delivered in a single construction phase.

There are no other locations at the site that the proposal can be delivered on. The remaining land at the wider site is car parking land to the front of existing units and is not suitable to accommodate the proposal. A new drive-thru could not be placed on the site of the existing drive-thru with the remainder of the development in the location of the proposed drive-thru. There is not sufficient space to accommodate the remainder of the development on the location of the proposed drive-thru and nor would any suitable configurations exist that would deliver the necessary infrastructure required to deliver the development including servicing provision. Commercially no retailer would take a retail unit on that corner. The commercial requirement is for a unit to front face onto the car park in a consistent manner to the existing retail terrace.

There is no alternative configuration or location on the site that could deliver the proposed development. The development proposed is the only appropriate configuration that can be delivered at the site.

The removal of trees is necessary to accommodate the development. Against that background, there is no conflict with Policies BCS9 or DM17 providing:

1. Appropriate mitigation is provided

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<sup>3</sup> Permission Reference 17/00996/F

## 2. Replacement trees are provided

We set out below how appropriate mitigation is provided, and provision is made for replacement trees. Therefore, the proposal accords with Policies BCS9 and DM17. The landscaping scheme submitted with the application demonstrates the maximum amount of landscaping that can be retained as part of the proposal and having reviewed matters further with our Arboriculturalist and Landscape Consultant, it is appropriate that a Arboricultural Method Statement is required as a pre-commencement of development condition to avoid conflicts with construction.

In terms of mitigation to address the removal of landscaping, the proposal delivers a substantial amount of green infrastructure, namely:

1. The delivery of sustainable buildings that meet:
  - a. The Council's energy efficiency requirements;
  - b. On-site renewable energy generation; and
  - c. Drainage and flooding requirements.
2. The delivery of a Green Wall on the north east elevation of the proposed Class A1 retail building to deliver amenity value and an architectural focal point to the development.
3. The delivery of new landscaping within the car parking and around the site boundary.
4. Assisting Bristol City Council in delivering environmental realm improvements for the proposed links to the Frome Greenway (which runs alongside the M32) from the Stapleton Road area and connecting to the Eastgate Centre under the M32. The applicant is in discussions with Lucy Empson, the Council's Landscape Architect over possibilities for this scheme, which is of strategic importance to the Council.
5. Assisting the delivery of a Charging Hub for electrically powered vehicle modes by providing land to the Council at the Centre to enable the delivery of this facility. This is a specific strategic objective of the Council that my client will facilitate and can only be delivered if permission is granted as part of the development. The applicant is currently working up plans for this facility with Gill Galloway, the Council's Project Manager. The Hub will improve the environmental credentials of the Centre as a whole and is a substantial environmental benefit, reducing the reliance on the use of carbon producing fossil fuels.
6. Works to the oak tree on the Eastgate Road roundabout to ensure the protection and enhancement of this tree.

In terms of replacement trees, the applicant accepts that there is limited scope for replacement trees on site, although it is important to note that there is substantial landscaping that exists around the Eastgate Centre and the removal of trees at the application site is *de minimus* in the context of the overall landscaped areas that surround the Eastgate Centre. Accordingly, the applicant has acknowledged as part of this application and that previously withdrawn that there will be a requirement for a contribution to off-set the removal of trees in accordance with the Council's Planning Obligations Supplementary Planning Document adopted 27 September 2012.

We note from the response from the Council's Arboricultural Officer, Matthew Bennett, dated 23 April 2018, that a contribution of £33,660 is required. The applicant is committed to this contribution.

The contribution can be put towards delivering environmental realm improvements for the proposed links to the Frome Greenway and so the landscape mitigation can be in the immediate vicinity of the site and meet strategic landscape objectives of the Council. In addition, the proposal will deliver £192,000 in the form of a Community Infrastructure Levy ('CIL') payment. 15% of the CIL payment will be provided to the Lockleaze Neighbourhood Partnership (i.e. £28,800). The remainder of the CIL payment can be put towards infrastructure schemes to



support the regeneration of Lockleaze under the terms of the Council's Regulation 123 List, meaning further green infrastructure can be provided in the immediate vicinity of the site. These are all important material considerations that tilt the balance firmly toward the grant of permission.

The wider benefits of the proposal in addition to the green infrastructure benefits are set out in Section 4 of the Planning, Retail and Economic Statement provided with the application and replicated as follows for ease of reference:

1. The application accords with relevant policies in the development plan and material considerations. The proposal is therefore sustainable development that benefits from the presumption in favour set out at Paragraph 14 of The Framework.
2. The introduction of new retail facilities that will support the offer of the application site as a key retail destination in the hierarchy of Bristol's retail offer, particularly serving its local residents.
3. Food and drink facilities that will increase the dwell time at the Retail Park and increase its attraction that will have positive economic benefits in terms of on-site employment and supporting the retail offer of the existing Centre. This will assist in future-proofing the Retail Park to ensure that it can continue to be a viable important retail and economic location serving residential areas in the immediate surrounds and to the north of Bristol.
4. The retention of existing employment and service facilities through the relocation of the existing Burger King facility.
5. The delivery of development that promotes sustainable retail trips through the co-location with existing facilities where there will be high cross-visitation.
6. The delivery of retail facilities that will not harm existing town centre vitality and viability.
7. The creation of an additional 40 employment positions. The employment is provided in areas where long-term unemployment is higher than the City-wide area. It follows that there is an acute need to promote economic growth within the area where the site is located. In addition, the proposal supports existing jobs at a substantial employment location in the City. Considerable weight should therefore be given to supporting proposals for economic development that provide new employment and support existing employment.
8. Support by CPG of the Easton Business Improvement District ('BID') application.

## Summary and Conclusion

All of the above benefits are directly related to the proposal and will only be realised through the grant of permission. Under the requirement to consider all material considerations as part of the planning balance to appraising an application, the benefits of the proposed development overwhelmingly tilt the balance firmly in favour of granting permission. In our discussions you confirmed that little weight is being given to either the proposed green infrastructure benefits set out above, including those measures proposed that meet strategic aims of the Council, nor the wider benefits of the proposal. We consider therefore that a full view on planning judgement is not being taken as is required by policy. When weighed into the planning balance the environmental, social and economic benefits all tilt the balance firmly toward the grant of permission.

Taking into account all of the evidence before the Council, the proposal accords with all relevant policy considerations<sup>4</sup> as set out below.

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<sup>4</sup> Savills notes that highway and ecological matters are being addressed, but that it is agreed between the Local Planning Authority and the applicant that these matters will be addressed. We also note that the Local Planning Authority has not provided a final position on

Policy Consideration	Addressed
Highways	✓
Accessibility	✓
Flooding	✓
Sustainable Building Design	✓
Renewable energy generation	✓
Sustainable Construction	✓
Drainage	✓
Ecological	✓
Amenity	✓
Retail Policy Considerations: The Impact Assessment	✓
Retail Policy Considerations: Sequential Test	✓
Sustainable Economic Growth	✓
Landscape	✓
Sustainable Transport	✓
Environmental	✓
Ecology	✓
Coal Mining Matters	✓
Conservation	✓
Access	✓
Layout	✓

Accordingly, the proposal complies with the following policies in the development plan:

- BCS3 – Northern Arc and Inner East Bristol – Regeneration Areas
- BCS7 – Centres and Retailing
- BCS8 – Delivering a Thriving Economy
- BCS9 – Green Infrastructure
- BCS11 – Infrastructure and Developer Contributions
- BCS13 – Climate Change
- BCS14 – Sustainable Energy
- BCS15 – Sustainable Design and Construction
- BCS16 – Flood Risk and Water Management
- BCS20 – Effective and Efficient Use of Land
- BCS21 – Quality Urban Design
- BCS23 – Pollution
- DM1 – Presumption in Favour of Sustainable Development
- DM7 – Town Centre Uses
- DM10 – Food and Drink Use and the Evening Economy
- DM15 – Green Infrastructure Provision
- DM17 – Development Involving the Loss of Existing Green Infrastructure

retail policy considerations in relation to the sequential test, but as set out above, the substantial evidence before the Council demonstrates that the sequential test is satisfied.

- DM19 – Development and Nature Conservation
- DM23 – Transport Development Management
- DM26 – Local Character and Distinctiveness
- DM27 – Layout and Form
- DM28 – Public Realm<sup>5</sup>
- DM29 – Design of New Buildings
- DM32 – Recycling and Refuse Provision in New Development
- DM33 – Pollution Control, Air Quality and Water Quality

We would be grateful if you could confirm all of the policies that the proposal accords with as part of any committee report on the application.

If you have any questions, please contact either Matthew Sobic or Brad Wiseman.

Yours sincerely



**Savills (UK) Limited**  
Planning

cc. Zoe Willcox – Bristol City Council Head of Planning  
Garry Collins – Bristol City Council Head of Development Management

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<sup>5</sup> This will be secured through the contribution that can be used for the Froome Gateway proposals.

## Development Control Committee A – 16 May 2018

ITEM NO. 4

**WARD:** Central **CONTACT OFFICER:** Kayna Tregay

**SITE ADDRESS:** Eagle House Colston Avenue Bristol BS1 1EN

**APPLICATION NO:** 18/00847/F Full Planning

**DETERMINATION DEADLINE:** 17 April 2018

*Rooftop extension (including plant room) for office (B1) use.*

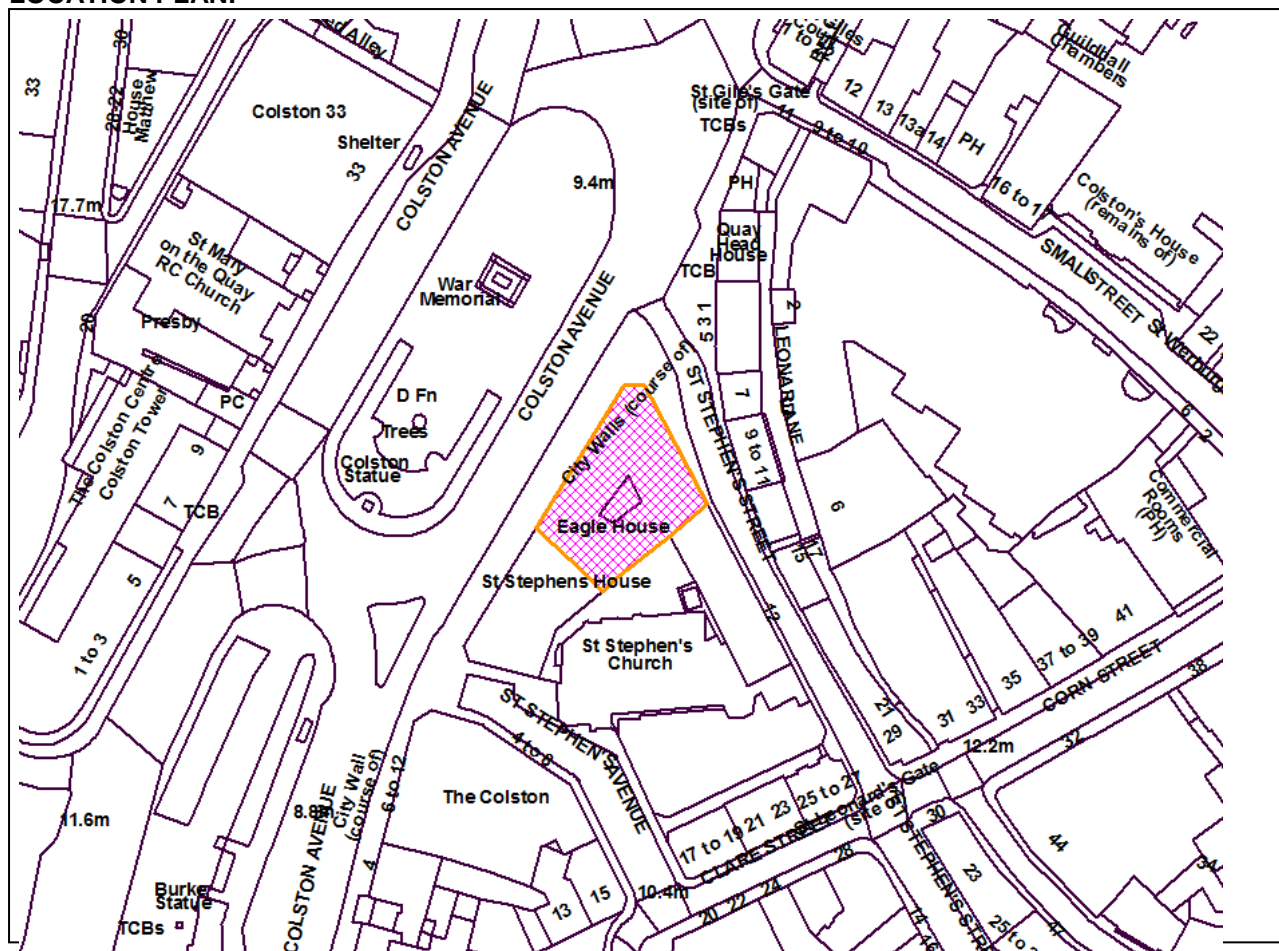
**RECOMMENDATION:** Refuse

**AGENT:** Stride Treglown Limited  
Promenade House  
The Promenade  
Clifton Down  
Bristol  
BS8 3NE

**APPLICANT:** Immediate Media Company Bristol  
Limited  
Tower House  
Fairfax Street  
Bristol  
BS1 3BN

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

### LOCATION PLAN:



**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****SUMMARY**

This application is for a rooftop extension to Eagle House and is being referred to Committee due to the polarised views given by internal and external consultees and the finely-balanced nature of the case. Strong objections were expressed by consultees including Historic England regarding impacts on heritage assets. Strong support relating to the economic benefits of the proposal has been expressed parties including the Bristol City Centre Business Improvement District.

In particular, there has been significant concern about the impacts on the setting of the Grade I listed structure known as St Stephen's Church. The setting of a heritage asset is the surroundings in which it is experienced. The National Planning Policy Framework (NPPF) states that when harm is "less than substantial" (as is considered to be the case) it must be weighed against the public benefits of the case and this is at the heart of this case. Council officers have carefully considered both sides and in this instance believe that harm to heritage assets is not outweighed by the public benefits.

Concern has also been raised about the loss of light to the St Stephen's Church churchyard, but the applicant has submitted a shadow study to demonstrate that there will be no overshadowing arising. The applicant has satisfactorily addressed matters relating to policies on transport, acoustic impacts and sustainability.

Overall, all matters have been resolved, save for concerns about heritage impacts which are the reason for the officer recommendation for refusal.

**SITE DESCRIPTION**

The application site is Eagle House. This is a five storey office building on the corner of Colston Avenue and St Stephen's Street in the city centre. It is currently vacant. The rooftop currently houses existing plant, including air conditioning units.

Eagle House lies within the City and Queen Square Conservation Area. The Conservation Area Character Appraisal defines it as a "neutral building". The adjacent buildings of St Stephen's House and 12 St Stephen's Street are defined as "Unlisted Buildings of Merit".

To the south of the site lies St Stephen's Church. This is a Grade I listed building. To the northwest of the site lies the Cenotaph which is a war memorial and a Grade II listed structure. Other listed buildings within the setting of Eagle House include Electricity House to the north (Grade II) and other Grade II buildings on St Stephen's Street. The churchyard associated with St Stephen's Church (to the south of the church) is designated as an Important Open Space in the Local Plan (policy BCS9 and DM17).

The site lies within the Old City Neighbourhood, as defined by the Bristol Central Area Plan.

**RELEVANT HISTORY**

09/01838/F - Installation of a new roof level, air conditioning, condenser unit, with supports and access ancillary items, Eagle House. Approved 28 July 2009.

05/02586/F - Proposed installation of two new roof mounted heat pump units on top of the existing Eagle House roof. Approved 9 September 2005.

**Development Control Committee A – 16 May 2018**

**Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

07/05710/F - Demolition of the existing caretaker's flat and the construction of 8 new studio apartments on roof of St Stephen's House. Approved 7 March 2008 [adjacent to application site].

17/06872/PREAPP - Pre-application inquiry, rooftop extension.

18/00654/F - Replacement of external facing windows, alterations to existing doors and provision of new doors at ground floor level - Pending consideration at the time of writing. [This application is being considered in parallel. It is not considered contentious and it would be a delegated decision with a recommendation to approve].

## **APPLICATION**

The applicant proposes a roof extension. The roof extension would facilitate additional office accommodation and a replacement rooftop plant room, as shown on the appended plans. Solar panels are also proposed.

No change of use is proposed.

Some key features of the proposed design include:

- An increase in parapet height of 600mm.
- A setback from the parapet.
- Dormer windows.
- Zinc cladding, similar to that of the adjacent St Stephen's House rooftop extension.
- Height to be the same as that of the St Stephen's House rooftop extension.

During the lifetime of the application, the proposed southeast elevation was amended from ribbon glazing to dormer windows.

The applicant has submitted a number of 'verified views' in support of the application, plus further information setting out what they considered to be the public benefits of the proposal.

It is important to note that application 18/00654/F for replacement windows and doors and other external alterations has been submitted by the same applicant, and has been considered by officers concurrently to the rooftop extension application.

## **RESPONSE TO PUBLICITY AND CONSULTATION**

The application was consulted on via site notice, press notice and neighbour letters.

### **External representations**

Three objections were received. One representation of support was received. These are set out in full below, and are summarised as follows:

### **Objections**

- The proposals would harm the setting of St Stephen's Church which is a Grade II listed building.
- The proposals would harm the setting of the Grade II listed Bristol Cenotaph.
- The proposals will fail to preserve or enhance the character of the conservation area.
- The proposals would overshadow the churchyard of St Stephen's Church.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****Supporting comments**

- The proposals will bring economic benefits to Bristol, in that it will retain a high value employer and help keep 500 jobs in the city centre.
- There will be economic benefits for the city centre as a whole.
- Listed buildings are important, but harm to them should be weighed against the benefits of a proposal.

**Historic England commented on the initial proposals as follows:****"Summary**

Historic England objects to these proposals on the grounds of unjustified harm to the setting of the Grade I listed tower of St Stephens Church, a heritage asset of the highest significance. We also consider the proposals will cause harm to the setting of Bristol Cenotaph, Quay Head House and 1-5 St Stephens Street, all of which are listed at Grade II. It follows that in harming the setting of these individual structures, the proposals will also fail to preserve or enhance character and appearance of the City and Queen Square Conservation Area.

**Historic England Advice**

The proposals are for a rooftop extension to Eagle House, a Portland stone-faced interwar office building facing the Centre, Bristol. The application envisages an extra storey of office space atop the existing building, with a further floor housing plant above that.

Behind Eagle House stands St Stephen's Church, a Grade I listed building of exceptional architectural and historic interest. Formerly the parish church of Bristol, St Stephen's originally stood on a quay alongside the River Frome. That river was culverted in the late 19th century, and a civic space was created above its former channel, which today housing recently-renovated public space that incorporates the Bristol Cenotaph (Grade II listed). The upper stages of the 14th century tower to St Stephen's church still rise above Eagle House, retaining a strong visual connection to the city centre. In certain views the connection between the church tower and the Grade II listed Cenotaph is of particular appeal, with the proportions of the two structures and their similarity in constructional materials setting up a visual illusion that allows for both structures to be read as one object.

Eagle House itself is a polite building - we are surprised that it is only identified as a "neutral" contributor to the character and appearance of the conservation area in which it stands. In our view, notwithstanding its screening of St Stephen's church from the former quayside, it makes a positive contribution. Its scale and massing mediates between the domestic scale of listed buildings on St Stephen's Street (Quay Head House, 1-5 St Stephen's St, Concorde House; all Grade II listed) and the larger, civic, scale of buildings surrounding The Centre. It is a successful piece of townscape which still allows the church tower to be read and celebrated as part of The Centre, which is surely not an accident of design.

Viewed in isolation, the proposed additional floors respond to the architecture of Eagle House. However, we have great concern that the proposed additional height will block views of the tower of St Stephen's from the Centre, to the significant detriment of its setting. Being able to see a large part of the church tower from The Centre is essential to the setting (and thus significance) of this Grade I listed building, which allows the observer to understand and appreciate its historic significance.

We are also concerned that the proposals will harm the setting of Bristol's Grade II listed Cenotaph through diminishing its relationship with the church tower. In addition, the proposed additional storeys to Eagle House will adversely affect its established contextual relationship with the domestic-scale historic properties of St Stephen's Street, alongside.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

NPPF 132 states that "great weight" should be given to the conservation of heritage assets, and the more important the asset, the greater the weight should be. In this context, we remind you that St Stephen's Church is a Grade I listed building that is integral to the history and development of Bristol and still makes a significant aesthetic contribution. The significant harm to its setting should not simply be weighed against any wider public benefit, as suggested by the applicant's heritage statement. There are many locations in the city where additional floors could be accommodated on existing building to optimise density, but this is not one of them. The application should be refused.

**Recommendation**

Historic England objects to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity."

**Historic England commented on the amended proposals and submitted verified views as follows:****"Historic England Advice**

In response to our letter of 14 March 2018, the applicant has produced further visualisations of the proposed development. The images supplied confirm our concerns that the proposals will adversely affect the setting of St Stephen's Church and its relationship with the Bristol Cenotaph, the character and appearance of the City & Queen Square Conservation Area and the setting of the College Green Conservation Area.

The harm falls within the bracket of less than substantial, but that does not mean your authority should automatically proceed to NPPF 134's exercise of balancing the harm against any wider public benefit offered by the proposals. NPPF 132 is quite clear: the more significant the asset, the greater the weight that should be given to its conservation. This is a Grade I listed building, a heritage asset of the highest significance and a defining piece of Bristol's history. Any public benefits offered by the proposals would need to be very substantial indeed to outweigh the harm to a heritage asset of such calibre.

**Recommendation**

The additional information supplied does not alter the views we gave in our letter of 14 March. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please continue to treat our correspondence as letters of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity."

**Bristol Civic Society has commented as follows:**

"Bristol Civic Society fully supports the submission of Historic England and has nothing to add" (objection).



**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****The Church Warden of St Stephen's Church has commented as follows:**

"We wish to object to this proposal to extend Eagle House by one additional floor.

We agree with the comments from English Heritage, that the extra height would significantly reduce the visibility of Saint Stephen's church tower from the city centre, and affect the overall setting of the Grade 1 listed church in its historical city centre location.

