

Development Control A Committee Agenda



Date: Wednesday, 17 October 2018

Time: 10.00 am

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

Distribution:

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Harriet Bradley (substitute for Margaret Hickman), Clive Stevens, Mark Wright, Fabian Breckels, Tony Carey, Stephen Clarke, Mike Davies, Olly Mead and Afzal Shah

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Date: Monday, 8th October 2018



Agenda

1. Welcome, Introductions and Safety Information

(Pages 4 - 5)

2. Apologies for Absence and Substitutions

Apologies have been received from Councillor Margaret Hickman (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 Wednesday 5th September 2018 as a correct record. (Pages 6 - 13)

5. Appeals

To note appeals lodged, imminent public inquiries and appeals awaiting decision. (Pages 14 - 25)

6. Enforcement

To note recent enforcement notices. (Page 26)

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 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 11th October 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 12Noon on Tuesday 16th October 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 applications:

(Page 27)

- a) Planning Application Number 17/05149/F - Land Adjacent to the Quays (Pages 28 - 63)**
- b) Planning Application Number 18/02902/F - Land On the North Side of Belgrave Hill (Pages 64 - 111)**
- c) Planning Application Number 18/02650/F - 4 to 5 Dean Street (Pages 112 - 125)**
- d) Planning Application Number 17/04673/F - Site ND6 Temple Quay (Pages 126 - 170)**

9. Date of Next Meeting

The Committee is requested to note that the next meeting is scheduled for 2pm on Wednesday 28th November 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.

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

Other formats and languages and assistance
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 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**.

Statements will not be accepted after **12.00 noon on the working day before the meeting** unless they have been submitted in advance to Bristol City Council but were not received by the Democratic Services Section. Anyone submitting multiple statements for an application should note that they will only be allowed to speak once at 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



5 September 2018 at 6.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Clive Stevens, Mark Wright, Fabian Breckels, Stephen Clarke, Margaret Hickman, Olly Mead, Lesley Alexander, Richard Eddy and Celia Phipps

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer), Gary Collins, Alex Hawtin, Jess Leigh, Natalie Queffurus, Ken Reid and Thomas Wilkinson

1. Welcome, Introductions and Safety Information

The Chair Councillor D Alexander led introductions and welcomed those present.

2. Apologies for Absence and Substitutions

The following apologies for absence were received;

- Cllr C Windows – substituted by Cllr L Alexander
- Cllr T Carey – substituted by Cllr R Eddy
- Cllr M Davies – substituted by Cllr C Phipps

3. Declarations of Interest

The Chair, Cllr D Alexander, declared that he had in 2017 called in 8.e) 17/03731/F Land South of Ermine Way because no affordable housing had been offered in the development. That issue had now been resolved in the current application as some affordable housing was now proposed. There was no objection to his chair and participation in the debate and decision making since committee members were satisfied that no predetermination had been made.



4. Minutes of the previous meeting

Resolved: that the minutes of the meeting held on 25th July 2018 be approved as a correct record and signed by the Chair

5. Appeals

The Head of Development Management referred to;

- ND 6 – that the developer had lodged an appeal for non-determination. Appeal timescales were yet to be received. A report would be provided to committee for clarification on the Council's position on the appeal.

6. Enforcement

The list of Enforcement Notices served since the last Committee Meeting was noted.

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.

8. Planning and Development

The Committee considered the following Planning Applications

9. 18/03233/F Merchants Academy Gatehouse Avenue Bristol BS13 9AJ

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

The following points arose from questions and debate:-

- a. The application is for the proposed relocation and expansion of the existing Merchants Academy Primary School and Venturers Academy (an Autistic Condition spectrum (ACS) school).
- b. The intention is to create a new combined two-form entry primary school with a nursery and an expanded Autistic Condition spectrum School on existing land to the east of the existing Merchants Academy Secondary School site.
- c. The previous application at the site for a similar development (reference 17/03021/F) was refused by Development Control A on 29th November 2017. The reason for refusal was due to concern



about overshadowing, overbearing and overlooking impact of the development on surrounding residential properties; together with the removal of 3 category A trees on site.

- d. An appeal against the decision is pending, with a Hearing scheduled for the 3rd October 2018.
- e. Changes have been made to the proposed scheme and further information has been provided under the current application in an attempt to address the previous refusal reason, changes include moving the main building away from the boundary to Hareclive road by 1.6 metres.
- f. This planning application received 11 objections from neighbouring residential properties. These were predominantly in relation to amenity issues given the height of the development and proximity to their homes.
- g. Officers support the changes that have been made to address the previous reasons for refusal and are recommending approval.