Additionally we are concerned about light levels in the churchyard, a public space that is already overshadowed by the surrounding buildings."

**Bristol City Centre Business Improvement District (BID) has commented as follows:**

"Eagle House is one of the only available office opportunities in Bristol city centre and it requires investment to bring it up to date. It presents an opportunity to retain a high value employer in the city centre.

It is not unusual for office occupiers who wish to stay in the city centre to spend years searching for suitable accommodation. Immediate Media Co must have spent considerable time and patience waiting for such an opportunity as this.

This patience and determination to keep 500 jobs in the city centre and thereby support other businesses and the economy of the city centre as a whole should be welcomed. It would be admirable if the city council were able to support businesses who wish to remain in a city centre location.

All cities require a mixed and successful economy to thrive. All these elements are inter-dependent and without the ability for companies to expand and modernise their facilities Bristol will become a less successful and attractive environment in which to run a successful business.

Historic listed buildings are important but placing too high a priority on their sightlines and visibility risks Bristol city centre becoming an unattractive and unwelcoming place for businesses to locate. It is already the case that huge proportions of previously usable office space has been permitted to alter its use class in various types of accommodation and this trend is continuing.

It is a very substantial benefit to have an employer of Immediate Media Co stature and reputation remaining in the city centre. The consequent economic benefit to the city centre of 500+ skilled jobs working and spending money in the wider city centre economy is more than substantial. Without such employment the city centre would cease to have the ability to support the spread and number of retail and leisure outlets.

Innovations and success stories such as the growth of street markets cannot be successful without consumers who are predominantly provided by commercial businesses such as this.

**NPPF 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.

Historic England recognise that the development will do 'less than substantial harm' and 'this harm should be weighed against the public benefits.

The optimum viable use of Eagle House is as office space. Immediate Media proposal supports the 'optimum viable use'."

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****Internal representations**

Bristol City Council's (BCC's) Conservation Officer has commented as follows:

"St Stephen's Church is a grade I Listed building. It is of national significance and requires the greatest weight placed upon its conservation and upon its setting.

The church tower is a prominent landmark on the city skyline from both distant views and within the Conservation Area. Of particular value are the views from Claire Street, where the tower is picturesquely framed at the end of St Stephen Street, and views from Colston Avenue and Quay Street. These views are a critical and sensitive part of the setting of the Grade I Listed asset and are therefore afforded protection under the National Planning Policy Framework.

The proposals seek to add an additional storey to the roof level of Eagle House; this building, dating from the late 1930s, is an attractive if sparsely detailed building of Portland Stone rising to five storeys. The height of the building, matches that of its neighbour to the South and has group value with a number of other 1930s buildings gathered close to the Cenotaph that share a similar architectural vocabulary and materiality. The building to the south of Eagle house, formerly Bristol and West House, had the addition of another storey in 2007, prior to the current planning context provided by the NPPF. The additional storey follows the generic approach of a boxy zinc-clad structure which mars the setting of the church from several angles.

The intention is that Eagle House is retained in office use and an additional storey added to provide the future owner with additional floor space. The new roof storey has been designed to step back from the edge and try and minimise its impact upon the church tower when viewed from Colston Parade. At the rear the extension will be seen above the parapet of the Grade I Listed church when viewed from Clare Street and St Stephen's Street. The verified views in the revised Visual Impact Assessment raise a few concerns about the impact of the new addition on the church tower and its architectural features; of greatest concern is the loss of significance and legibility of the tower when viewed southwards from Quay Street. Presently the full top stage of the tower can be enjoyed in views towards the recently refurbished Colston Parade.

The arched belfry windows and of the tower and the blind tracery and canopies are high quality architectural elements that lend a distinction to the streetscape. The proposed extension would be visible from the pavement in Quay Street and obscure the principal window and much of this decoration. Whilst the tower will not be completely obscured the impact upon such a highly graded assets is severe (see fig 5, viewpoint 01 in the Visual impact assessment). The impact of the roof will also be felt from the other viewpoints within the Colston Avenue area, and above the roof from Clare Street. Whilst that impact is lower from these locations it is the damage to the legibility and clear architectural expressing from Quay Street that poses a significant degree of harm to the special interest of that building and its setting.

We assess that the degree of harm posed is less than substantial under the definitions of the NPPF, however it is a moderate to high degree of impact upon a highly graded asset. Where this occurs we are required to place "great weight" on the conservation of the building's setting, and development should be refused unless there are substantial and tangible public benefits under the definitions of the NPPF. We recognise that retention of the building in office use, and the environmental enhancements possible through the improved thermal envelope would constitute some of that benefit, but we are not convinced that the duty to conserve heritage assets, placed on us by the NPPF, is satisfied by the current proposal. We cannot support this application in its current form."

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****Bristol City Council's Economic Development Officer commented as follows:**

"I write to support the application to provide additional office floorspace at Eagle House, Colston Avenue.

There are significant economic benefits arising from this proposal. It will allow Immediate Media Co, a major employer currently providing 450 jobs in Bristol City Centre, to develop and expand to provide a further 53 jobs. Employment opportunities will also be provided during the construction phase and amongst the local supply chain.

It's vital that we continue to see a mix of uses in the City Centre, including employment to support the wider economy. There are likely to be significant positive impacts on spending in the retail, leisure and service sectors as a result of retaining and growing jobs in the City Centre.

The proposed investment will enable a prominent and currently vacant building to be brought back into active employment use. The area has recently benefitted from public realm improvements - open space and transport infrastructure. The property is in a highly sustainable location from a transport and accessibility perspective.

According to supporting information, Immediate Media have been searching for office space within the City Centre for some 2 years. The Council's Economic Development Team and Invest in Bristol & Bath receive a high level of office property enquiries. We are increasingly concerned about the shortage of office space in the City Centre to support both existing businesses and those wishing to invest in the city. This concern is reflected by the business community and in office market reports by commercial property agents, see examples:

<http://content.knightfrank.com/research/1221/documents/en/uk-regional-cities-office-market-report-2018-5298.pdf>

[http://www.jll.co.uk/united-kingdom/en-gb/Research/JLL\\_Research\\_The\\_UK\\_Office\\_Market\\_Outlook\\_Report\\_H2\\_2017.pdf](http://www.jll.co.uk/united-kingdom/en-gb/Research/JLL_Research_The_UK_Office_Market_Outlook_Report_H2_2017.pdf)

<https://pdf.euro.savills.co.uk/uk/office-reports/bristol-office-spotlight-spring-2018.pdf>

The Knight Frank report states *'The ongoing supply shortage in Bristol served as a restraining factor for leasing activity in 2017. Nevertheless, overall takeup reached 614,000 sq ft, 12% above the 10-year average for the city and the third highest annual total of the past decade.'*

The JLL report states *'Supply remains under considerable pressure and the overall vacancy rate stood at 3.0% at end-2017. New build Grade A vacancy rate remains at zero, making Bristol the tightest of all the Big 6 markets. There is no real sign of this pressure being alleviated through current pipeline activity with only 158,000 sq ft due to complete over the next six months.'*

The Savills report states *'Bristol enjoyed another solid year (2017) of occupational deals in the city centre, with 611,000 sq ft of office space taken, 6% above the long term annual average..... One of the challenges for the Bristol office market during 2018 will be the shortage of options for occupiers.'*

The proposal could help meet the Council's Corporate Strategy 2018-2023, which includes the theme of 'Develop a diverse economy that offers opportunity to all and makes quality work experience and apprenticeships available to every young person.' If approved, we would welcome a discussion with Immediate Media about how they provide such opportunities. According to the company's website they are patrons of the Prince's Trust, so may already be providing such opportunities."

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****Bristol City Centre's Pollution Control Officer commented as follows:**

No objection, subject to conditions relating to noise levels.

**Bristol City Council's Nature Conservation Officer commented as follows:**

"Evidence of nesting feral pigeons and probably herring gulls was recorded on the roof of the building during the building inspection (ecological survey) dated February 2018. Please note that feral pigeons can nest at any time of the year." Accordingly the officer recommended a planning condition is recommended. The officer also recommended a living roof be incorporated into the proposals and also recommended a condition requiring the inclusion of swift brick or boxes.

**RELEVANT POLICIES**

City and Queen Square Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – March 2012

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

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

**KEY ISSUES****1. PRINCIPLE OF DEVELOPMENT**

Eagle House has an established B1 use (offices) and is located within Bristol City Centre as set out in policy BCS2 of the Bristol Core Strategy (2011) and the Bristol Central Area Plan (2015). Policies BCS2 and BCAP1 support a mix of uses within the city centre, subject to other policy considerations being addressed. For these reasons, it is considered that the development is acceptable in land use terms.

**2. HERITAGE AND DESIGN****a) Legislation and policy context**

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 regard to the desirability of preserving or enhancing the character or appearance of the area.

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

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

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. Policy BCAP44 of the Central Area Plan states that development will be expected to preserve, enhance and, where appropriate, reinstate the Old City's historic character.

Policies BCS9 and DM17 seek to preserve existing green infrastructure and state that the townscape and landscape quality of open spaces will be protected.

b) Significance of the heritage assets

The NPPF requires the significance of heritage assets to be understood, including any contribution made by their setting. In this case, relevant heritage assets include St Stephen's Church and churchyard, The Cenotaph, other listed buildings on St Stephen's Street, The City and Queen Square Conservation Area and its setting. The significance of these are considered in turn.

**St Stephen's Church:** This is a Grade I listed building. It was built in the 14th Century and rebuilt in the 15th Century. It is thus over 500 years old. Historic England states that the church is of "exceptional architectural and historic interest". The upper part of the church tower rises above Eagle House and can be seen from a number of key viewpoints. The applicant's heritage statement sets out what they consider to be the key viewpoints. During the lifetime of the application, officers set out the LPA's opinion of the key viewpoints from which the setting of the church appears most prominently in the streetscape. These are locations where its key features can be best viewed and appreciated. The applicant then submitted verified views (photomontages) from these viewpoints: North side of Quay Street, East side of Rupert Street, South side of Clare Street, North side of Colston Avenue. These are appended to this report. The tower of the church is considered particularly significant; the arched belfry windows and of the tower and the blind tracery and canopies are high quality architectural elements that lend a distinction to the streetscape and the Old City as a whole.

**The Cenotaph:** This is a Grade II listed structure, and due to the lower grading, is considered less significant than the church.

**St Stephen's Churchyard:** This is not a designated heritage asset, although it is a designated open space, as set out above.

**Other listed buildings:** The listed buildings on St Stephen's Street are considered less significant than the church due to their lower grading (Grade II).

**The City and Queen Square Conservation Area:** The relevant Conservation Area Character Appraisal describes this particular Conservation Area as being "of national significance" (para. 4.1). Section 6 describes St Stephen's Church as a "Landmark Building". This is a building that due to its height, location or detailed design stands out from the background and contributes significantly to the character and townscape of the local area. Landmark buildings are a dominant characteristic of this part of the conservation area (page 24) and are thus considered to contribute heavily to the special character and distinctiveness of the conservation area.



**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

## c) Impact of the proposed development

St Stephen's Church: The proposed roof addition would be a permanent addition to Eagle House and the roofscape of the site. Historic England and Bristol City Council officers consider that the proposed development would cause less-than-substantial harm to the setting of St Stephen's Church. Historic England has objected to the proposals. Historic England states that the current design of Eagle House allows the church tower to be read and celebrated as part of The Centre, and have stated that the church is "integral to the history and development of Bristol and still makes a significant aesthetic contribution". The addition of a storey would block views to the church tower, harming its setting. When standing at the viewpoints mentioned above, a viewer can currently see a significant proportion of the church tower, including the decorative belfry window and detailing on the tower. The proposals would lead to the obscuring of much of the tower, including the aforementioned features and detailing being obscured from three out of the four viewpoints (North side of Quay Street, East side of Rupert Street and North side of Colston Avenue).

Out of these, the first viewpoint (Quay Street) is of greatest concern because a high proportion of detailing is obscured; from the Rupert Street and Colston Avenue viewpoints, the upper stage architectural detailing is partially obscured, but does still appear legible. As stated by Historic England, "being able to see a large part of the church tower from The Centre is essential to the setting (and thus significance) of this Grade I listed building, which allows the observer to understand and appreciate its historic significance". The fourth viewpoint (South side of Clare Street) is considered to be less affected. The development will not obscure views to any of the features of the church from the Clare Street viewpoint, although impact remains, since the proposed extension would appear to rise above the existing nave roof, diminishing its prominence.

The Cenotaph: Historic England's letters of objection state that the proportions and materials of the Cenotaph and St Stephen's Church are similar and allow both structures to be read as one object. This is noted, but council officers consider that because the structures were built at different periods and not designed together, any relationship between them is coincidental. Hence, whilst there is some harm to views of the Cenotaph posed by the addition of the roof extension, this harm is considered minimal and the impact on the relationship between them is of less concern. This is also in consideration of the fact that the Cenotaph is of a lower listing than the Church.

St Stephen's Churchyard: As stated above, the open space to the south of the church is a designated open space and so impacts on its visual amenity must be considered. Given the existing roof extension on St Stephen's house, and the general context of the site, it is not considered that there will be any harm to the visual amenity of the churchyard arising from the proposals.

Other listed buildings: No concerns have been raised about impacts on the settings of the other listed buildings in the vicinity of the site including those on St Stephen's Street. Officers do not consider that impacts on these buildings is of concern, due to their lower grading and greater distance from the application site.

City and Queen Square Conservation area: St Stephen's Church is a landmark building and is considered to contribute to the special character and distinctiveness of the conservation area. It will be partially obscured by the proposed development as set out above. It is thus considered that there will be harm to the character and appearance of the conservation area arising from the proposed development.

Summary of impact: Officers consider that the proposals will result in less-than-substantial harm to the setting of the Grade I listed St Stephen's Church and the character and appearance of the City and Queen Square Conservation Area. The impact on the view from Quay Street is considered to pose the highest degree of harm.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

- d) Is the Impact of the Proposed Works (Harm/Loss of Significance) Justified or Outweighed?

With reference to paragraphs 132 and 134 of the NPPF, it must be considered whether the less-than-substantial harm is justified and outweighed by public benefits. The provisions of policy DM31 also must be considered (bullet points i-iv of the policy under the heading "conserving heritage assets").

The applicant has described in various parts of their submission (including the Heritage Statement, Design and Access Statement and other supporting statements) the rationale for the design and how impact of the proposals has sought to be minimized, especially when compared when the pre-application proposals. For example, it is stated that the roof extension has been set back from the parapet; louvres have been omitted; a pitch has been added to the proposed roof; zinc has been used (same material as the adjacent St Stephen's House) extension; and the proposed ribbon glazing on the southeast elevation has been replaced by dormers. These are noted and it is agreed that the impact of the design has been reduced compared to proposals presented at the pre-application stage. It is also worth noting that neither Bristol City Council officers, nor external consultees, have any concerns about the design impacts on Eagle House in isolation. The applicant's response to Historic England's objection is appended to this report.

The applicant and the Council's Economic Development Officer have described the public benefits of the proposals. These can be divided into three types: economic, aesthetic and other:

Economic benefits:

- The proposals would bring a vacant building back into use and would support the growth of a Bristol-based media company, Immediate Media, which wishes to remain in Bristol City Centre. The company currently employs circa 450 staff and is currently based at Tower House on Fairfax Street. The applicant has set out that the proposals would enable the company to achieve their planned growth to 503 people. It is understood that the company has been search for alternative premises for two years. The applicant stated that the growth would not be possible without the proposed roof extension, and will allow the company to commit to Eagle House as a long-term solution. The applicant has set out how the company seeks to employ local people and is part of the Business Improvement District.
- There will be jobs arising from the construction process and amongst the local supply chain.
- There are likely to be significant positive impacts on spending in the retail, leisure and service sectors as a result of jobs in the city centre.

Aesthetic benefits:

- As set out above, the application has been considered in conjunction with application 18/00654/F for the replacement of external facing windows and doors. Within that application, several improvements to the public realm have been made:
  - o A bulky (non-original) canopy is to be removed.
  - o A high quality decorative screen would be added to the Colston Avenue elevation.
  - o The current windows would be replaced.
  - o Existing signage would be removed.
  - o Removal of a redundant fire escape on St Stephen's Street and reinstatement of a window opening in its place.
  - o The entrance would be relocated from Stephen Street to Colston Avenue so as to be facing the newly-improved public realm.

These are considered to be improvements to the appearance of the building and thus the appearance of the conservation area.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**Other benefits:

- It is understood that Immediate Media have a strong green travel philosophy, with 100 of their staff currently cycling to work. The proposals for a city centre location would continue to support this, putting less pressure on parking and the public transport systems.

These benefits are acknowledged by officers and should be weighed against into the balance of the proposal, including securing its optimum viable use, as required by paragraph 134 of the NPPF. The NPPF is clear that "great weight" should be given to an asset's conservation and states that the more important the asset, the greater the weight should be (paragraph 132).

Officers have carefully considered both the harm to heritage assets and the public benefits that the proposals will bring. In this instance, it is not considered that the harm is outweighed by the public benefits and this is due very much to the high grade of the asset. The church tower is a 15th Century Grade I listed structure and a key landmark within the conservation area. The views to it are considered to be a critical and sensitive part of the setting of the church. The detailing of the tower, including the arched belfry windows and surrounding decoration are high quality architectural elements. Whilst the whole tower would not be masked, the principal window and much of the decoration would be obscured from the aforementioned viewpoint on Quay Street. As set out above, impacts from other viewpoints are of lesser concern and impact on other heritage assets (The Cenotaph, other surrounding listed buildings and the churchyard) are not of such concern as to warrant refusal of the application on the grounds of impacts to those assets alone.

The applicant has, as set out in their supporting documentation, given clear reasons why they consider the proposal is justified, and officers acknowledge the considerable public benefits of the proposals. However, in this instance, officers feel that the harm to the setting of the Grade I listed structure and the character and appearance of the conservation area is not outweighed by these benefits. For these reasons, the officer recommendation is that the application be refused.

**3. AMENITY**

Policy BCS21 states that development will be expected to safeguard the amenity of existing development. Policy DM27 states the layout and form of development should enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight. Policy DM30 states that extensions and alterations to buildings will be expected to safeguard the amenity of the host premises and neighbouring occupiers.

The applicant proposes windows within the roof extension and a north-facing terrace. Whilst this will result in overlooking, particularly to the properties on the St Stephen's Street and any users of the churchyard, this impact is not considered any greater than that of the existing situation, since there are already windows on all elevations of Eagle House.

In terms of impacts arising from overshadowing, loss of daylight and loss of sunlight, officers have considered the concerns raised by the St Stephen's Church warden regarding the impacts on the churchyard. For clarity, this is an area to the north of the church and immediately south of Eagle House, and is not designated as an open space. The applicant has submitted a shadow study which demonstrates that impacts would not be any more detrimental than existing, and this has been appended to this report. Hence, officers do not have concerns in terms of loss of light or overshadowing.

Rooftop plant is proposed in order to replace the current plant. Bristol City Council's Pollution Control Officer had no concerns, subject to the inclusion of conditions limiting the noise from plant and equipment to a level 5 dB below the background level. The applicant's acoustic consultant has stated that some emergency equipment would be included in the proposals. This would require periodic short-term testing and it is anticipated it would breach the proposed limit set out above.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN**

The proposed testing would not be of concern if noise levels were 10 dB below the background level, which the applicant has confirmed would be the case. This issue could be resolved by the imposition of conditions requiring further information, and is not considered to warrant refusal of the application.

**4. TRANSPORT AND MOVEMENT**

Policy BCS10 states that developments should be designed and located to ensure the provision of safe streets and create places and streets where traffic and other activities are integrated. Policy DM23 states that development should provide safe and adequate access onto the highway network and should not give rise to unacceptable traffic conditions.

The proposals would facilitate the building to be used by a wider number of employees than is currently the case, so impacts arising from a greater number of trips must be considered. However, the increase in floorspace is not sufficient to trigger the requirement for a Travel Plan or a Travel Plan Statement. No change of use is proposed. The applicant has submitted a Transport Technical Note, stating that the development would continue to be car-free and that the applicant proposes site-secure cycle storage as well as changing facilities within the building. This site is in a sustainable city centre location on a main pedestrian route and close to numerous public transport and cycle routes, so the absence of car parking is not of concern. Details of cycle storage and changing facilities could be required by condition. For these reasons, the increase in trips would not lead to concerns relating to transport and movement.

**5. OTHER KEY ISSUES**

In respect of sustainability and ecology, matters are considered resolved, subject to the inclusion of suitably-worded conditions.

**CONCLUSION**

In making a recommendation to committee, officers have fully recognized the economic, aesthetic and other public benefits of the proposals and have carefully considered the views of all those who have made representations. There has been a difficult and finely-balanced assessment to be made in terms of weighing these benefits against the impact on the setting of the Grade I listed church and the character and appearance of the conservation area. All other matters are considered to have been resolved to an acceptable level (subject to conditions), so the recommendation is based on impacts on heritage assets only. Officers believe that the less-than-substantial harm to heritage assets is not outweighed by the public benefits in this instance. It is important to be clear that the recommendation is based on the impact on the setting of St Stephen's Church when viewed from Quay Street (as show in the photomontages) and the associated impact on the character and appearance of the conservation area. The impact on the setting of the church when viewed from other points, and impacts on other heritage assets, are of less concern and would not warrant refusal of the application.

The proposed rooftop extension would result in less-than-substantial harm to the setting of the Grade I listed asset known as St Stephen's Church when viewed from Quay Street. It would also harm the character and appearance of the City and Queen Square Conservation Area. The proposals are therefore contrary to Policy BCS22 of the adopted Bristol Core Strategy (June 2011), Policy DM32 of the Bristol Site Allocations and Development Management Policies (July 2014), Policy BCAP44 of the Bristol Central Area Plan (March 2015) and Section 12 of the NPPF.

The application is accordingly recommended for refusal.

**Development Control Committee A – 16 May 2018****Application No. 18/00847/F: Eagle House Colston Avenue Bristol BS1 1EN****COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will this 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.