Members' points of clarification:

- h. Cllr Hickman sought clarity on the exact distance of the properties bordering the development and an answer to whether the distance would appear as a prison wall to a resident.
- i. The distance of 21metres is the measurement given in local guidance with regards to overlooking. The majority of the resident properties have 21 – 25 metres between their property and the development except for a property on the corner that is just 6 metres away.
- j. Members requested that in future information presented to committee regarding distances from residential properties is checked for accuracy.
- k. Concerns were raised over the width of the pavement along Hareclive road that would be the main thoroughfare, officers were asked what conditions could be applied to improve pedestrian safety conditions. Officers advised members that Highways would need to undertake the required feasibility study before any conditions could be imposed.

Member debate:

- l. Cllr Eddy advised that he would endorse the development as he was satisfied that the applicant had made changes to address the objections raised previously.
- m. Cllr Mead, noted the significant changes in the design and that the briefing provided insight into the difficulties of developing a site with children with autism being schooled in the vicinity.
- n. Members & Officers took some time to consider the issues around the pavement along Hareclive Road with the understanding that conditions may not be possible.. Any alterations to the footway would be at the cost of the applicant and may require a legal agreement which hasn't yet been discussed or agreed. .
- o. Cllr Stevens proposed that the issue of the pavement along Hareclive road is delegated to officers to investigate.

Resolved: (6 for, 2 against, 1 abstention) that the application be approved subject to a condition to explore widening of the pavement on Hareclive Road.



1C 18/02055/P Former School Site Hawkfield Road Bristol

Cllr Stephen Clarke joined the meeting for the start of this item.

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

- a. This application forms a part of the Urban Framework Plan for the South Bristol area covering Hengrove Park, Hartcliffe Campus and Imperial Park.
- b. The land is partly owned by the City Council with the City of Bristol College and allocated for housing and business with this application going some way to meeting the city's housing target.
- c. The design of the site complimented the natural drainage of the land; preserving the Butterfly habitat by relocating to another area on site; was sympathetic to the tree preservation orders; a mixed development with family housing and apartments.
- d. Had considered the impact on healthcare services; nearest provision with capacity is in the Hartcliffe centre; conversations are progressing in respect of education provision; adjustment to be made to the highway to allow for road crossing.
- e. Officers recommended approval of the outline application.

Members' points of clarification:

- f. The application was an outline application; the provision for education school places would be considered by the necessary officers; this area has no issues with school capacity.
- g. Clarification was sought on the boundary as to whether the intention was to have fencing as depicted on the design plan. The design did not show fencing but a line to indicate the need for some form of boundary between properties.
- h. The changes to bus stops and the existing bus gate were to allow for the development of the land.
- i. Further design options would be considered for the required pedestrian crossing.
- j. Further design options would be pending for the play areas to include the provision for ongoing maintenance; H&S issues; its location to residential homes.

Members' Debate

- k. Cllr Mead – urged the developers to consider accessibility needs in its design to ensure that dwellings supported the needs of an aging population.

Cllr Breckels proposed that conditions be applied to support the need for accessibility. This was seconded by Cllr Hickman.

Resolved: (unanimously) that the outline application be granted subject to the s106 heads of terms and conditions being amended to ensure that the landscape areas are accessible



11 17.05290.F & 18.02549LA 31-32 Portland Square and Surrey Street Warehouse Bristol BS2 8PS

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

The following points arose from questions and debate:-

- a. The application was for the demolition of existing warehouse, partial demolition, conversion and restoration of number 31. & 32. Portland Square to form 93 residential flats and development fronting Portland Square, Cave Street and Surrey Street with associated refuse and cycle storage.
- b. The design plan and layout was shared with committee and the significant improvement to an area of Portland Square that remained damaged and rundown as a result of bomb damage in WW2.
- c. Officers are seeking approval for an application that would bring back a dilapidated site into use and provide affordable housing.

Member points for clarification

- d. Cllr Stevens sought clarity on the reason why the scheme would not link to the district heating network. Officers clarified that the development timeframe did not sync with the construction of the heating network. Officers were satisfied that as the Council, were unable to provide details of when the heating network would arrive in Portland Square together with details of associated costs it was not possible to incorporate it into the scheme.

Member Debate

- e. Cllr Mead noted that the development was a positive one resulting in the repair and restoration of war damage frontage in Portland Square whilst providing good quality housing.
- f. Cllr Eddy agreed that the scheme was a good one, supporting the heritage of the area and delivered affordable housing.
- g. Cllr Breckels agreed that the design was a fabulous enhancement to the area and the issue of the district heating connection was not an issue that should stall the progress of the scheme.