**RECOMMENDED      REFUSE**

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

**Reason(s)**

1. The proposed rooftop extension would result in less-than-substantial harm to the setting of the Grade I listed asset known as St Stephen's Church when viewed from Quay Street. It would also harm the character and appearance of the City and Queen Square Conservation Area. The proposals are therefore contrary to Policy BCS22 of the adopted Bristol Core Strategy (June 2011), Policy DM32 of the Bristol Site Allocations and Development Management Policies (July 2014), Policy BCAP44 of the Bristol Central Area Plan (March 2015) and Section 12 of the NPPF.

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

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

151668-STL-00-XX-DR-A-ZZZZ-01104 P26 Proposed roof plan, received 20 April 2018

151668\_STL\_00\_05\_DR\_A\_ZZZZ\_01100\_P15 Fifth Floor Plan existing, received 20 February 2018

151668\_STL\_00\_05\_DR\_A\_ZZZZ\_01101\_P26 Fifth floor plan proposed, received 20 April 2018

151668\_STL\_00\_06\_DR\_A\_ZZZZ\_01102\_P26 Sixth floor plan proposed, received 20 February 2018

151668\_STL\_00\_06\_DR\_A\_ZZZZ\_01103\_P15 Existing roof plan, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02100\_P15 North east elevation existing, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02101\_P15 North elevation existing, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02101\_P15 North elevation existing, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02102\_P15 West elevation existing, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02103\_P15 South east elevation existing, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02104\_P15 North East Elevation Proposed, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02105\_P15 North elevation Proposed, received 20 February 2018

151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02106\_P26 South east elevation proposed, received 20 April 2018

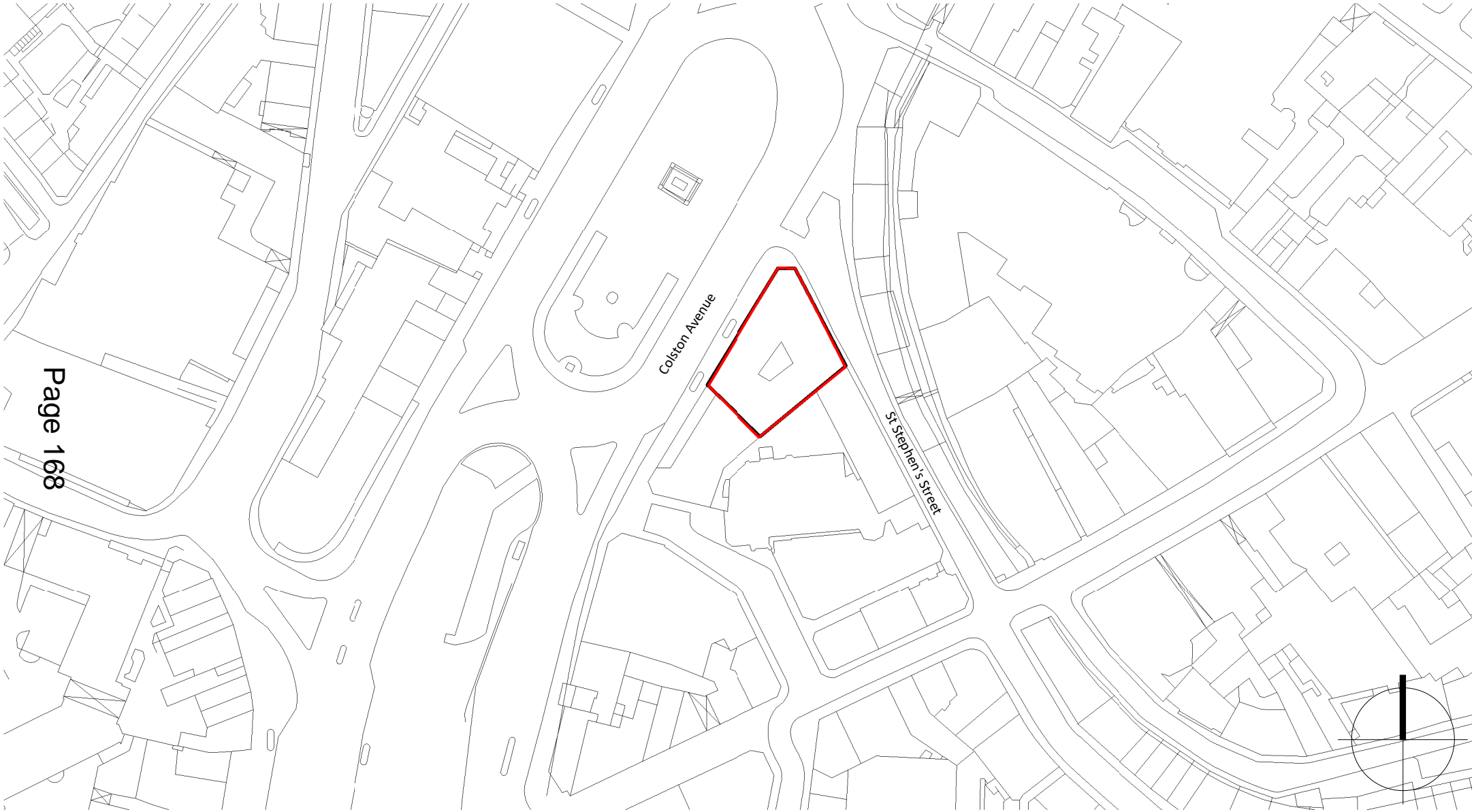
151668\_STL\_00\_XX\_DR\_A\_ZZZZ\_02107\_P15 Site Location Plan, received 20 February 2018



## Supporting Documents

### **4. Eagle House Colston Avenue**

1. Site location plan
2. Proposed northeast elevation
3. Proposed west elevation
4. Verified views (photomontages)
5. Applicant response to Historic England
6. Improvements proposed under application 18/000654/F
7. Decorative canopy proposed under application 18/00654/F
8. St Stephens (Church) Garden Shadow A
9. St Stephens (Church) Garden Shadow B



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RESPONSIBILITY IS NOT ACCEPTED FOR ERRORS MADE BY OTHERS  
FROM SCALING FROM THIS DRAWING. ALL CONSTRUCTION  
INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY

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STATUS	REV	DATE	DESCRIPTION		
P1	P15	14/02/18	Issue for Planning		
P1	P16	27/02/18	Re-issued for Planning		

Level 06 - 6th Floor  
30745

Level 05 - New Floor Level  
28145

Level 04 - 4th Floor  
24670

Level 03 - 3rd Floor  
21340

Level 02 - 2nd Floor  
17680

Level 01 - 1st Floor  
14000

Level 00 - Ground Floor  
9380



**TITLE:** North East Elevation - Proposed  
**PROJECT:** Eagle House  
**CLIENT:** Immediate Media

**REVISED BY:** MS  
**CHECKED BY:** ATM  
**ORIGINATOR NO:** 151668

**SUITABILITY STATUS:** S1: SUITABLE FOR CO-ORDINATION  
**SCALE:** 1 : 100 @ A3

**PROJECT - ORIGINATOR - ZONE - LEVEL - TYPE - ROLE - CLASS. - NUMBER**  
151668-STL-00-XX-DR-A-ZZZZ-02104  
**REVISION:** P16

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INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY

STATUS	REV	DATE	DESCRIPTION
P1	P15	14/02/18	Issue for Planning
P1	P16	27/02/18	Re-issued for Planning

Level 06 - 6th Floor  
30745

Level 05 - New Floor Level  
28145

Level 04 - 4th Floor  
24670

Level 03 - 3rd Floor  
23340

Level 02 - 2nd Floor  
17680

Level 01 - 1st Floor  
14000

Level 00 - Ground Floor  
9380

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TITLE: West Elevation - Proposed  
PROJECT: Eagle House  
CLIENT: Immediate Media

REVISED BY: MS  
CHECKED BY: ATM  
ORIGINATOR NO: 151668

SUITABILITY STATUS: S1: SUITABLE FOR CO-ORDINATION  
SCALE: 1 : 100 @ A3

PROJECT - ORIGINATOR - ZONE - LEVEL - TYPE - ROLE - CLASS. - NUMBER  
151668-STL-00-XX-DR-A-ZZZZ-02107  
REVISION: P16

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# Eagle House Colston Avenue Bristol

Visually Verified Montages

18/00847/F | Rooftop extension (including plant room) for office (B1) use

April 2018 | NPA 11008 IMC |



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# PROJECT SPECIFIC METHOD STATEMENT

**Project:** Eagle House

**Prepared by:** Nicholas Pearson Associates (Npavisuals)  
The Farm House  
Church Farm Business Park  
Corston, Bath,  
BA2 9AP  
Tel: +44 (0)1225 876990

**Client:** Immediate Media

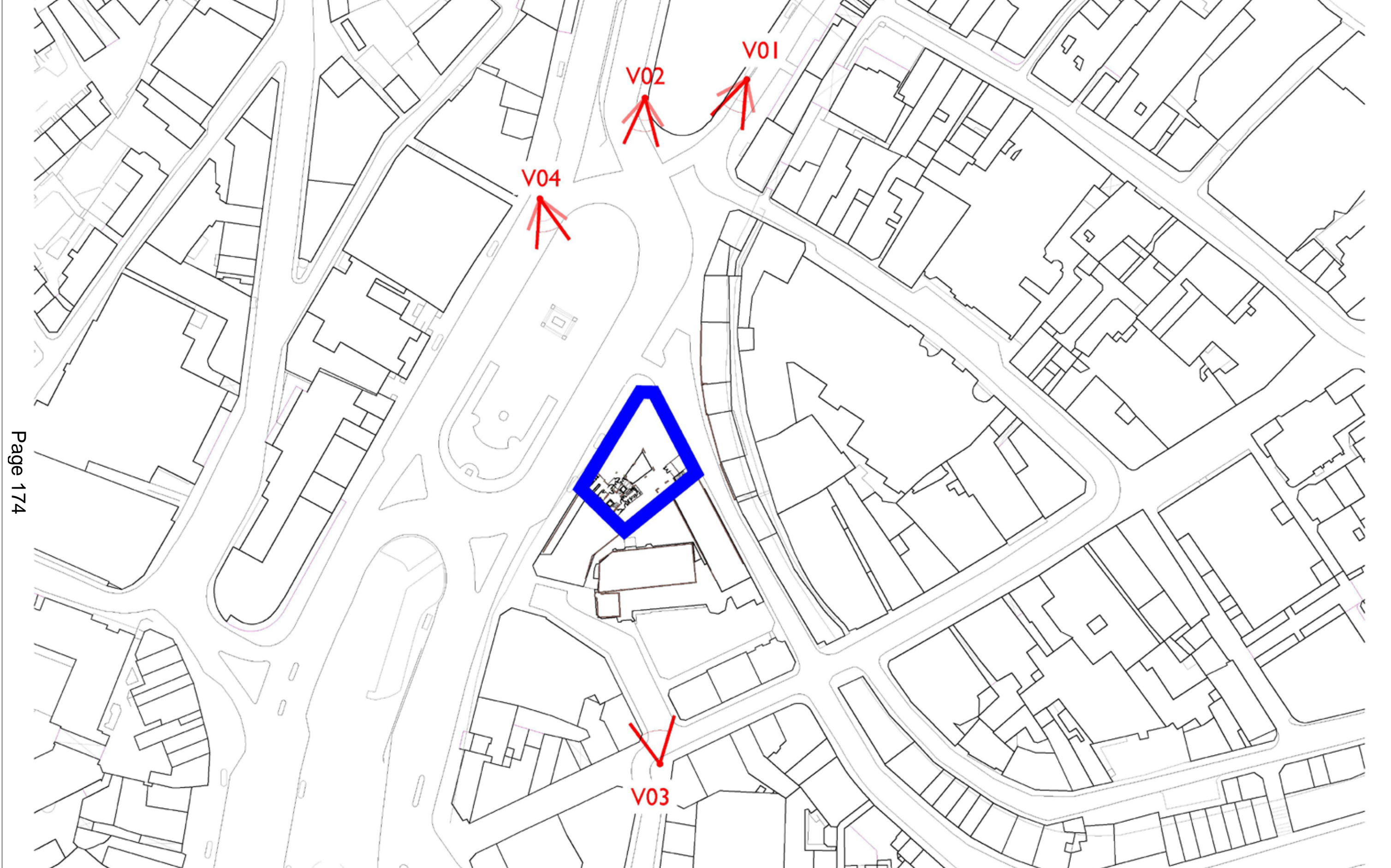
**Architect:** Stride Treglown

Npavisuals were commissioned by Stride Treglown to prepare a series of Accurate Visual Representations of the proposed development at Eagle House, Colston Avenue, Bristol, BS1 1EB to accompany the planning application 18/00847/F | Rooftop extension (including plant room) for office (B1) use

The viewpoints were selected in consultation with the planning professional and the Bristol City Planning Officer

Viewpoint representation levels and Fields of Views were selected to best accurately portray the perceived view when viewed at A3. (Please see methodology for further details)

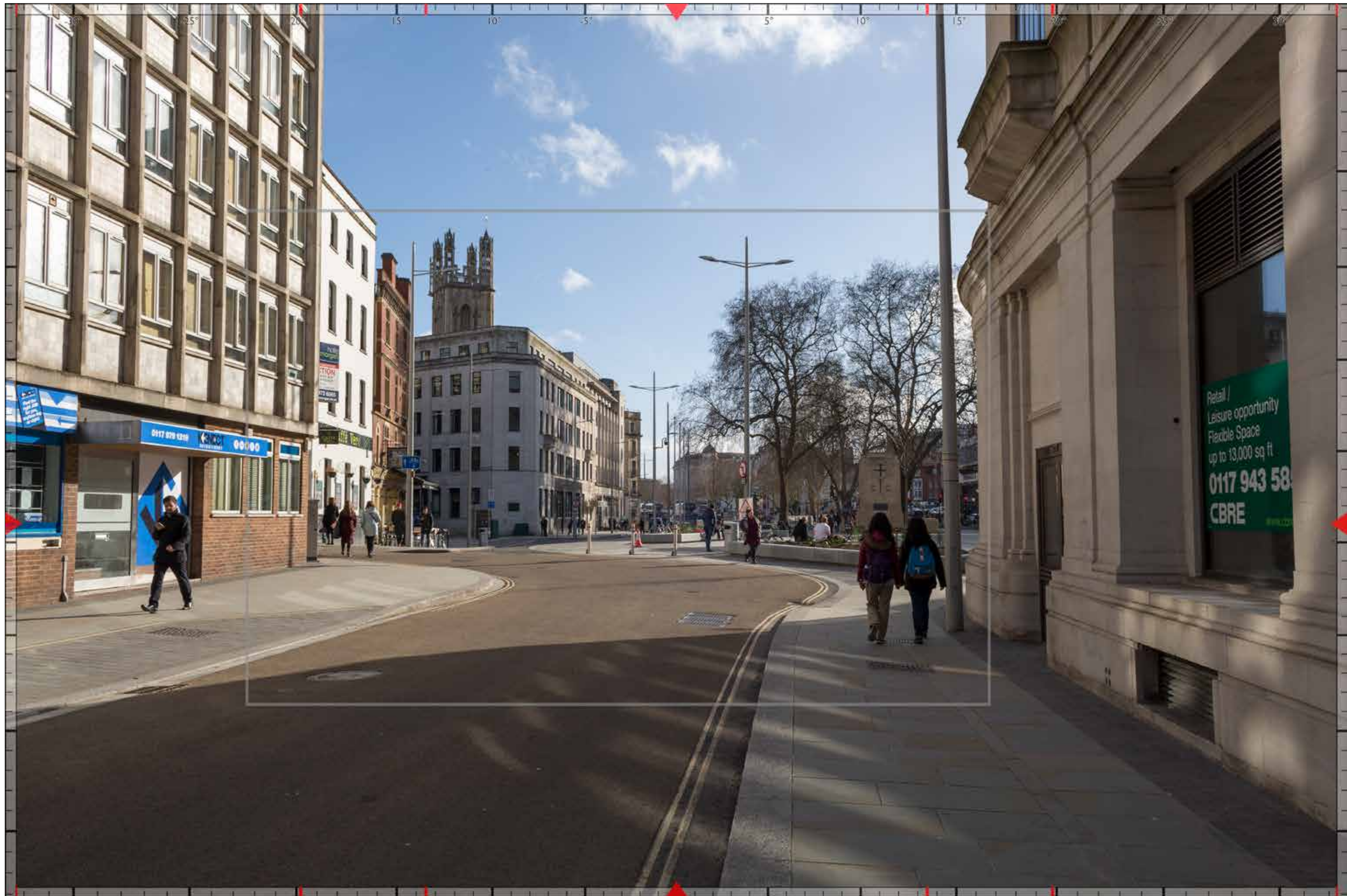
3 no. AVR Level 3 / 39 Degree Field of View  
1 no. AVR Level 3 / 74 Degree Field of View (Portrait)



Viewpoint Location Plan

Project No	11008	Client	Immediate Media	Figure No	2
Date	Apr-18	Project	Eagle House		
Issue Status	Planning	Figure	Viewpoint Location Plan		







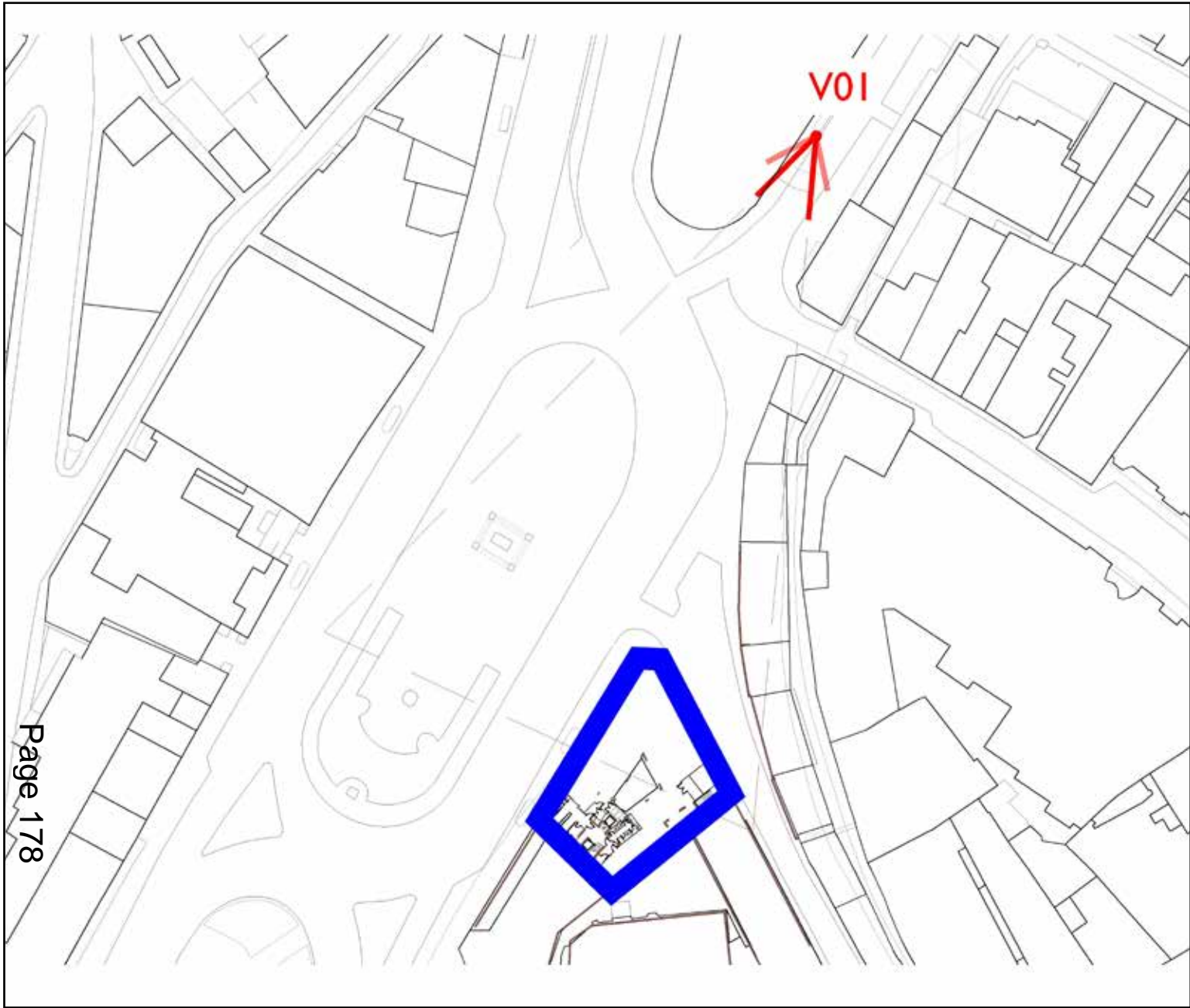








View Location



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View Number	1
AVR Level	3
Page Viewing Distance	540mm @ A3
Location	North side of Quay Street (adjacent to Electricity House)
Coordinates	358680.616,173124.807 (to EPSG 27700)
Bearing	185
Distance	120m
Eye Level	10.8494 m AOD
Camera	Canon EOS 5D MK III
Frame Type	Single Frame
Focal Length	50mm
Horizontal FOV	40°
Vertical FOV	27°
Date of Photo	03/04/2018 17:31
Weather	Clear & Sunny