Cllr Breckels proposed approval and Cllr Eddy seconded.

Resolved: (9 for, 1 against) that planning permission be granted subject to s106 head s of terms and the conditions set out in the report.

12 18.02548/F & 18.02549/LA 7-29 Wilder Street, 1-3 Backfields and Land at Corner of Backfields and Upper York Street Bristol BS2 8PU



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

The following points arose from questions and debate:-

- a. The application was for redevelopment of existing buildings to provide purpose built managed 345 student bed accommodation. An outline planning application had already been granted for the development of up to 105 student bed accommodation on the site.
- b. The design plan was shared with members; it consisted of three development blocks, fronting Wilder Street, Upper York Street and Backfields, with a central courtyard for use by the student occupiers. The ground floor would consist of cluster flats and studios and other related student areas.
- c. The listed building within the development would be restored retaining the existing door openings with the historic floor plan format retained.
- d. Officers recommended granting the application together with all related planning agreement.

Members' points of clarification & debate:

- e. Members were concerned about the classification of this area as fit for student accommodation causing the saturation of students in the area.
- f. Members were reminded that committee could not give any weight to emerging policy change in the local plan and had to consider the application in line with current policy.
- g. Members were informed that the commercial & retail areas would be concentrated in the Backfields Rd section of the development and not across the whole lower ground floor area of the scheme.
- h. Officers confirmed that the developers had permission to construct a scheme with 105 student beds.

Members' debate:

- i. Cllr Mead led the discussion on the loss of commercial space and in turn the loss of employment space.
- j. Cllr Hickman referenced community intelligence that indicated that residents would not support the development and would be concerned about the negative impact on the area.
- k. Cllr Eddy was minded to vote against the development.
- l. Cllr Stevens consider the jump from 105 beds to 345 a stretch too far for the development and the wider impact on the area.
- m. Cllr Breckels noted that the development design was good and pleasing architecturally but the area would be impacted by the numbers of students. The area needed residential housing to support a permanent population.
- n. Cllr Mead proposed that the scheme was rejected on the basis of the loss of employment space, and the harmful concentration of student accommodation in the area if the scheme increased capacity from 105 to 345 beds.



Cllr Mead seconded the proposal put forward by Cllr Eddy.

Resolved (9 for, 1 against) that planning permission be refused for the following reasons:

- **Loss of employment space**
- **Over-concentration of student accommodation in the area**

13 17.03731.F Land south of Ermine Way Bristol

Councillor Eddy left the meeting.

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

- a. The application is for the construction of 39 no. two, three and four bedroom dwellings together with landscaped open spaces, access, parking, landscaping and associated development. On a site that was a former clay pit quarry therefore with a number of associated complications that have to be overcome to allow the development to proceed.
- b. The complications of building on such a site dedicated the number of affordable housing that are to be provided, that is 15% of the development equating to 6 no. dwellings.
- c. The developers have engaged with the residents of the neighbouring properties who will be impacted by the development on a piece of land that has been untouched for a number of years.
- d. Officers are recommending approval.

Members points of clarity and debate:

- a. The Chair confirmed that the development was a much needed one in his ward and addressed the issue of a neglected open space. Expressing disappointment that more affordable housing could not be delivered but satisfied that the officers position that 15% was a reasonable proportion.
- b. Members discussed how refusing an application that did not deliver the required 30% affordable housing would stand on appeal. Officers reassured members that stringent work had been done by the District Valuers office to establish land value and the cost of the development in relation to what could be delivered and were therefore satisfied with the provision of 15%.
- c. Members agreed that the design made good use of a complicated site providing much needed housing for the city.
- d. Cllr Mead proposed that the Officer recommendation to approve be agreed and Cllr Stevens seconded.

Resolved: (unanimous) that planning permission be granted in line with the s106 head of Terms and Conditions outlined in the report.



14 Date of Next Meeting

The next meeting is scheduled for 10am on Wednesday 17th October 2018.