View Verification



View Verification



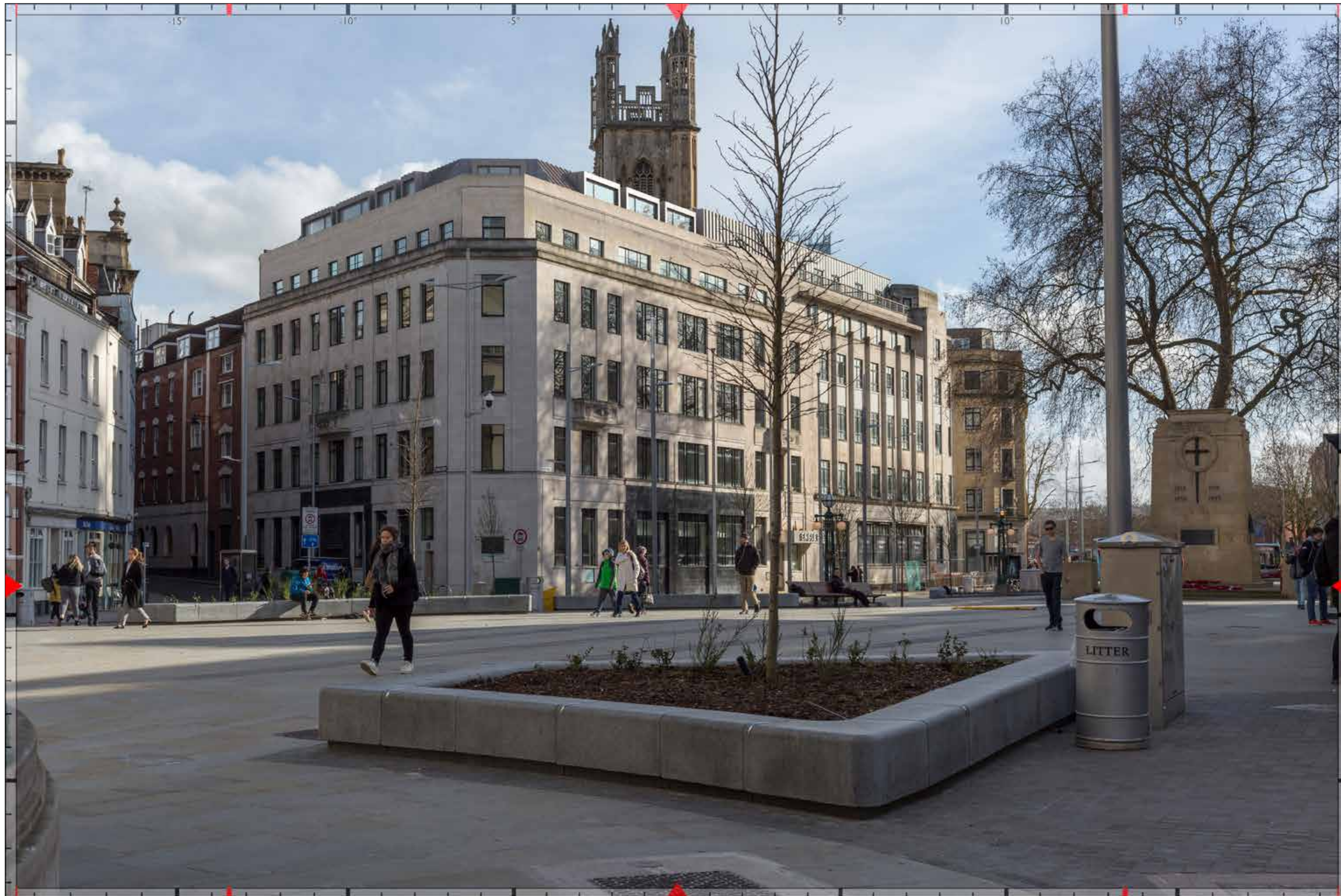






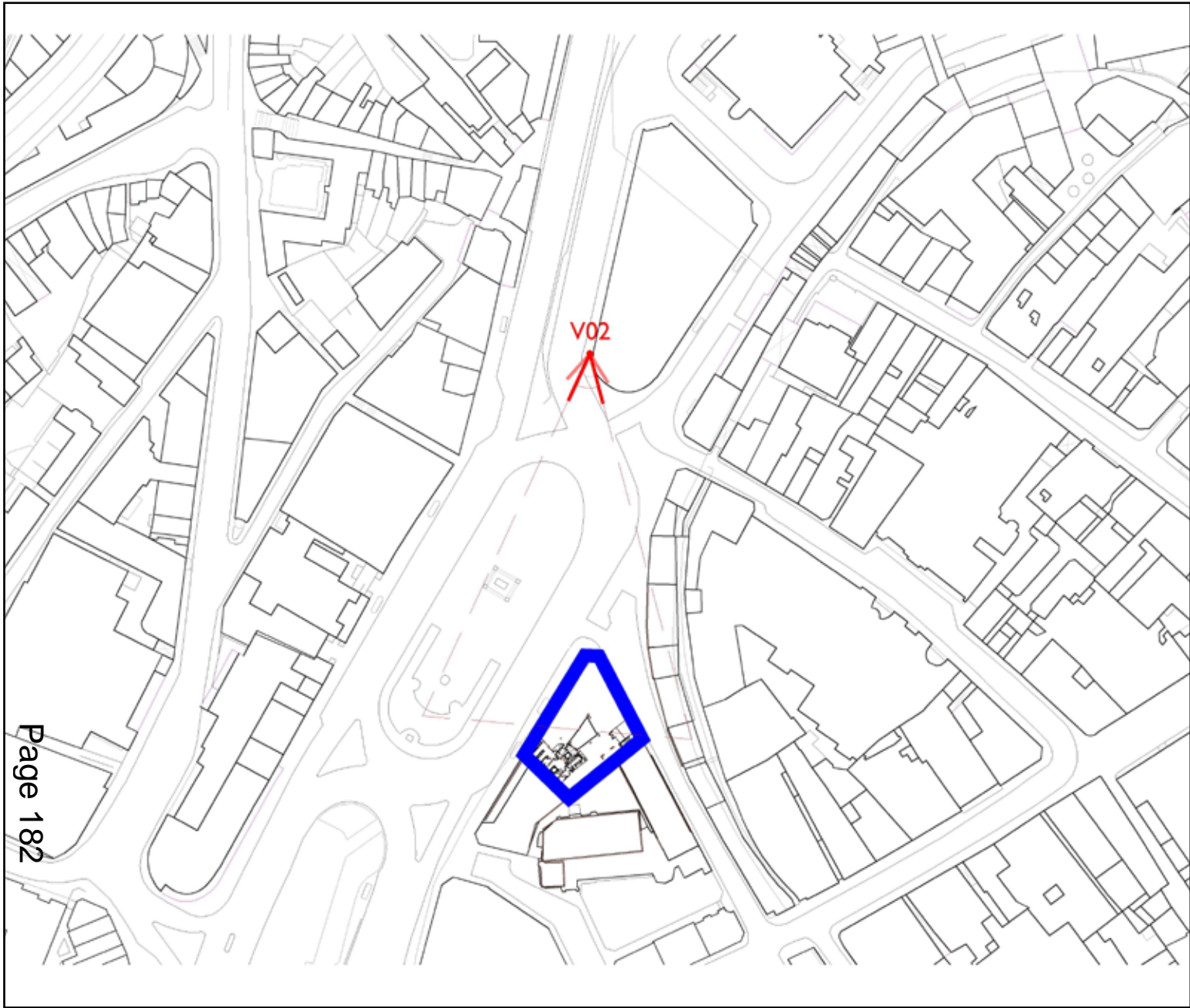








View Location



Page 182

View Number	2
AVR Level	3
Page Viewing Distance	540mm @ A3
Location	East side of Rupert Street (adjacent to Electricity House)
Coordinates	358710.839,173130.267 (to EPSG 27700)
Bearing	205
Distance	113m
Eye Level	10.5 m AOD
Camera	Canon EOS 5D MK III
Frame Type	Single Frame
Focal Length	50mm
Horizontal FOV	40°
Vertical FOV	27°
Date of Photo	03/04/2018 17:10
Weather	Clear & Sunny

View Verification



View Verification





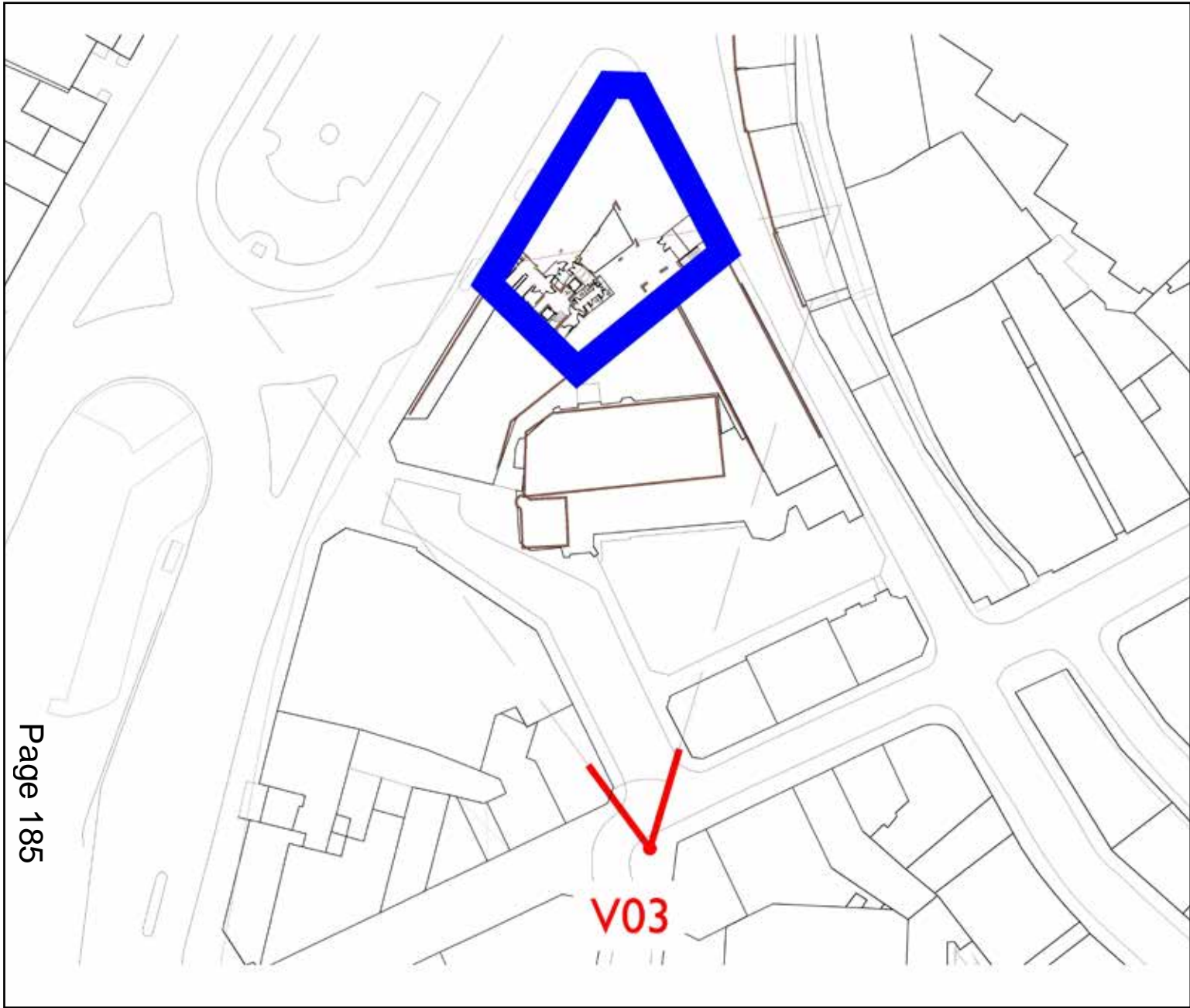








View Location



Page 185

**View Number** 3

**AVR Level** 3

**Page Viewing Distance** 260mm @ A3

**Location** South side of Clare Street (adjacent to parking meter)

**Coordinates** 358685.06,172927.195 (to EPSG 27700)

**Bearing** 340

**Distance** 89m

**Eye Level** 11.8865 m AOD

**Camera** Canon EOS 5D MK III

**Frame Type** Single Frame

**Focal Length** 24mm

**Horizontal FOV** 53°

**Vertical FOV** 74°

**Date of Photo** 03/04/2018 16:14

**Weather** Clear & Sunny

Please note: portrait view is represented on a horizontal page  
please view at 90 degree angle

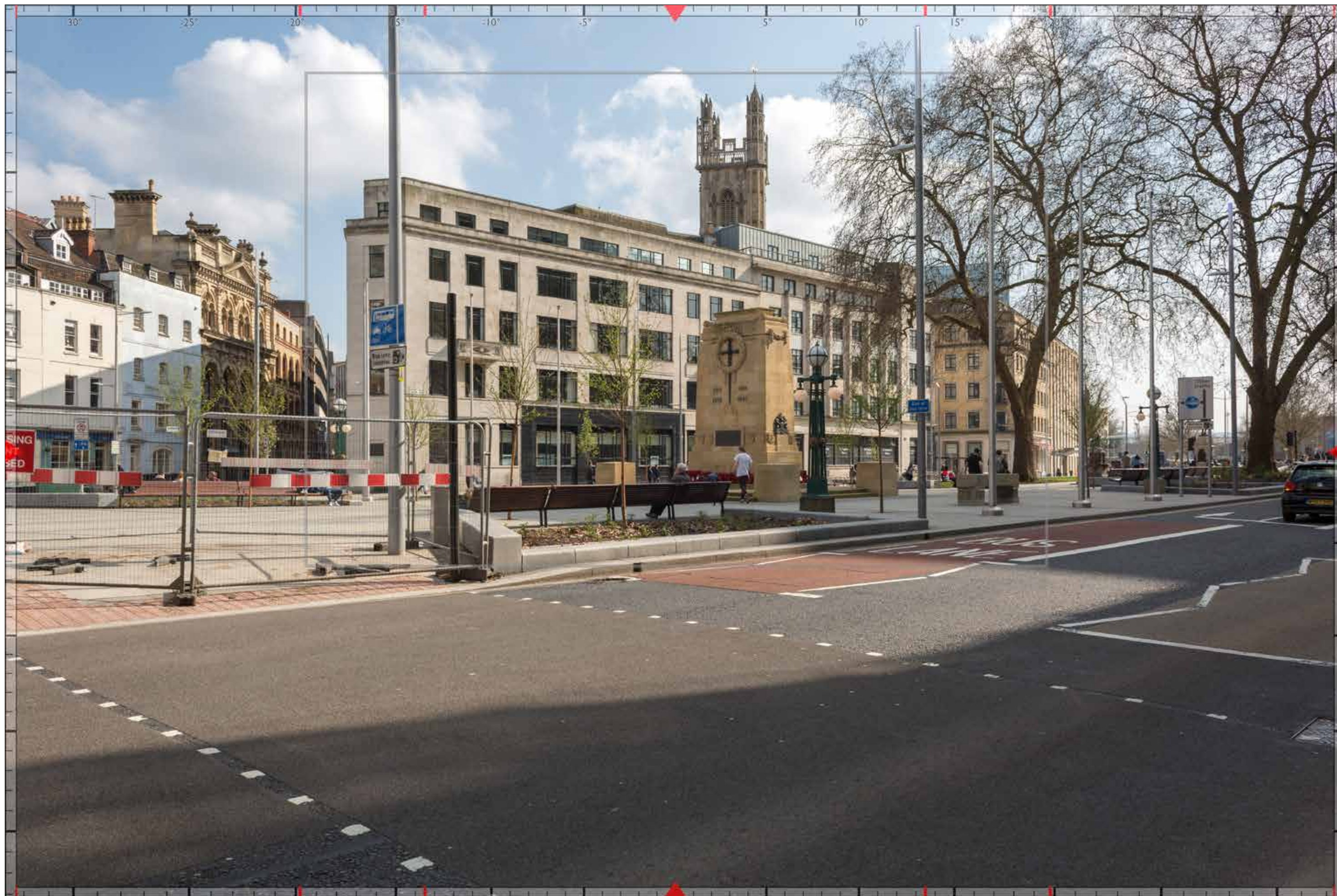
View Verification



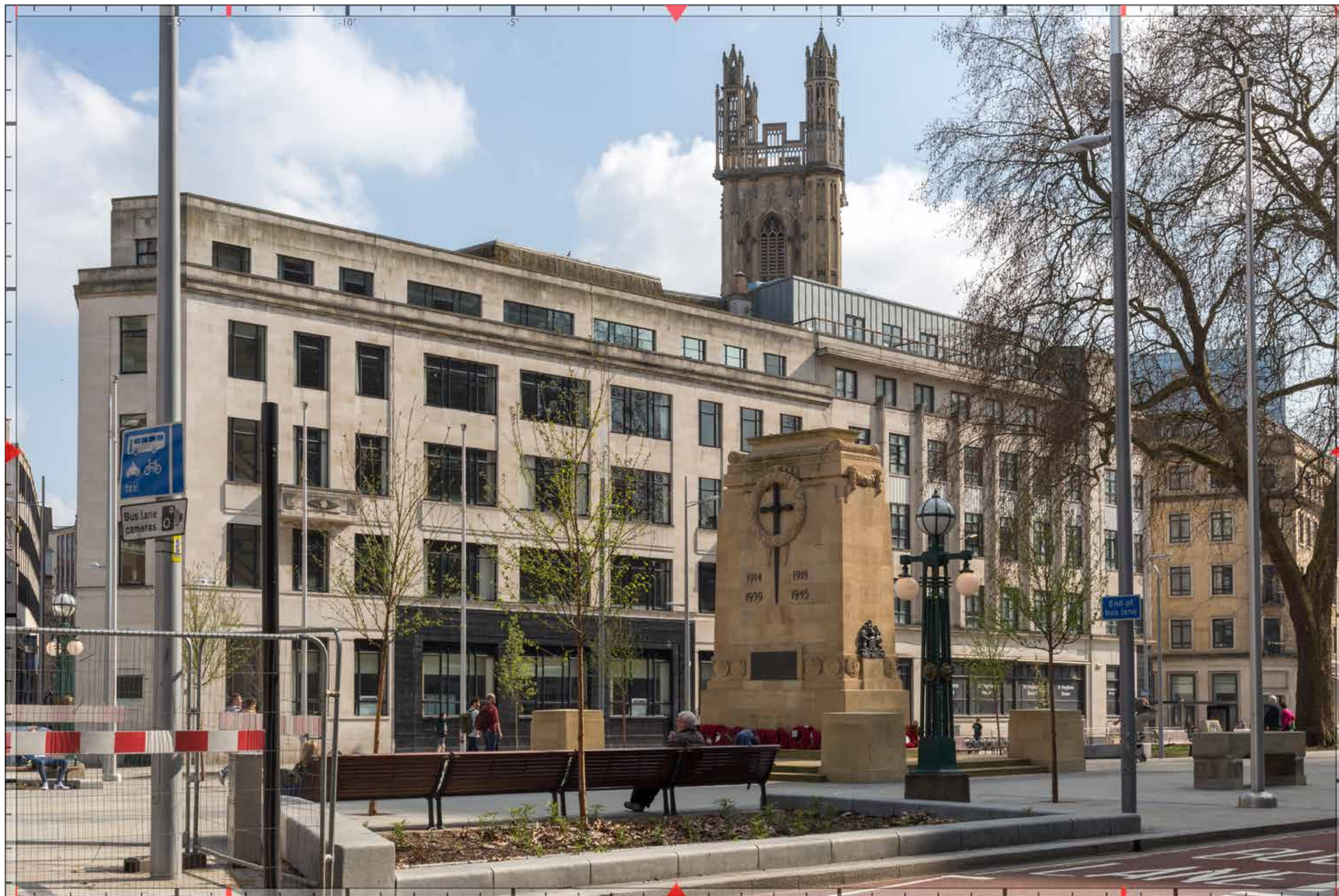
View Verification



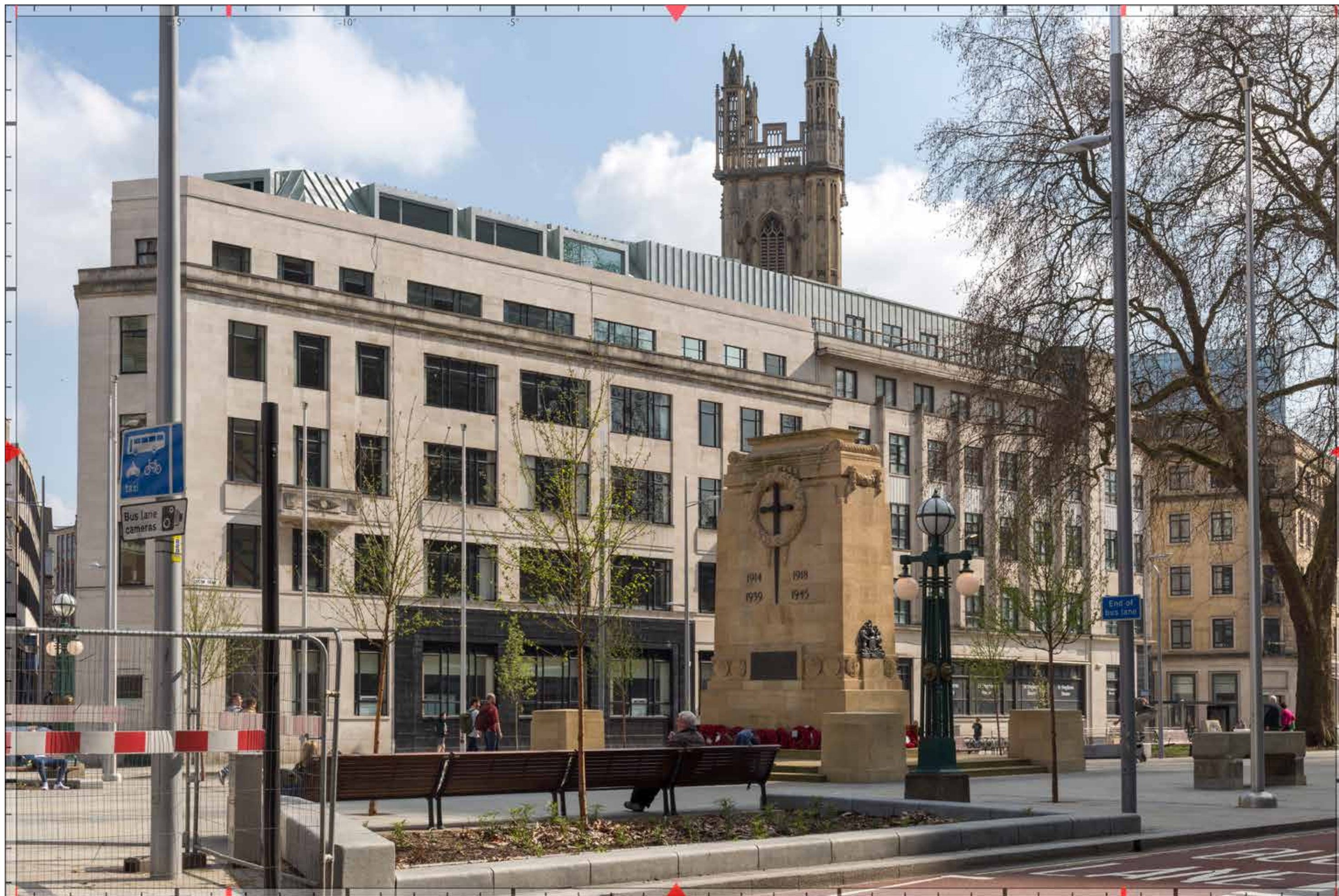






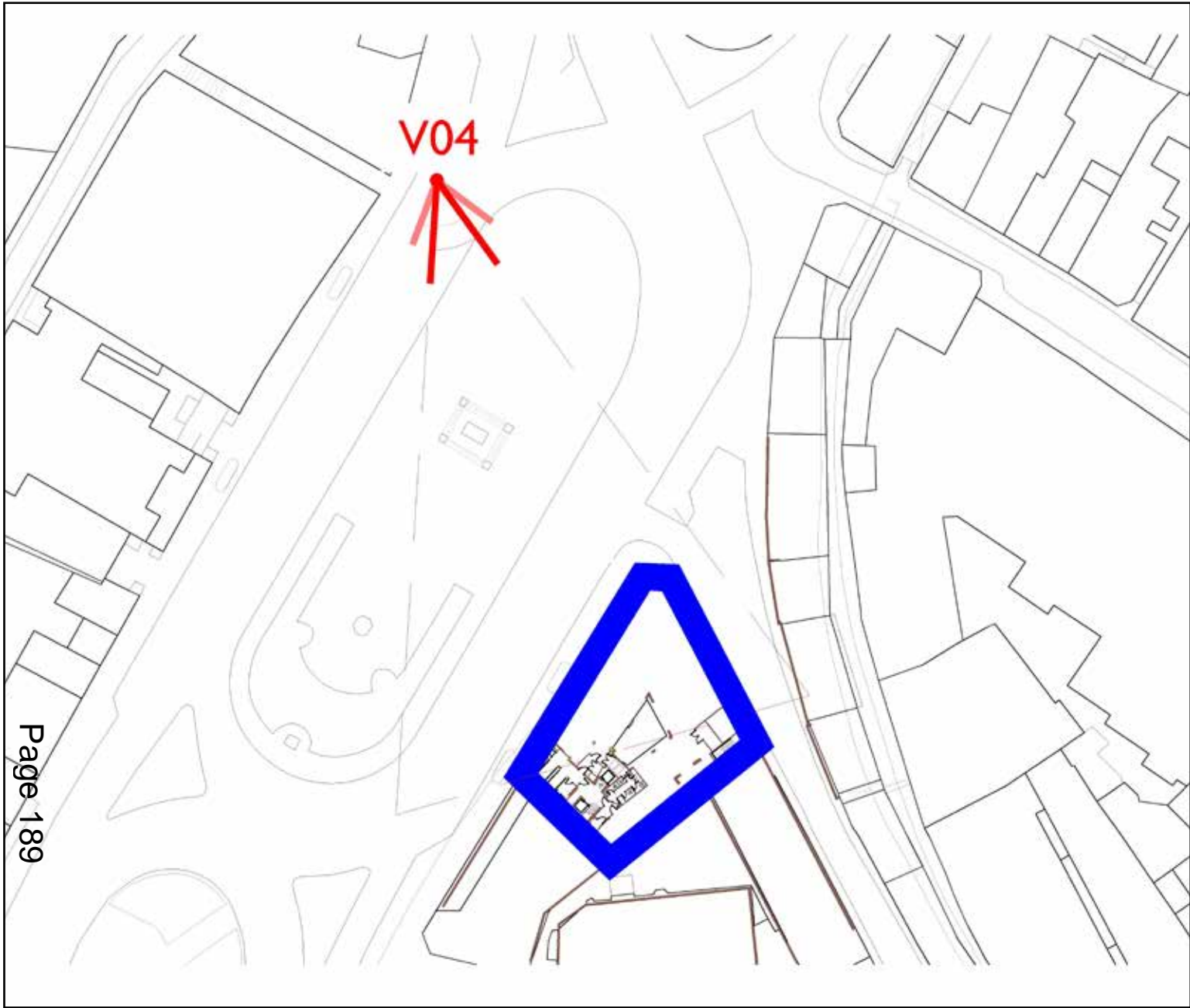








View Location



Page 189

View Number 4

AVR Level 3

Page Viewing Distance 540mm @ A3

Location North side of Colston Avenue

Coordinates 358649.068, 173096.436 (to EPSG 27700)

Bearing 167

Distance 67mm

Eye Level 10.54 m AOD

Camera Canon EOS 5D MK III

Frame Type Single Frame

Focal Length 50mm

Horizontal FOV 40°

Vertical FOV 27°

Date of Photo 14/04/2018 15:40

Weather Clear & Sunny

View Verification



View Verification





# Visually Verifiable Montage Methodology

## INTRODUCTION

Nicholas Pearson Associates has an established reputation within the environmental and landscape consultancy field for the production of Visually Verifiable Montages (VVMs) for urban and rural developments and has successfully presented these for planning applications and as expert witnesses at public inquiry.

The methodology used by Nicholas Pearson Associates accords with the following guidance documents where appropriate:

- The Third Edition of the good practice Guidelines for Landscape and Visual Impact Assessment 2013; produced by the Landscape Institute and Institute of Environmental Management & Assessment.
- Visual representation of development proposals Landscape Institute Technical Guidance Note 02/17 (31 March 2017)
- LI Guidance Note 02-17 Visual Representation
- Photography and photomontage in landscape and visual impact assessment Landscape Institute Advice Note 01/11. March 2011.
- London View Management Framework Supplementary Planning Guidance: Appendix C: Accurate Visual Representations. March 2012.

The purpose of an Accurate Visual Representation or Visually Verifiable Montage (VVM) is to, impartially represent the proposed development, as it would appear in reality using a baseline of verifiable visual data and information. A VVM combines photographic views with accurate CAD 3-D representations of the proposals to an agreed level of detail. Using quantifiable data this verifiable image can then be used by others (if required) to scrutinise the work, without its veracity being questioned.

### Methodology Summary for Eagle House, Bristol

#### Site Location:

Eagle House, Colston Avenue, Bristol, BS1 1EB

#### Status:

- Planning

#### Photography equipment:

- Canon 5D full frame digital SLR camera
- Canon EF 50mm f/1.8 STM lens
- Canon EF 28mm f/1.8 USM Lens
- Canon TS-E 24mm f/3.5 L II
- Manfrotto Tripod
- NN4-D16-Nodal Ninja NN4 Panorama head with RD-16 rotator base
- NN-EZ-Nodal Ninja EZ Leveller MKII
- Plumb bob
- Compass

Using detailed topographic survey and Ordnance Survey mapping, the Camera was mounted on a tripod at height of 1.6m above existing ground level, which best represents the average human eye level and positioned on a pre-surveyed feature which can be identified on the 3D model. A leveller was used to ensure that the camera was horizontal.

Photographs were taken in a RAW format using manual settings to enable the best quality results. The photographer took note of the weather conditions and direction of view. All other details relating to the photograph are stored in the image EXIF data. If necessary the original RAW file can be submitted as part of the verification process.

#### Baseline photograph formats:

The photographic format is dictated by reproduction size whilst considering the areas of interest. Invariably A3 is the preferred format and therefore a balance must be struck to place the proposal within meaningful context whilst providing the clarity for the viewer.

When the proposed development is at a particular distance, whilst the observer is aware of the wider area within their peripheral vision they tends to focus on the area in question. Therefore it is important to consider the limitations of printed technology; so when representing proposals that are at a distance, the verified view is presented an a baseline photograph with a smaller field of view so that it can be reproduced at a scale suitable for viewing at a reasonable distance.

To ensure that we are providing the viewer with a representation of the wider context, a “representative” view with a larger field of view is presented alongside to demonstrate this Wherever possible, we will consult with the relevant planning professional on the matter.

There is no one suitable format of photograph which can be used in the preparation of verified views and therefore the following formats were deemed appropriate for this project.

- The baseline photographs for Viewpoints 1, 2 & 4 are single photographs taken using the Canon 50mm f/1.8 lens with a 39.6 degree field of view, reproduced suitable to be viewed at 540mm @ A3. This format is selected as suitable to assess architecture and site layout which occupies a key portion of the viewpoint requiring a greater level detail to

# Visually Verifiable Montage Methodology

represent in print what may be visible with the naked eye. The verified view is presented with a photograph showing a wider field of view (see below) to provide information on the wider context.

- The representative view photographs for Viewpoints 1, 2 & 4 are single photographs taken using the Canon 28mm f/1.8 lens with a 65 degree angle of view, reproduced suitable to be viewed at 300mm @ A3. This format is selected as suitable to assess architecture and site layout within its local setting whilst providing context for the verified view
- The baseline photographs for Viewpoint 3 is a single photograph taken using the Canon TS-E 24mm f/3.5 L II with a 74 degree field of view (Portrait), reproduced suitable to be viewed at 260mm @ A3. This format is selected as suitable to assess larger architectural form and site layout within a restricted local setting. This lens removes parallax distortion, particularly on high buildings at close proximity. This lens and format was selected to ensure that the full height of St Stephen's Church was visible in relation to the proposed rooftop extension. *This method accords with the London View Management Framework Supplementary Planning Guidance: Appendix C: Accurate Visual Representations. March 2012.*

The original Canon RAW files are processed in Adobe Photoshop to adjust white balance, colour accuracy and sharpness. The images undergo further correction procedures to ensure the horizon is precisely horizontal and any barrel distortion is compensated for.

## Mapping & Survey data:

- 2D/3D Topographic site survey
- Z Map / Revit Survey Model

To assist in the verification process the topographic survey is used to identify 3D point locations. In many cases these may include existing building ridgelines, tree canopies, lighting columns or similar such details. Data includes Camera locations and specific 3D points to assist in the camera matching process.

## Viewpoint Surveying

For each agreed photo viewpoint, a location plan was provided to the surveyor along with marked up a referenced photograph showing the camera in situ. The surveyor then establishes the location of each viewpoint using a Leica Global Positioning System (GPS). Where GPS positioning was not possible near to the required survey point, the surveyor traversed traditionally to the position from an established GPS point.

The surveyor recorded a range of reference points, using a reflectorless Total Station. These viewpoint marker points were in the foreground and background, high level and low level.

Data processing was conducted and referenced back to Ordnance Survey.

Data was presented in an Excel Spreadsheet, 3D DWG plus a photograph marked with the reference points.

## Applications:

- AutoCAD
- Revit Architecture
- 3D Studio MAX
- Adobe Photoshop
- Adobe InDesign

## Proposals supplied:

- Revit Model
- Site Plans
- Elevations
- External Levels

The proposals supplied by the architects were all combined with the site survey and mapping data so that they correspond with each other. The map co-ordinate system is used when doing this so that information regarding viewpoints can be accurately located, such as the viewpoint markers. The Revit model supplied was cross-checked with the site plan and elevations to ensure it accurately matched the design drawings, including FFLs, ridge heights and footprint.

## Camera Matching & Verification:

Irrespective of whether the final VVM is output as a single or composite panoramic image, each Verified View is based upon a single rendered frame.

Viewpoint markers were used to tie the photograph to the CAD Camera view. These are surveyed features and points such as lamp posts, walls, boundaries and buildings; in essence anything that has a known location. At least six points are required to be as accurate as possible, and within the central portion of the image; some of which should be at a height above ground level i.e. tops of lamp posts and building ridges & parapet edges. The background plate photograph is imported into 3D Studio Max to verify the accuracy of the match.

The location accuracy and angle of view can also be checked by triangulating the position and preparing view line sections. This is a reliable method successfully used for location finding in the field.

## Texturing, Rendering & post production:

3D Studio Max was used for applying the photorealistic surfaces and materials to the 3D model. Material references and planting sizes were based upon information provided by the Architects.

# Visually Verifiable Montage Methodology

The exact resolution of the photograph is noted and used as the size for the final rendered output of the 3D Model view so that the two overlay each other precisely. Adobe Photoshop CC is used to blend the modelled information with the existing base line / base plate photograph.

## AVR Level:

- AVR Level 3 \* See notes below

## Reproduction

To assist the viewer in understanding the characteristics of the lens used; all baseline photographs and verified views are annotated around the boarder indicating the field of view and optical axis. The boarder is divided up into degree increments indicating the field of view. The position of the optical axis indicates whether the photograph was taken with horizontal shift or vertical rise.

The document is intended to be reproduced at A3 and all images viewed at the specified distance.

Each viewpoint within the document will be supplied with the following information:

- Figure Number
- Viewpoint Number
- Viewpoint Details
- OS Coordinates (12 digit)
- Eye level (A.O.D)
- Direction of View (Bearing)
- Camera Height (AGL)
- Date & Time
- Principle Distance (Viewing distance)
- Single Frame or Composite
- Horizontal Field of View
- Weather / Lighting Conditions
- Camera Type
- Lens / Focal Length

Each viewpoint is accompanied by a viewpoint location plan and photographs of camera locations together with a version of this methodology.

Visually Verifiable Montages (VVMs) are also referred to as:

- Verified Views
- Verified Visual Image
- Accurate Visual Representation (AVR)

When producing architectural VVMs a series of options are available to aid design and planning decisions according to the level of detail required. To assist agreement between all parties prior to

AVR preparation, the following classification types are presented to broadly define the purpose of an AVR in terms of the visual properties it represents.

This classification is a cumulative scale in which each level incorporates all the properties of the previous level.

*AVR Level 0 Location and size of proposal*

*AVR Level 1 Location, size and degree of visibility of proposal*

*AVR Level 2 As level 1 + description of architectural form*

*AVR Level 3 As level 2 + use of materials*

Further summaries of our approach and verified view methods can be found on our website:

<http://npavisuals.co.uk/approach/>

<http://npavisuals.co.uk/verified-view>

Kayna Tregay – Planning Officer  
Development Management (Place Directorate)  
Bristol City Council  
City Hall  
College Green  
PO Box 3176  
Bristol  
BS3 9FS

Dear Kayna

## **TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

### **PLANNING APPLICATION 18/00847/F ROOFTOP EXTENSION (INCLUDING PLANT ROOM) EAGLE HOUSE, COLSTON AVENUE, BRISTOL, BS1 1EB**

Further to our meeting on 26th March and the submission of amended plans and details for both applications (18/00847/F and 18/00654/F), please see below our response to Historic England's letter dated 14 March 2018. Our comments are outlined in red text against the relevant paragraph(s), where we consider it appropriate to respond.

If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,



Paul Haworth  
Senior Associate Town Planner  
For  
STRIDE TREGLOWN



## RESPONSE TO HISTORIC ENGLAND'S CONSULTATION LETTER

Dear Ms Tregay

**T&CP (Development Management Procedure) (England) Order 2015**

**& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**EAGLE HOUSE, COLSTON AVENUE, BRISTOL, BS1 1EN.**

**Application No. 18/00847/F**

Thank you for your letter of 9 March 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Summary

Historic England objects to these proposals on the grounds of unjustified harm to the setting of the Grade I listed tower of St Stephens Church, a heritage asset of the highest significance.

We consider that the proposed development does not constitute *"unjustified harm to the setting of the Grade I listed tower of St Stephens Church"*. We have acknowledged within our Heritage Statement that the rooftop extension would cause harm, which we consider falls into the category of being *'less than substantial'* and that this needs to be weighed against the public benefits of these proposals.

This approach accords with paragraph 134 of the NPPF that states; *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.

The rooftop extension is justified to the extent that Immediate Media have considered other available offices in central Bristol and none are available that provide the size required in this central location.

The rooftop extension will maximise the efficient use of Eagle House that will secure its optimum viable use, enabling Immediate Media to occupy the building, which in turn will bring about economic benefits through their occupation and spin-off associated economic benefits.

We also consider the proposals will cause harm to the setting of Bristol Cenotaph, Quay Head House and 1-5 St Stephens Street, all of which are listed at Grade II. It follows that in harming the setting of these individual structures, the proposals will also fail to preserve or enhance character and appearance of the City and Queen Square Conservation Area.

There are numerous buildings (some listed and/or buildings or identified as buildings of merit) within close proximity to Bristol Cenotaph, Quay Head House and 1-5 St Stephens Street that have had rooftop extensions, which add to the evolution of the city scape and its current context.

The rooftop extensions closest to the tower of Stephen's Church are situated on St Stephen's House and 8-10 Colston Avenue. The rooftop extension at St Stephen's House was approved planning permission under delegated powers (application 07/05710/F) by Bristol City Council on 7 March 2008 (report not available online to view). The rooftop extension on 8-10 Colston Avenue was approved

planning permission under delegated powers (application 11/01073/F) on 18 August 2011 (report not available online to view).

HE's guidance on *'The Setting of Heritage Assets'* (Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (December 2017 version) acknowledges that the extent of setting is often expressed by reference to visual considerations, although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors, such as noise, dust and vibration from other land uses in the vicinity and by our understanding of the historic relationship between places. In this particular case, the relationship is considered to be mainly a visual relationship, which is intimately linked to townscape and urban design considerations.

It's important to note that Eagle House is one of many buildings that are situated close to the heritage assets identified by Historic England, including St Stephen's Church.

The visual relationship between the proposed rooftop extension and the listed buildings referenced above can be described as follows:

## Cenotaph

The relationship between Eagle House and the Cenotaph is available when viewed from the north side of the Colston Avenue (A38). View 4 of the recently submitted verified views includes this viewpoint. This verified view demonstrates that only a very small section of the church tower is obscured by the proposed rooftop extension. The majority of the obscuring of the tower has already taken place by virtue of the existing rooftop extension on St Stephen's House. It is the St Stephen's House rooftop extension that intersects the direct line of sight between the Cenotaph and Church tower. The impact of our proposed rooftop extension only masks a small proportion of the tower. The key features of the upper part of the church tower would still be visible and able to be experienced by the viewer.

It should also be noted that this is a 'transitional view' and one that is experienced as you travel west towards Anchor Road/Park Street. This view is not experienced from a specific area of public realm where there is seating, a public space or other type of attraction where people would naturally gather. Instead, the location of this viewpoint is part of the pavement along the north side of Colston Avenue of which is divorced from the main public realm and cenotaph by the busy highway.

## 1-5 St Stephens Street

The proposed rooftop extension is set back from the edge of the St Stephens Street façade. This set back is sufficient that when standing on St Stephens Street and gazing upwards towards Eagle House, the rooftop extension would not be visible.

When viewed at a longer distance, from the on the public realm adjacent to Electricity House (refer to View 2 of the submitted verified views), this is also a transitional view and one that changes as you travel west towards Anchor Road/Park Street. 1-5 St Stephens Street are much lower buildings than Eagle House and form the edge of the medieval city and are experienced in a different context to that of Eagle House and St Stephens House that are of a much greater scale and of a different age and character to that of 1-15 St Stephens Street. Because the rooftop extension would be set back from the edge of the building, the association between the proposed rooftop extension and 1-5 St Stephens Street is not significant. Dormer windows are a strong feature along some of the roofs of certain properties along the east side of St Stephen's Street and the adjoining unlisted building of merit of 12

St Stephen's Street . The dormers that feature along the east side of the proposed rooftop extension for Eagle House are, therefore, considered to be appropriate features that provide a modern and contemporary form of dormer that respects the character of the host building and the surrounding buildings and area.

## Quay Head House

Quay Head House faces west across Colston Avenue towards the new public realm and the Cenotaph. Although Quay Head House can be viewed with Eagle House from the west (when stood on the new area of public realm), the visual association between Eagle House and Quay Head House is not obvious; Quay Head House is visually disassociated from Eagle House and is part of the wider city scape. This is due to the different siting and styles of these buildings and the separation distances between them. As mentioned above, the proposed rooftop extension would be set back from the edge of Eagle House and this helps to maintain a subservient feel to the rooftop extension that does not jar or cause harm to the setting of Quay Head House.

The proposed amendments to the St Stephen's Street elevation of Eagle House will greatly improve the aesthetics of this elevation, bringing with it public benefits, including to the heritage assets along the east side of St Stephen's Street.

## **Historic England Advice**

The proposals are for a rooftop extension to Eagle House, a Portland stone-faced interwar office building facing the Centre, Bristol. The application envisages an extra storey of office space atop the existing building, with a further floor housing plant above that.

Behind Eagle House stands St Stephen's Church, a Grade I listed building of exceptional architectural and historic interest. Formerly the parish church of Bristol, St Stephen's originally stood on a quay alongside the River Frome. That river was culverted in the late 19th century, and a civic space was created above its former channel, which today housing recently-renovated public space that incorporates the Bristol Cenotaph (Grade II listed). The upper stages of the 14th century tower to St Stephen's church still rise above Eagle House, retaining a strong visual connection to the city centre. In certain views the connection between the church tower and the Grade II listed Cenotaph is of particular appeal, with the proportions of the two structures and their similarity in constructional materials setting up a visual illusion that allows for both structures to be read as one object.

Refer to View 4 of the submitted verified views and the comments above relating to the impact of the proposed rooftop extension on the visual connection between the Cenotaph and the church tower.

Eagle House itself is a polite building - we are surprised that it is only identified as a "neutral" contributor to the character and appearance of the conservation area in which it stands. In our view, notwithstanding its screening of St Stephen's church from the former quayside, it makes a positive contribution. Its scale and massing mediates between the domestic scale of listed buildings on St Stephen's Street (Quay Head House, 1-5 St Stephen's St, Concorde House; all Grade II listed) and the larger, civic, scale of buildings surrounding The Centre.

The scale of Eagle House is generally smaller than those located on the north side of Colston Avenue and lower than the buildings close by, such as Electricity House and 8-10 Colston Avenue. Even with the proposed rooftop extension in place, Eagle House would remain a polite building that maintains its neutral contribution to the character and appearance of the conservation area; its overall scale and

mass would not cause harm to the buildings along the east side of St Stephen's Street or the wider conservation area.

It is a successful piece of townscape which still allows the church tower to be read and celebrated as part of The Centre, which is surely not an accident of design.

The submitted verified views demonstrate that the church tower would still be able to be read and celebrated as part of the city centre.

Viewed in isolation, the proposed additional floors respond to the architecture of Eagle House. However, we have great concern that the proposed additional height will block views of the tower of St Stephen's from the Centre, to the significant detriment of its setting. Being able to see a large part of the church tower from The Centre is essential to the setting (and thus significance) of this Grade I listed building, which allows the observer to understand and appreciate its historic significance.