Meeting ended at 9.36 pm

CHAIR _____



DEVELOPMENT CONTROL COMMITTEE A

17th October 2018

REPORT OF THE SERVICE DIRECTOR - PLANNING

LIST OF CURRENT APPEALS

Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	Bishopston & Ashley Down	11 Beloe Road Bristol BS7 8RB Double storey side extension. Appeal against refusal Delegated decision	06/08/2018
2	Knowle	51 Stoneleigh Road Bristol BS4 2RH Erection of single-storey rear extension. Appeal against refusal Delegated decision	03/09/2018
3	Southville	5 Exeter Road Bristol BS3 1LY Ground floor side extension and loft conversion. Appeal against refusal Delegated decision	04/09/2018
4	Avonmouth & Lawrence Weston	68A Dursley Road Bristol BS11 9XF Two storey side extension. Appeal against refusal Delegated decision	05/09/2018
5	Clifton	30 York Gardens Bristol BS8 4LN Creation of a roof terrace, involving the removal of a portion of the rear roof slope. Additional installation of PV panels. Appeal against refusal Delegated decision	24/09/2018

Informal hearing

Item	Ward	Address, description and appeal type	Date of hearing
6	Ashley	Hamilton House 80 Stokes Croft Bristol BS1 3QY Notification for prior approval for a proposed change of use of Blocks B & C from office use (Class B1(a)) to dwellinghouses (Class C3) to provide 45no. self-contained dwellings (comprising 25no. one bed units and 20no. two bed units). Appeal against refusal Delegated decision	02/10/2018
7	Filwood	PX Centre Bedminster Road Bristol BS3 5NR Outline planning application (with access, layout, scale and appearance to be considered) for redevelopment of the site to provide 32no. self-contained flats (Use Class C3) with associated access, parking, drainage and hard/soft landscape works. Appeal against refusal Delegated decision	16/01/2019
8	Easton	28 York Road Easton Bristol BS5 6BJ Application for a Certificate of Proposed Development - proposed porch. Appeal against refusal Delegated decision	TBA

Public inquiry

Item	Ward	Address, description and appeal type	Date of inquiry
9	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

10	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	20/11/2018
11	Ashley	15-16 Brunswick Square Bristol BS2 8NX Proposed change of use from Private Members' Club (Sui Generis) at ground floor and lower ground floor with ancillary office use on the upper floors to office floorspace (B1a) on all floors with associated provision of waste storage and bicycle parking facilities and external alterations. Appeal against refusal Delegated decision	TBA
12	Ashley	15-16 Brunswick Square Bristol BS2 8NX Internal and external works associated with the proposed change of use from Private Members' Club (Sui Generis) at ground floor and lower ground floor with ancillary office use on the upper floors to office floorspace (B1a) on all floors with associated provision of waste storage and bicycle parking facilities. Appeal against refusal Delegated decision	TBA

Written representation

Item	Ward	Address, description and appeal type	Date lodged
13	Frome Vale	St Mary's Church Manor Road Fishponds Bristol BS16 2JB Yew - Fell TPO 472. Appeal against refusal Delegated decision	27/04/2018
14	Central	1 Wine Street Bristol BS1 2BB Temporary scaffold shroud screen advertisement measuring 11M x 7M for a period of 6 months during works to the facade of the building. Appeal against refusal Delegated decision	25/05/2018
15	Brislington East	97 & 99 Capgrave Crescent Bristol BS4 4TN Erection of a pair of semi detached houses to the rear of nos 97 & 99 Capgrave Crescent. Appeal against refusal Delegated decision	12/06/2018

16	Horfield	20 Northwick Road Bristol BS7 0UG Proposed bungalow C3 dwelling. Appeal against refusal Delegated decision	18/06/2018
17	Ashley	114 Chesterfield Road Bristol BS6 5DU Demolition of existing garage at the rear of the site and erection of a new, two storey, single dwelling. Appeal against refusal Delegated decision	12/07/2018
18	Windmill Hill	15 Hill Avenue Bristol BS3 4SH Proposed 3 storey rear extension & loft conversion. Appeal against refusal Delegated decision	19/07/2018
19	Windmill Hill	3 Haverstock Road Bristol BS4 2DA Retention of rear roof extension. Appeal against refusal Delegated decision	30/07/2018
20	Windmill Hill	3 Haverstock Road Bristol BS4 2DA Enforcement appeal Appeal against an enforcement notice	30/07/2018
21	Bishopston & Ashley Down	16 Alton Road Bristol BS7 9PS Enforcement notice appeal against the erection of an extension to the rear of the property. Appeal against an enforcement notice	30/07/2018
22	Southville	37 Stackpool Road Bristol BS3 1NG Application for a Lawful Development Certificate for Existing use of property as 7no. self-contained flats. Appeal against refusal Delegated decision	30/07/2018
23	Central	6 Tyndalls Park Road Bristol BS8 1PY Demolition of boundary wall and construction of a two storey building containing 2no. studio apartments (sui generis use) with associated provision of amenity space, refuse and cycle storage. Appeal against refusal Delegated decision	31/07/2018