It is positive to note that Historic England consider the additional floor responds to the architecture of Eagle House. The amendment to the rear elevation recently submitted continues the design of the rooftop extension to deliver a well-considered and 'completed' rooftop extension that will respect the host building and its immediate surrounding context.

As outlined above, and demonstrated by the verified views, the rooftop extension would not 'block' views of the church tower from the centre. As demonstrated from the verified views, the proposed rooftop extension would partial mask a small proportion of the tower from a selection of viewpoints situated to the north and east of Colston Avenue. The proportion of the tower that would be masked by virtue of the proposed rooftop extension is not significant, in our opinion, and much less than that which has already been blocked by virtue of the rooftop extension of St Stephens House.

With the proposed rooftop extension in place, any observer would still be able to see and appreciate the historic significance of St Stephen's Church.

We are also concerned that the proposals will harm the setting of Bristol's Grade II listed Cenotaph through diminishing its relationship with the church tower. In addition, the proposed additional storeys to Eagle House will adversely affect its established contextual relationship with the domestic-scale historic properties of St Stephen's Street, alongside.

As outlined above, the verified views have demonstrated that the proposed rooftop extension would not diminish the relationship between the Cenotaph and the church tower.

The design and set-back of the rooftop extension from the fourth storey means that this proposal would not adversely affect the established contextual relationship between the domestic scale historical properties of St Stephen's Street.

NPPF 132 states that "great weight" should be given to the conservation of heritage assets, and the more important the asset, the greater the weight should be. In this context, we remind you that St Stephen's Church is a Grade I listed building that is integral to the history and development of Bristol and still makes a significant aesthetic contribution. The significant harm to its setting should not simply be weighed against any wider public benefit, as suggested by the applicant's heritage statement. There are many locations in the city where additional floors could be accommodated on existing building to optimise density, but this is not one of them. The application should be refused.



In the context of heritage assets, the NPPF establishes two types of harm; *substantial* and *less than substantial*. The terminology used above, uses the term 'significant' harm, which is not recognised by the NPPF. Our opinion is that the impact of the proposed rooftop extension would be *less than substantial* and that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, even where the harm caused would be considered to be *substantial*, the NPPF still allows the applicant to demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

There are numerous public benefits that this proposal will deliver. These include:

- The economic benefits associated with bringing Eagle House back into an active office use after a long period of non-use.
- The proposals will make an efficient use of a city centre site for a media company who wish to remain in Bristol.
- The spin-off economic benefits of Immediate Media being located in the heart of the city centre. As previously stated, the proposed rooftop addition is vital for Immediate Media Co. to enable them to house their 500 strong team. The fifth floor would provide them with the available space to commit to Eagle House as a long-term solution.
- The addition of a fifth floor would form part of a sensitive and sustainable refurbishment of the building that will provide a high-profile base for the company.
- Immediate Media Co. are committed to remaining in Bristol and are actively part of the Bristol City Centre BID and are enthusiastic about growing and employing local talent and would need the certainty of the fifth floor to allow this to continue to happen.
- All of the physical improvements to the building that are proposed under planning application 18/00654/F

In combination, all of these amount to significant public benefits of which should be weighed in favour of this proposal.

## Recommendation

Historic England objects to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Amendments and further information have been submitted following consultation with the Local Planning Authority. We welcome the re-consultation of Historic England on this information.

Page 7 of 7  
25 April 2018  
150387-T-180425-HE Response- Rooftop.docx

Please contact me if we can be of further assistance.

Yours sincerely

**Simon Hickman**

Principal Inspector of Historic Buildings and Areas  
E-mail: [simon.hickman@HistoricEngland.org.uk](mailto:simon.hickman@HistoricEngland.org.uk)

Existing windows to be replaced with slim profile thermally broken aluminium windows to match existing colour and pattern

Building exterior to be sensitively cleaned to restore original stonework texture & colour

RESPONSIBILITY IS NOT ACCEPTED FOR ERRORS MADE BY OTHERS FROM SCALING FROM THIS DRAWING. ALL CONSTRUCTION INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY

STATUS	REV	DATE	DESCRIPTION
P1	P14	07/02/18	Issue for Planning
P1	P26	24/04/18	Issue for Planning



Existing canopy, windows & door opening removed. New windows and opening positioned behind new decorative screen to create new main entrance. See sheet 02306 for more information

TITLE: West Elevation - Proposed  
PROJECT: Eagle House  
CLIENT: Immediate Media

REVISED BY: MS  
CHECKED BY: ATM  
ORIGINATOR NO: 151668

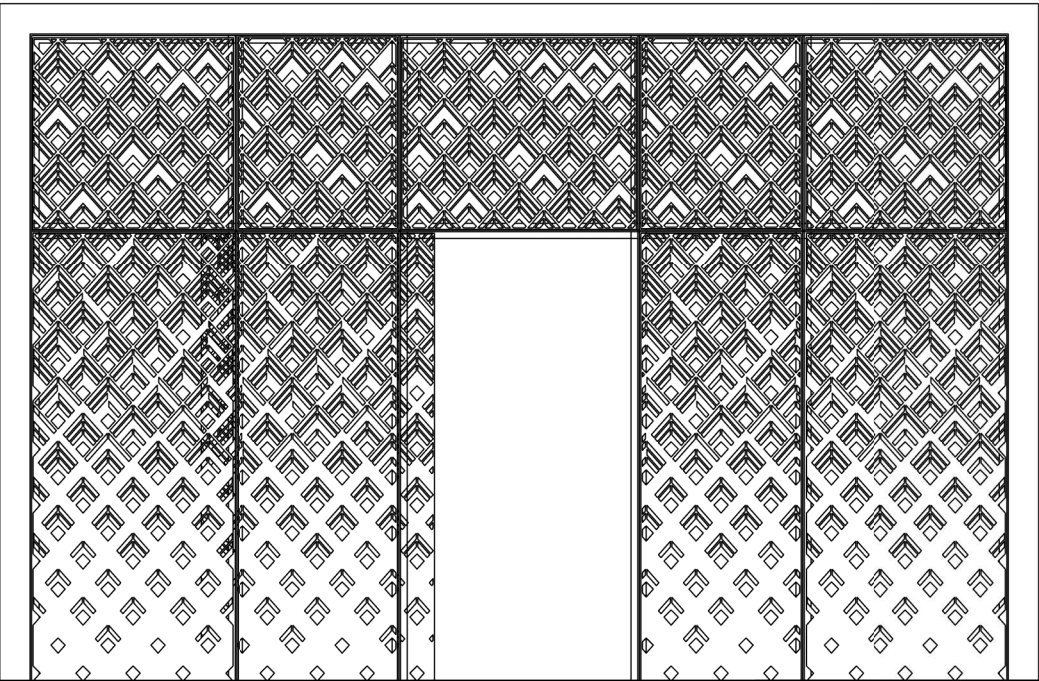
SUITABILITY STATUS: PL: PLANNING  
SCALE: 1 : 100 @ A3

PROJECT - ORIGINATOR - ZONE - LEVEL - TYPE - ROLE - CLASS. - NUMBER  
151668-STL-00-ZZ-DR-A-ZZZZ-02304  
REVISION: P26

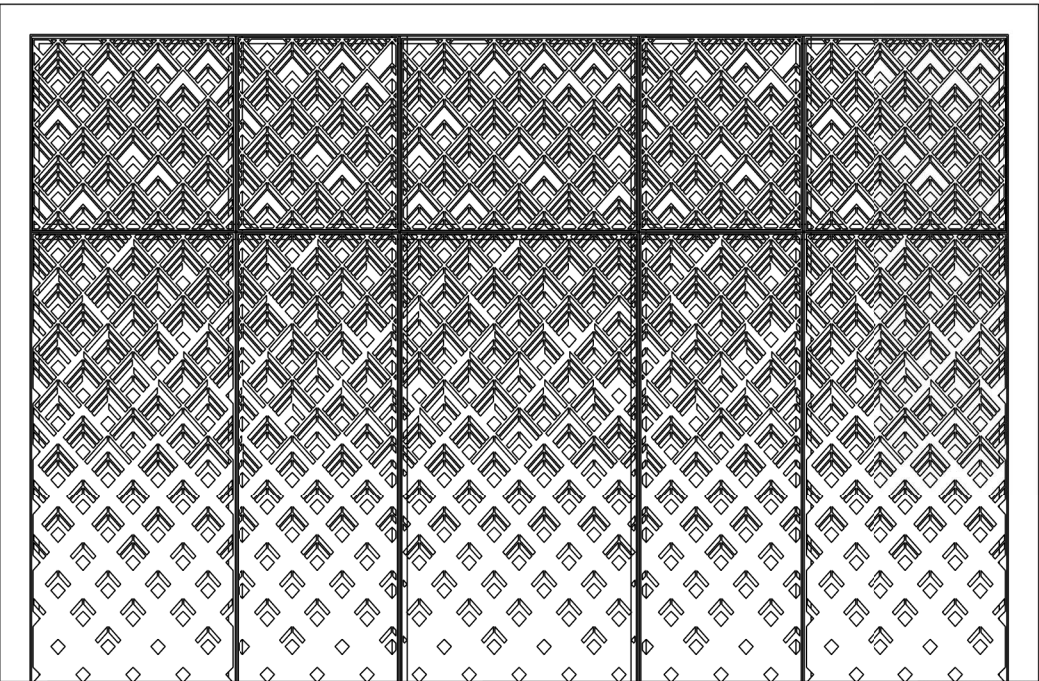
**STRIDE TREGLOWN**

www.stridetreglown.com © Stride Treglown Limited 2017

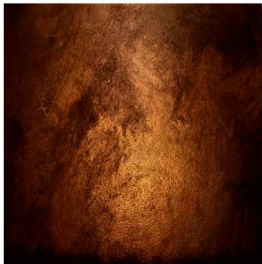




Proposed Open  
1 : 50



Proposed Closed  
1 : 50



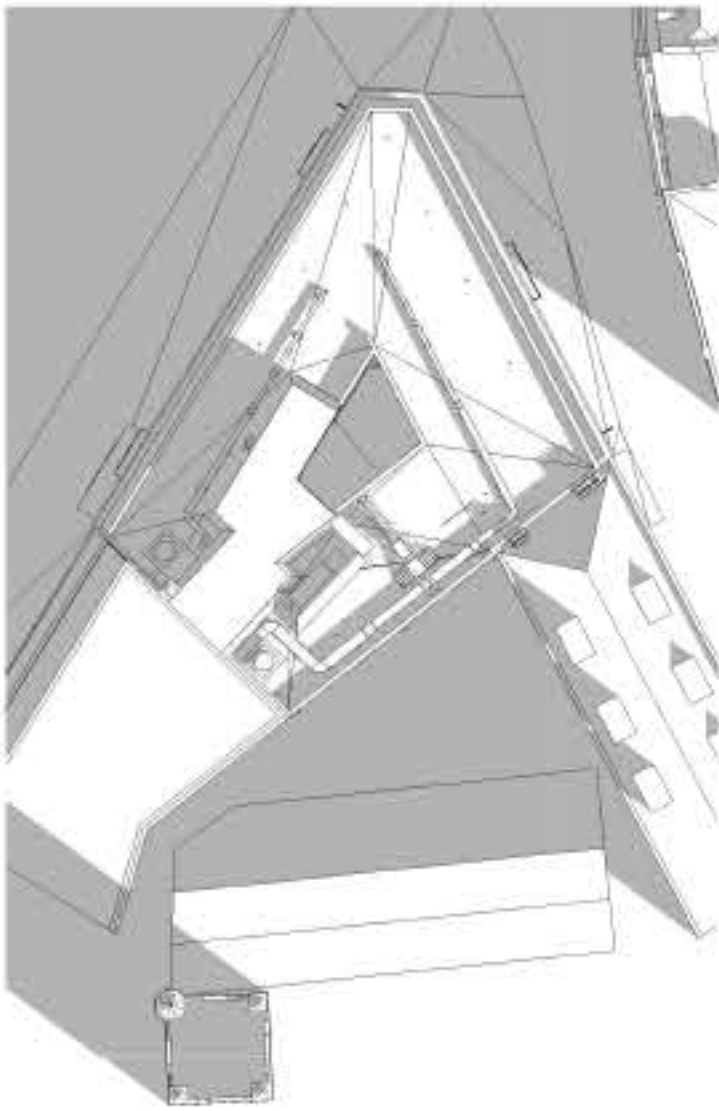
The new entrance screen will have a oil brushed bronze finish. This bold texture has been used to provide the building with a contemporary entrance that gives it an enhanced sense of identity within the city centre. Whilst still providing a sympathetic touch to the history of the building.



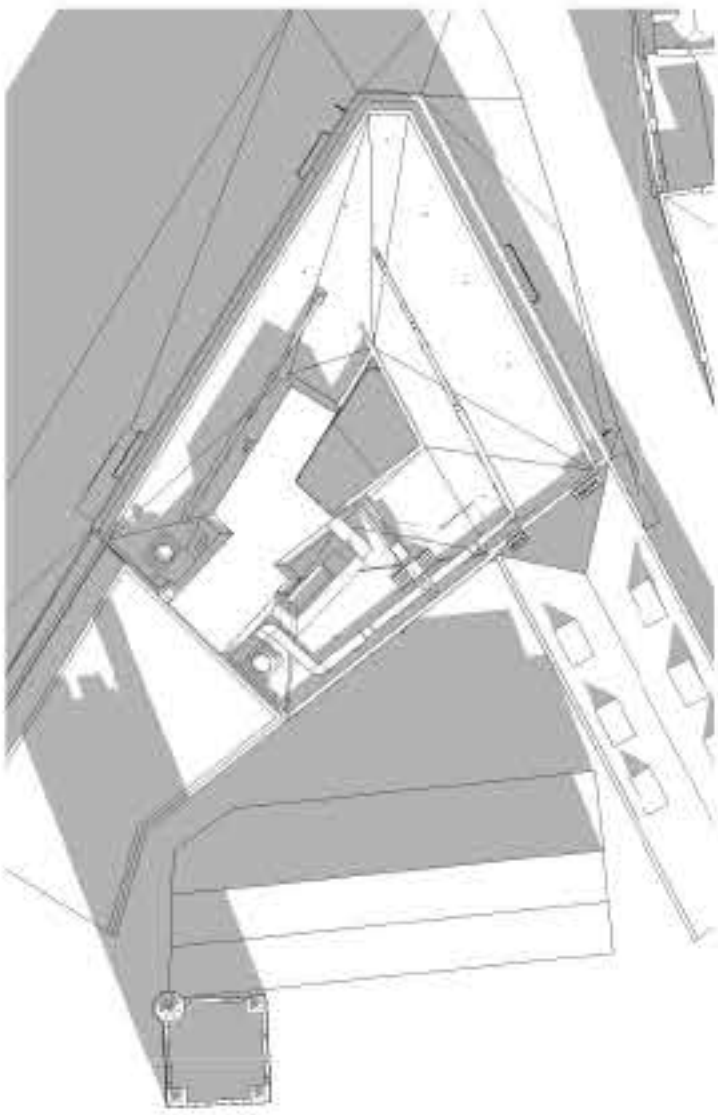


STATUS	REVISION	DATE	DESCRIPTION
P1	P27	02/05/18	Issue for Planning

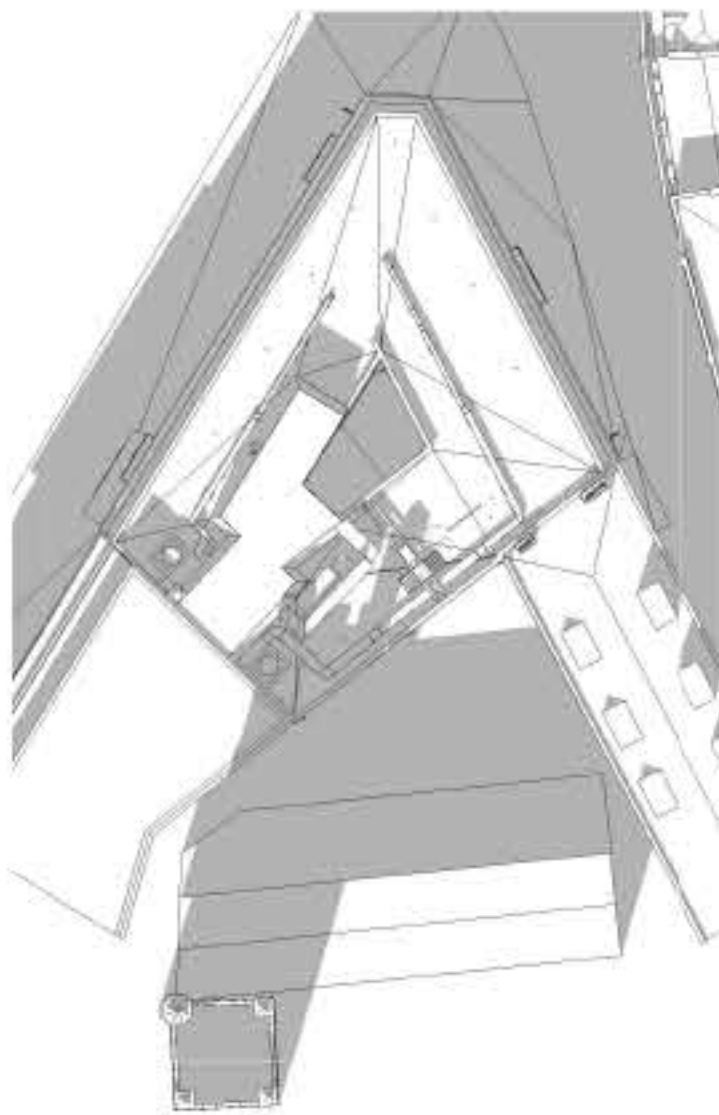
Existing



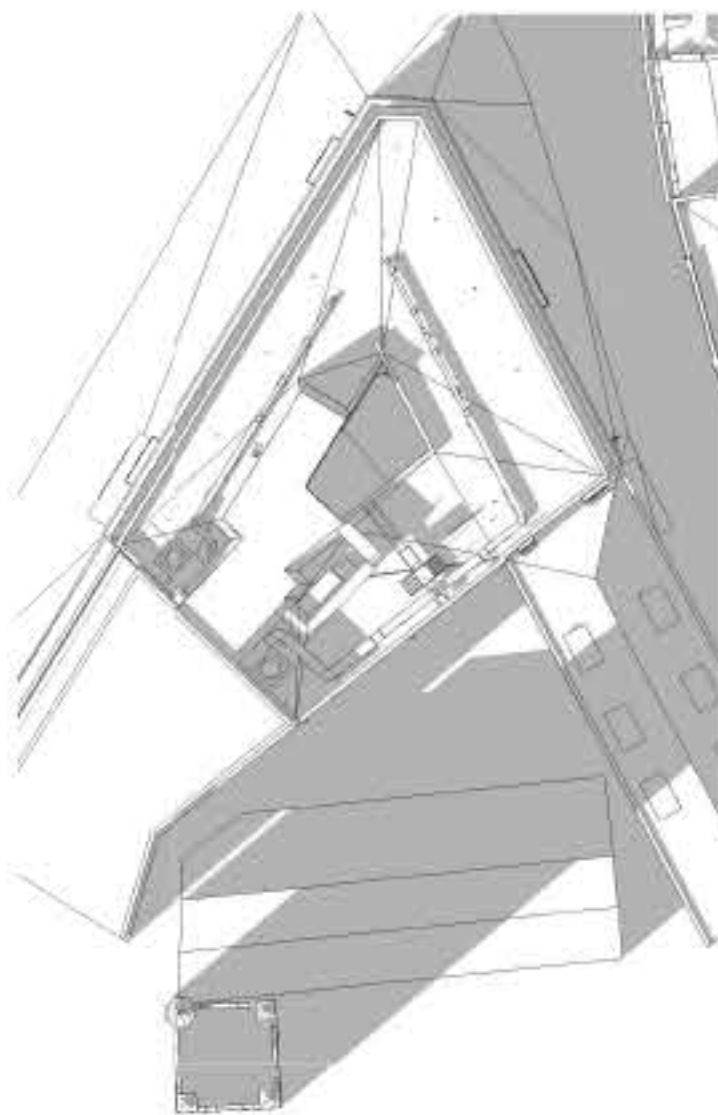
21st March - 09.00  
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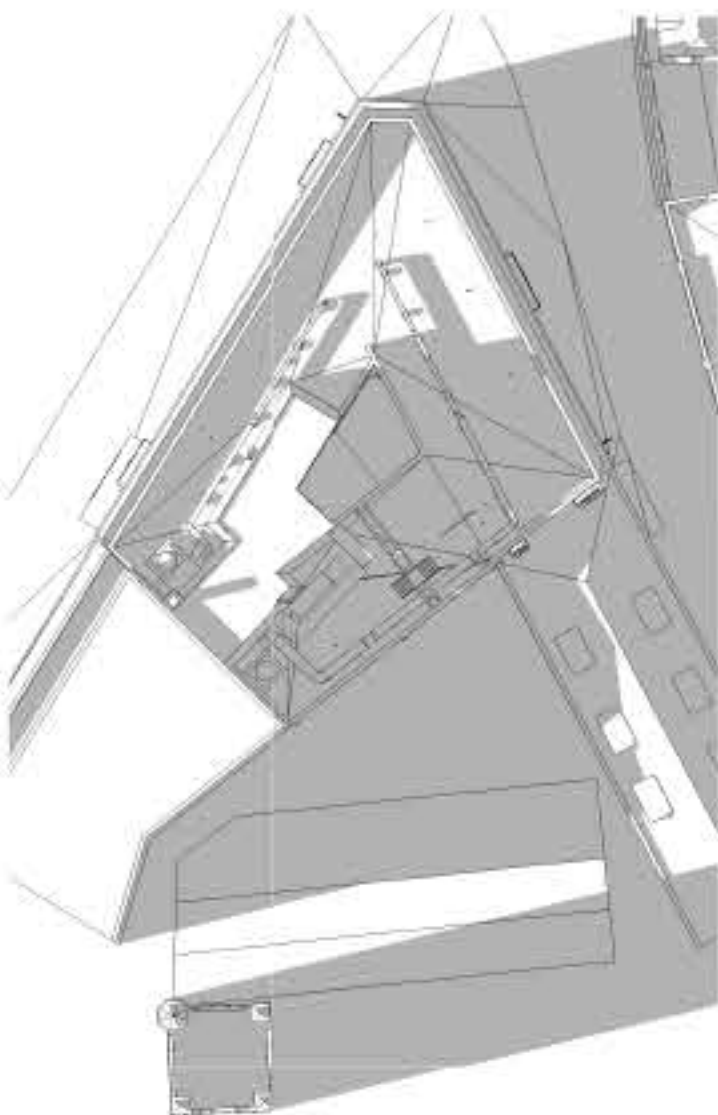
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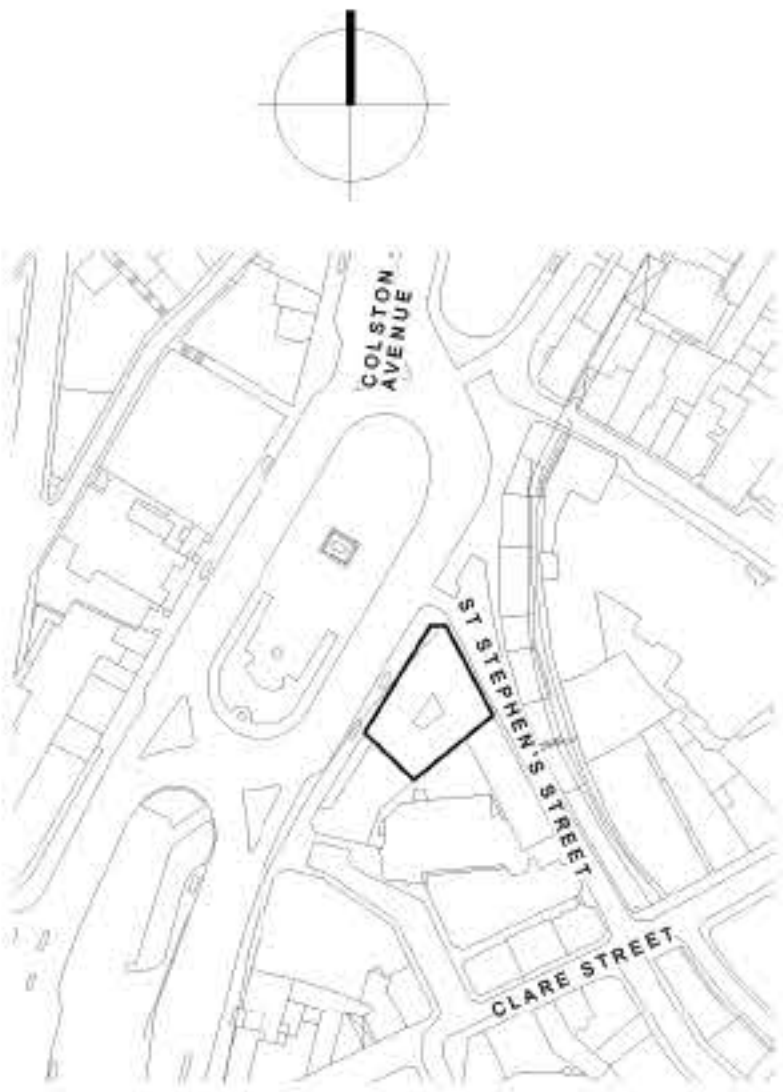
21st March -13.00  
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21st March - 15.00  
1 : 500

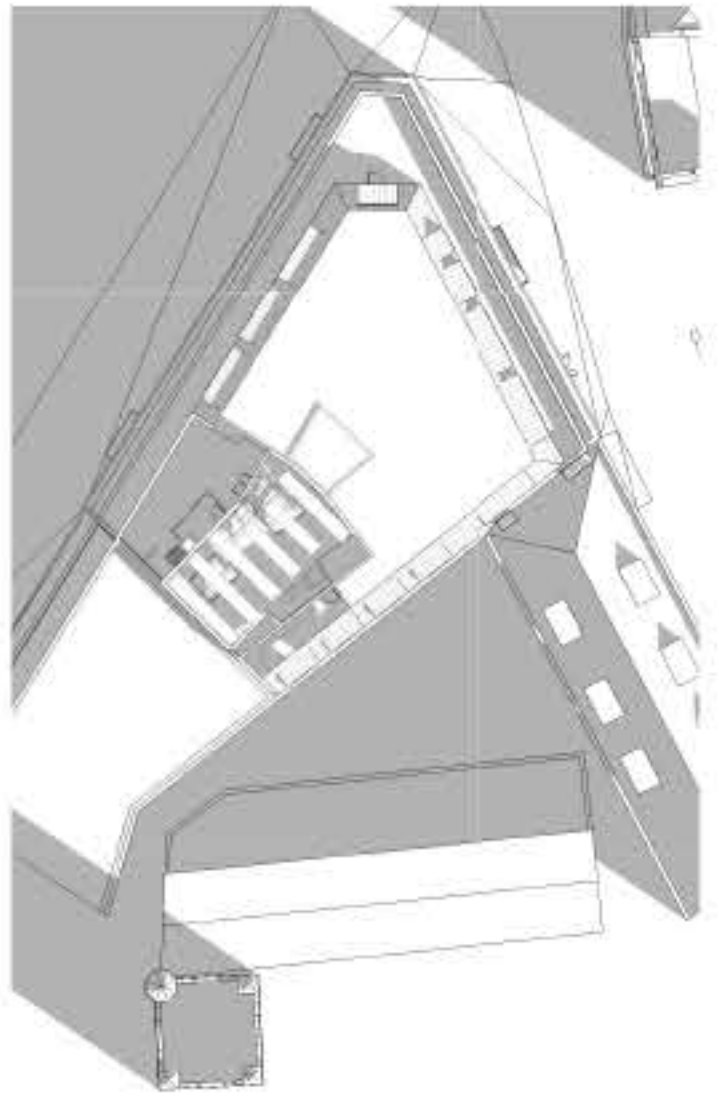


21st March - 17.00  
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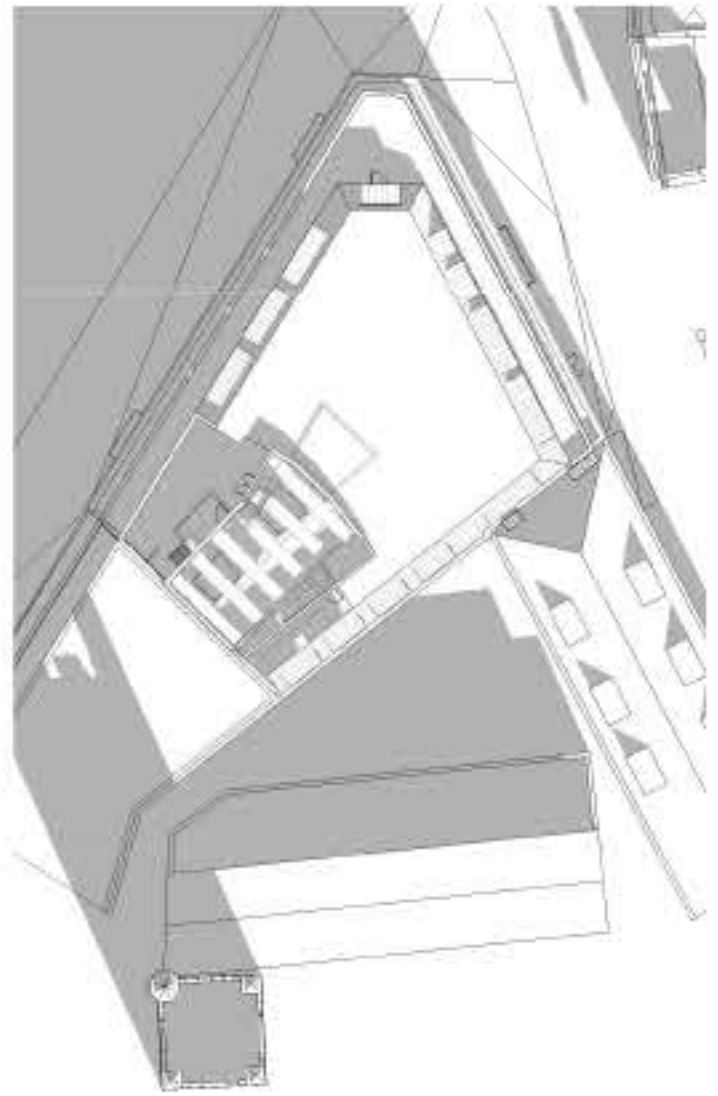


Key Plan  
1 : 2000

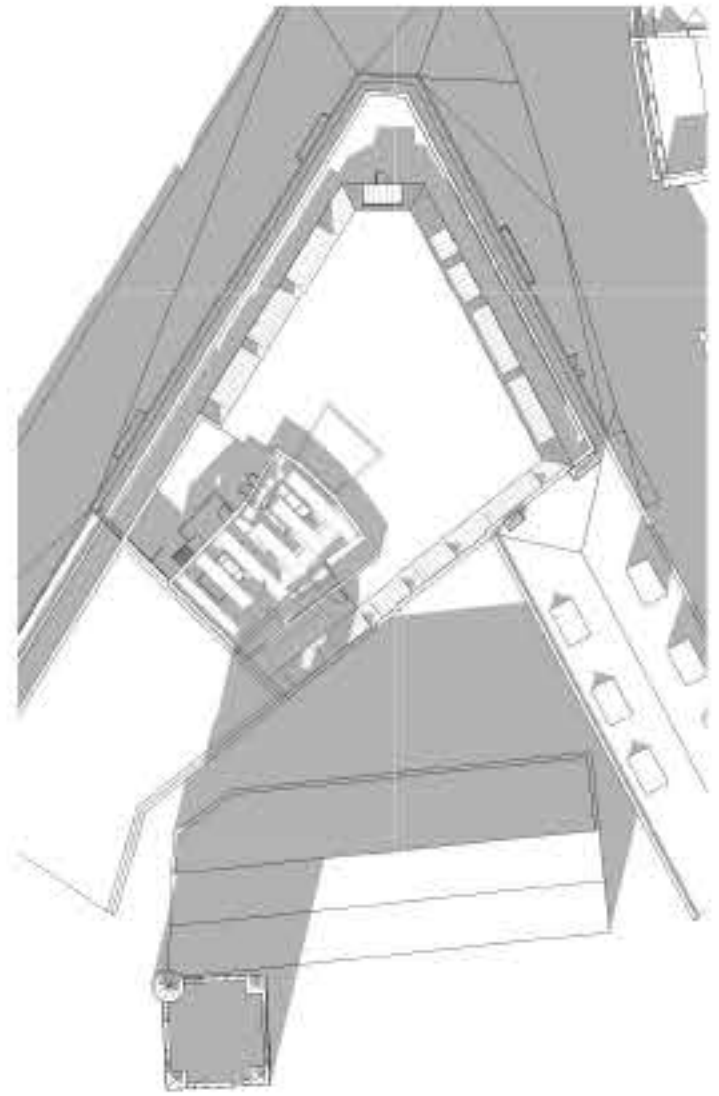
Proposed



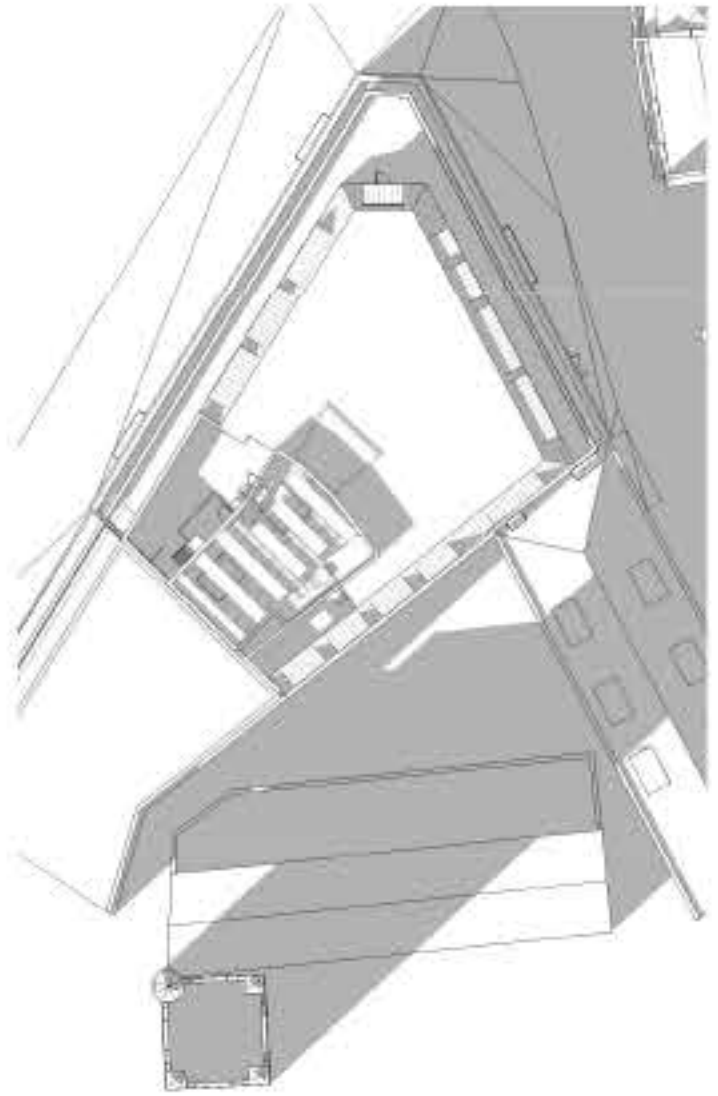
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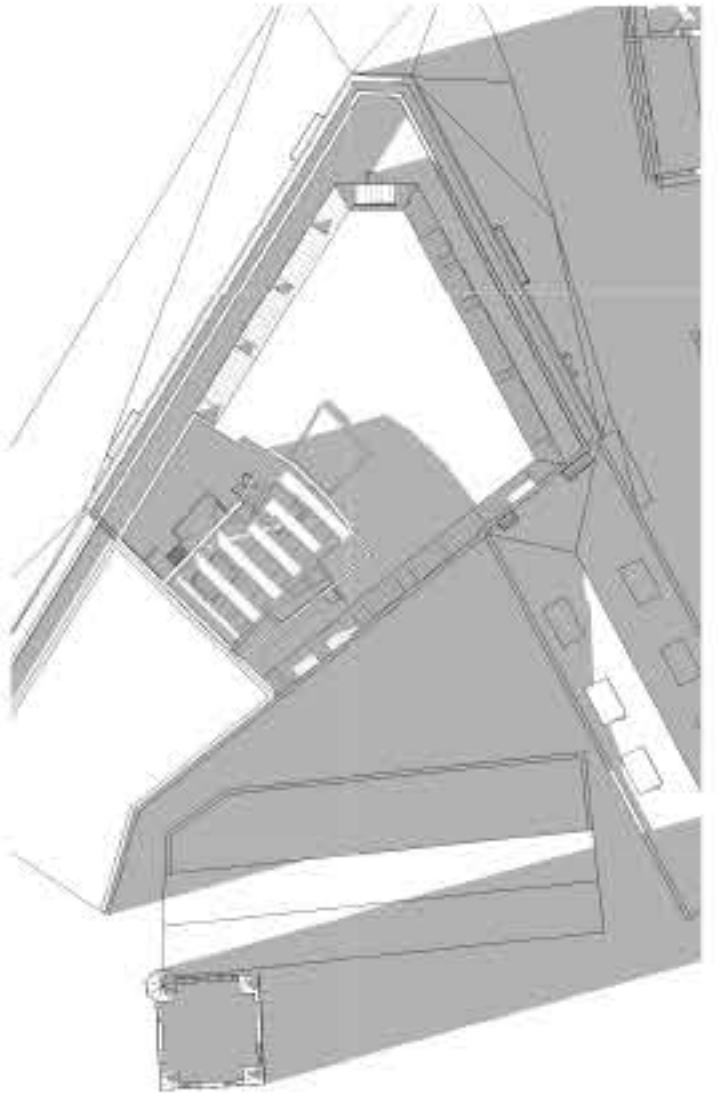
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21st March - 13.00  
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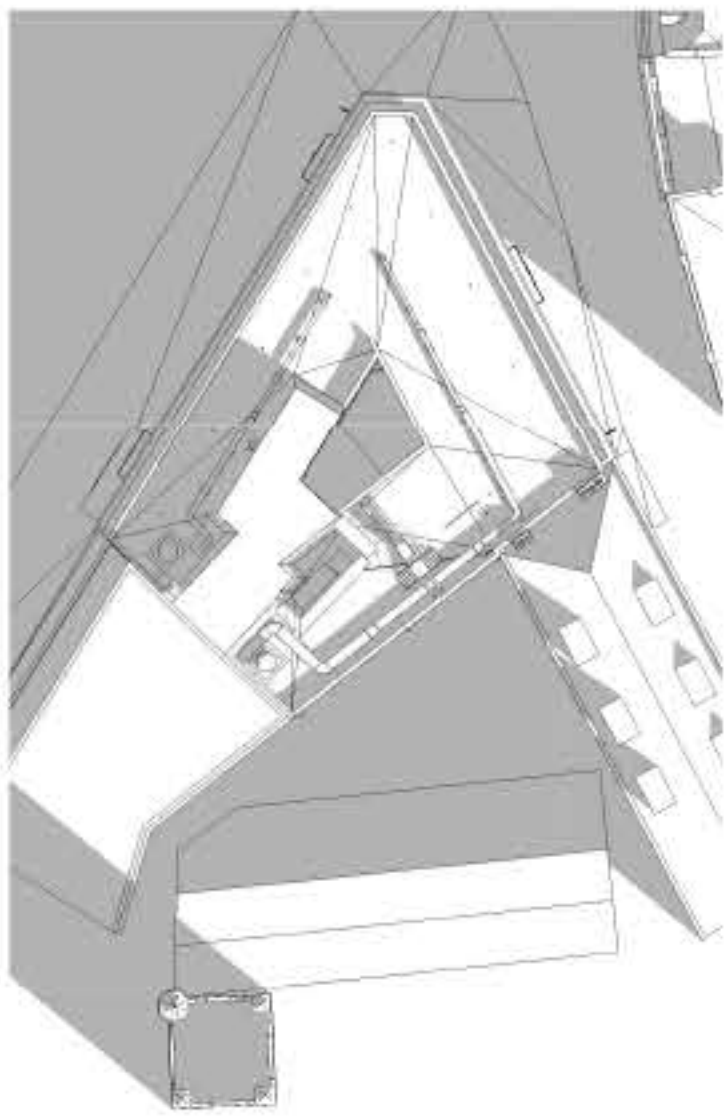
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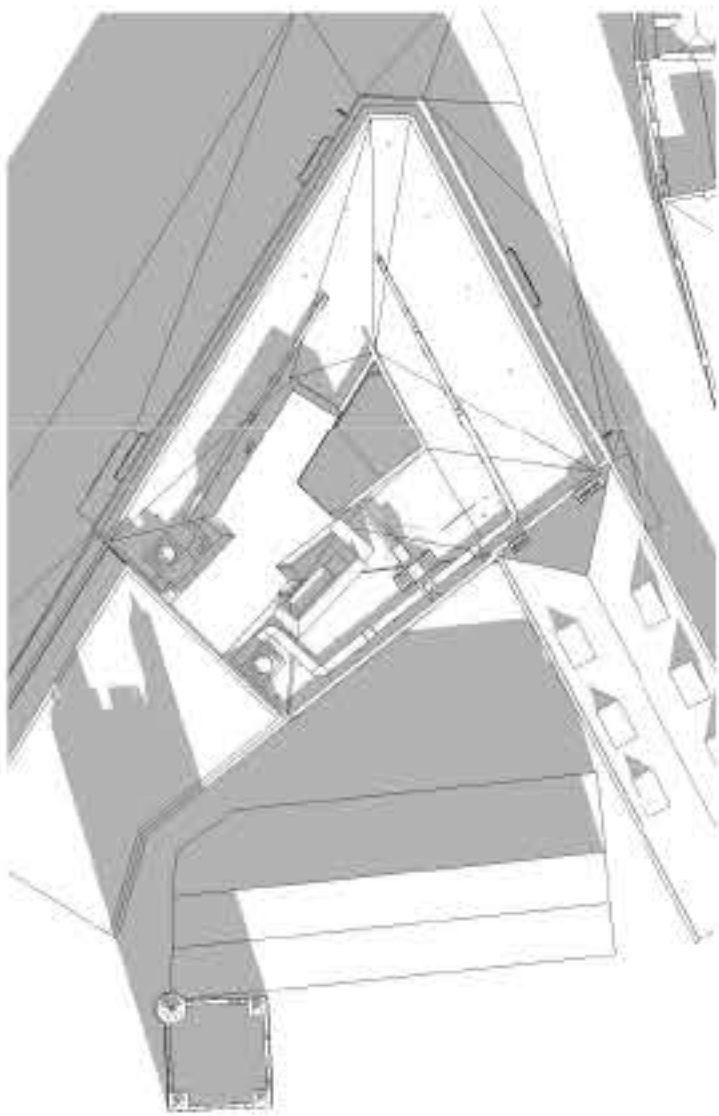
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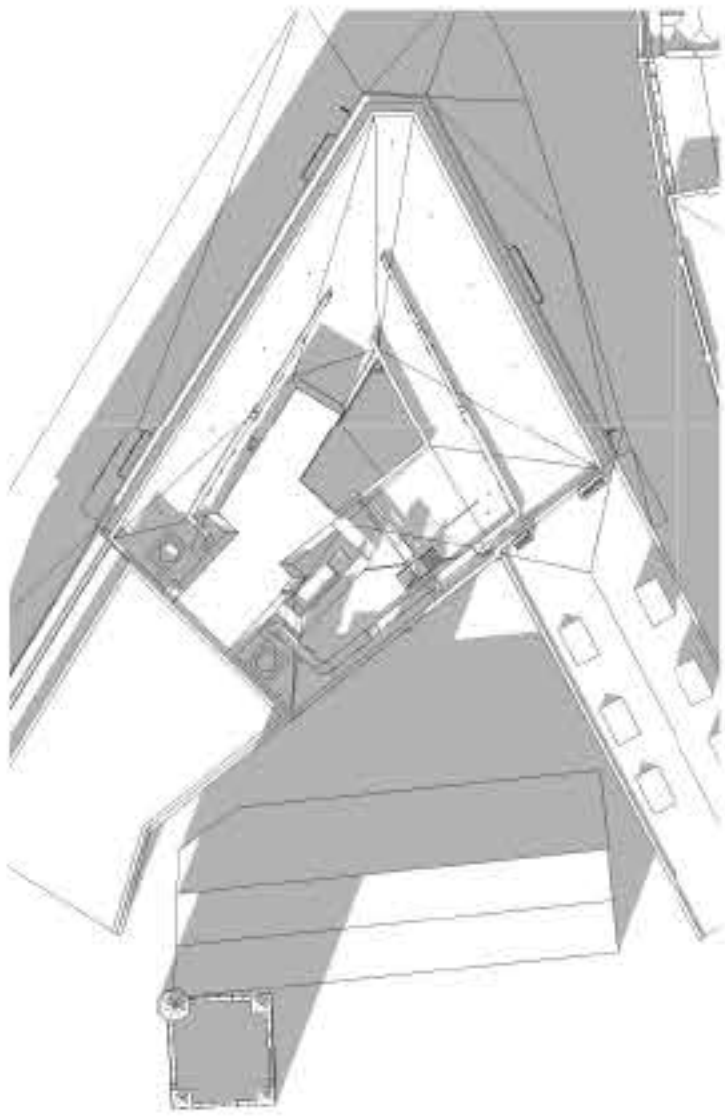
Existing



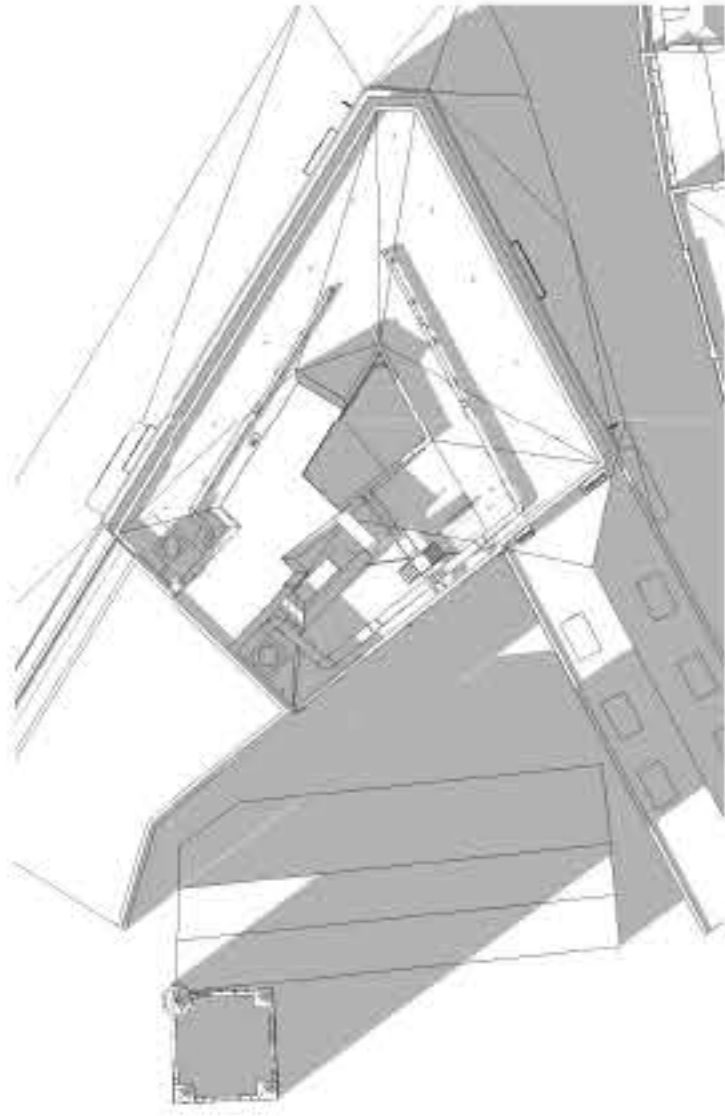
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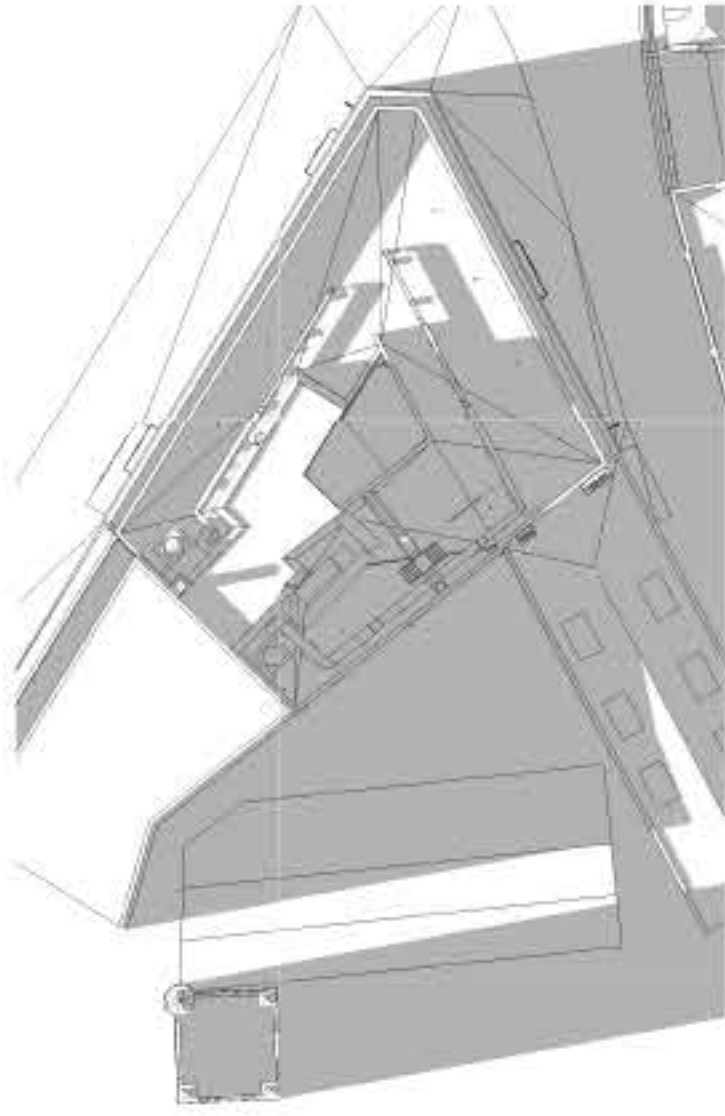
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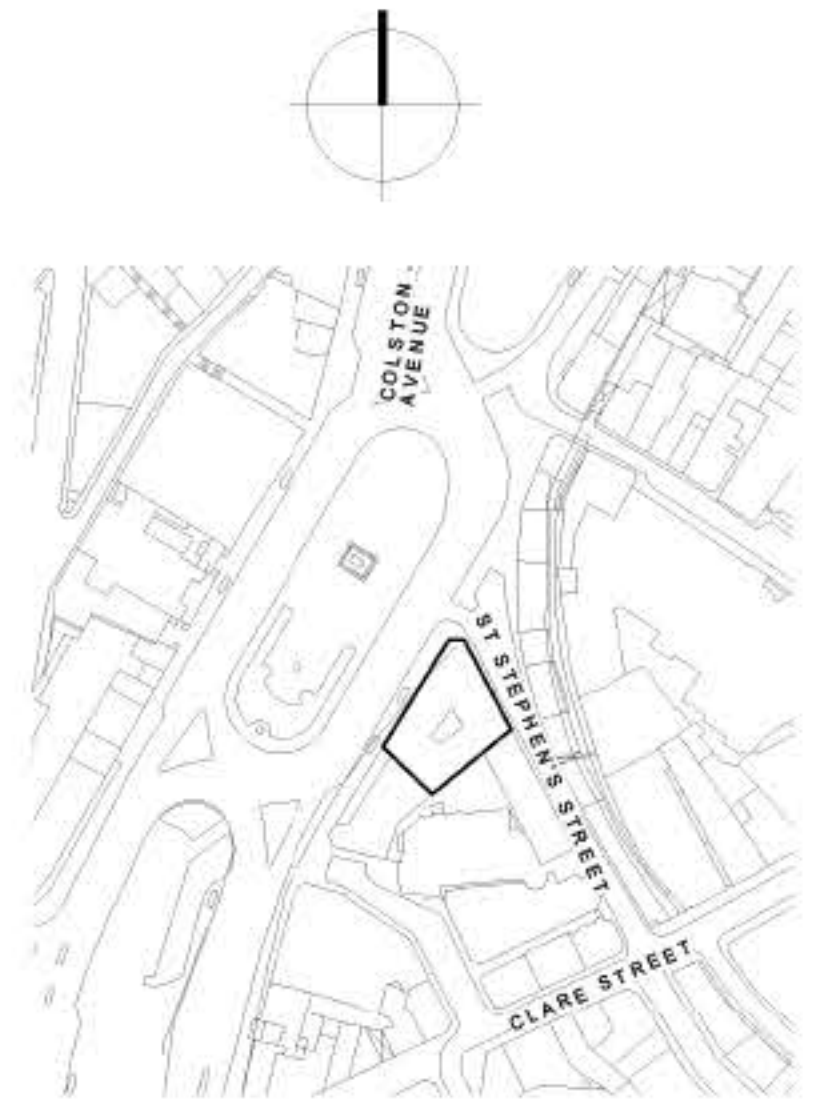
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21st September - 15.00  
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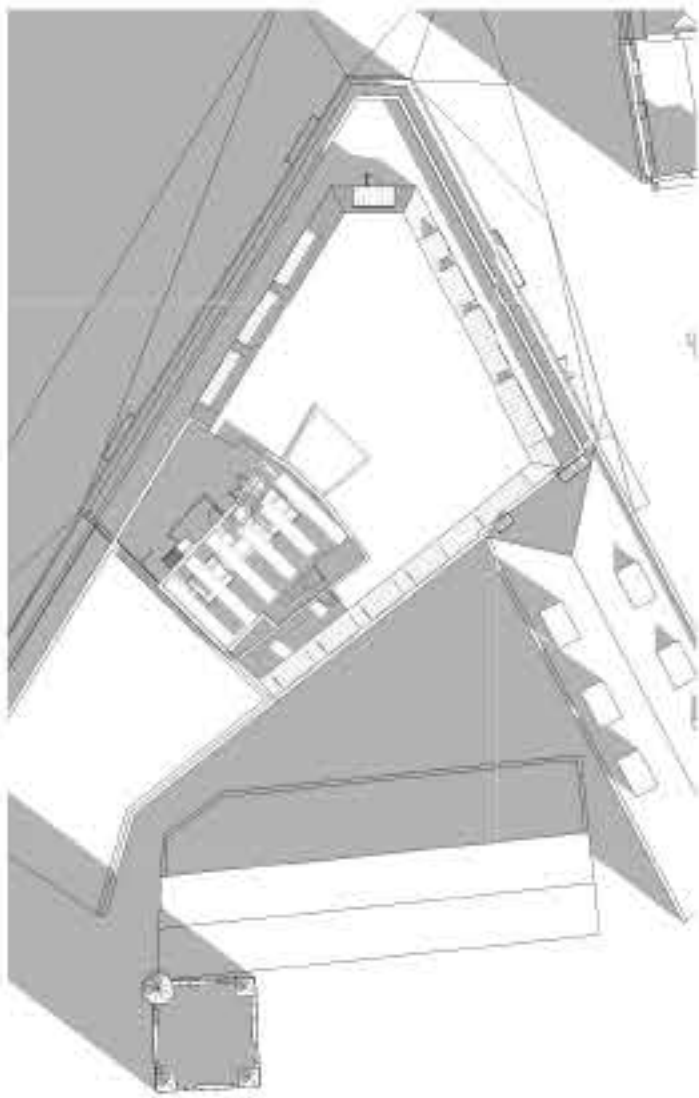


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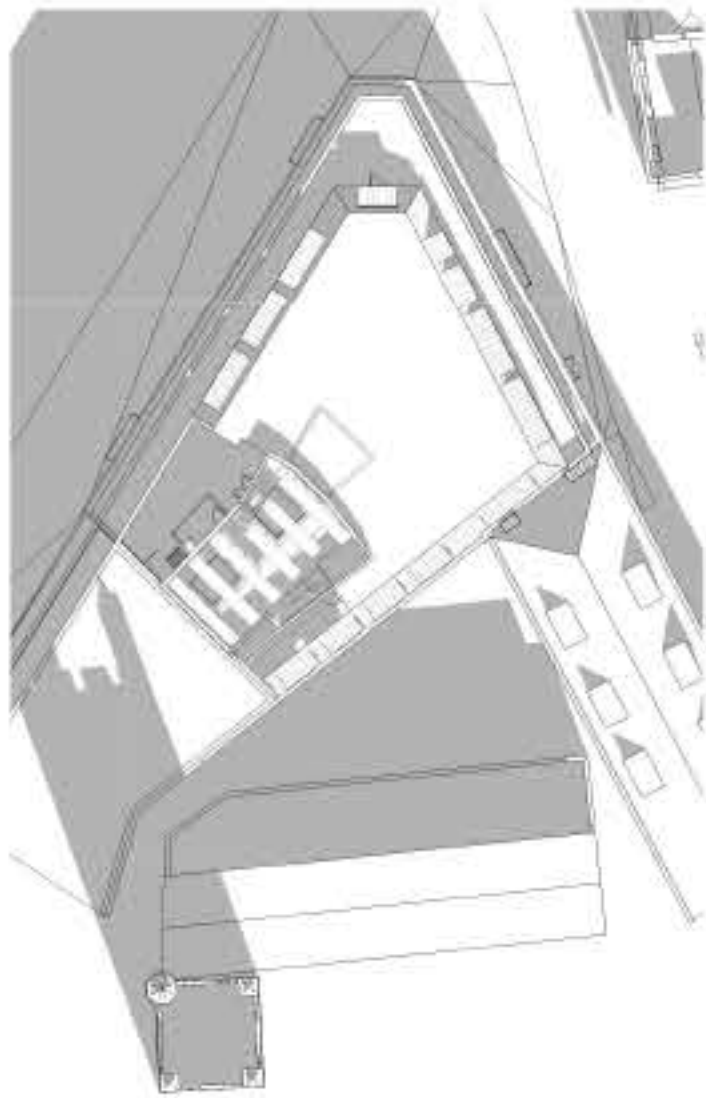


Key Plan  
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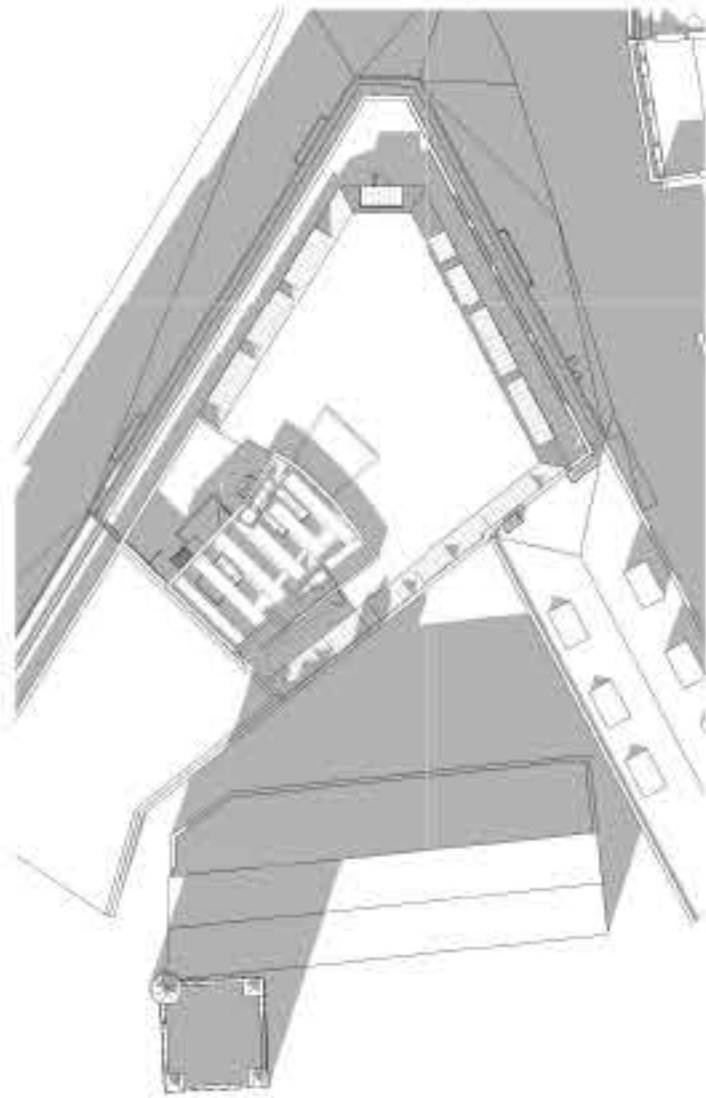
Proposed



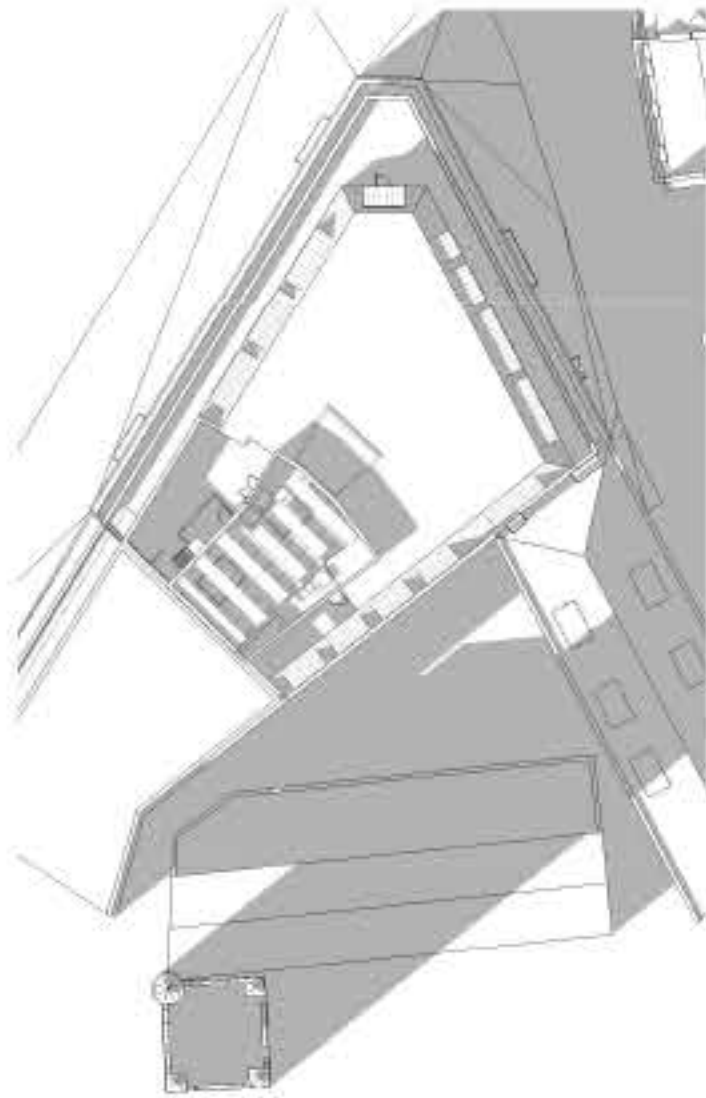
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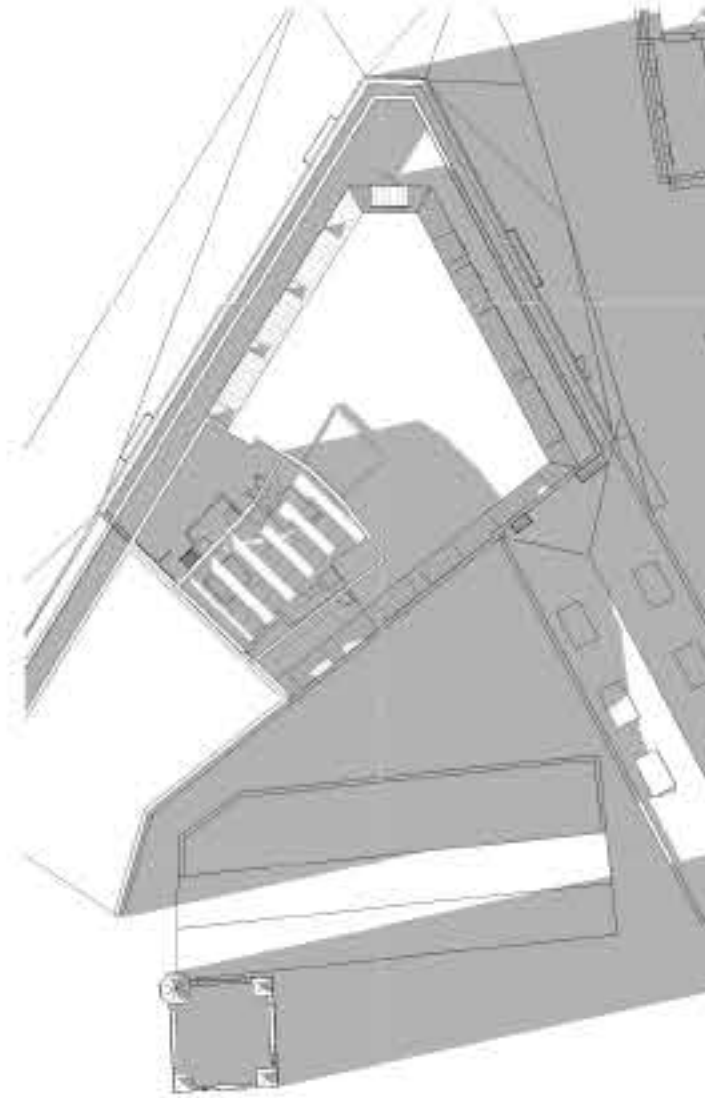
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21st September - 15.00  
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21st September - 17.00  
1 : 500