24	Central	Raj Mahal City Clarence Road Redcliff Bristol BS1 6RP Demolition of existing building and erection of a building containing 73no. student bedspaces, communal space and cycle parking (major application). Appeal against refusal Delegated decision	01/08/2018
25	Cotham	140B Redland Road Bristol BS6 6YA Conversion of existing flat roof to external terrace with external cladding to rear elevation. Appeal against refusal Delegated decision	01/08/2018
26	Stockwood	1 Atkins Close Bristol BS14 8JS Proposed two storey, self-contained, single dwellinghouse. Appeal against refusal Delegated decision	01/08/2018
27	Clifton	Mortimer House Nursing Home Clifton Down Road Bristol BS8 4AE Proposed landscaping / external work alterations to return the front garden to the original layout and provision of car parking facilities at the rear of the building accessed through a new opening in the side wall controlled by a sliding timber gate. Appeal against refusal Committee	02/08/2018
28	Westbury-on-Trym & Henleaze	46 Henleaze Avenue Bristol BS9 4ET Proposed single storey building to provide a retail sales/repair shop for mobile phones. Appeal against refusal Delegated decision	02/08/2018
29	Clifton	Mortimer House Nursing Home Clifton Down Road Bristol BS8 4AE Proposed landscaping / external work alterations to return the front garden to the original layout of the listed building and providing car parking facilities at the rear of the building accessed through a new opening in the side wall controlled by a sliding timber gate. Appeal against refusal Committee	02/08/2018
30	Westbury-on-Trym & Henleaze	Badminton School Westbury Road Bristol BS9 3BA Resurfacing of existing school loose gravel paths with patterned concrete. Appeal against conditions imposed Delegated decision	02/08/2018

31	Westbury-on-Trym & Henleaze	Badminton School Westbury Road Bristol BS9 3BA Resurfacing of existing school loose gravel paths with patterned concrete. Appeal against conditions imposed Delegated decision	02/08/2018
32	Westbury-on-Trym & Henleaze	7-9 High Street Westbury Bristol BS9 3BY Integration of 5no roof lights above the principle elevation and 5 above the rear elevation of the existing property. Subdivision of existing Flat 2 to create two dwelling units on the second floor and in converted loft space. Appeal against refusal Delegated decision	02/08/2018
33	Cotham	12E Alfred Place Kingsdown Bristol BS2 8HD Retrospective permission for a rear dormer window. Appeal against refusal Delegated decision	02/08/2018
34	Redland	8 & 9 Belvedere Road Bristol BS6 7JG New entrance canopy. Appeal against refusal Delegated decision	20/08/2018
35	Clifton Down	67 & 69 Whiteladies Road And 16A & 17A Aberdeen Road Bristol BS8 2NT Change of use of the existing Kwik Fit unit located at the junction of Whiteladies Road and Aberdeen Road from Use Class B2 (General Industrial) to Use Class A1 (Retail). Appeal against refusal Committee	20/08/2018
36	Eastville	Land At The Rear Of 134 - 136 Fishponds Road Eastville Bristol BS5 6PP Erection of 1 x 3 storey dwelling and 1 x 2 storey dwelling on land to the rear of 134 - 136 Fishponds Road. Appeal against refusal Delegated decision	20/08/2018
37	Hengrove & Whitchurch Park	29 & 31 Bamfield Bristol BS14 0SN Creation of vehicular access onto a classified road and off-street parking areas for both properties. Appeal against refusal Delegated decision	22/08/2018
38	Lawrence Hill	199 Avonvale Road Bristol BS5 9SR Enforcement Appeal against notice served for works to roof including front dormer without planning permission. Appeal against an enforcement notice	28/08/2018

39	Lockleaze	17 Melton Crescent Bristol BS7 0LF Extension of the existing building to form 3 x HMO C4 flats. Appeal against refusal Delegated decision	03/09/2018
40	Westbury-on-Trym & Henleaze	12 Southover Close Bristol BS9 3NG Demolition of Existing Dwelling and Development of 6no. Flats and Associated Works (resubmission of 18/00317/F). Appeal against refusal Delegated decision	03/09/2018
41	Bishopston & Ashley Down	318 Gloucester Road Horfield Bristol BS7 8TJ Enforcement notice appeal for extension at rear of property. Appeal against an enforcement notice	10/09/2018
42	Windmill Hill	154 Marksbury Road Bristol BS3 5LD Enforcement notice appeal for the development being the erection of a detached ancillary building being larger than approved by planning permission 16/04845/H. Appeal against an enforcement notice	10/09/2018
43	Windmill Hill	154 Marksbury Road Bristol BS3 5LD Retention of single storey building in rear garden. Appeal against refusal Delegated decision	10/09/2018
44	Eastville	631 - 633 Fishponds Road Fishponds Bristol BS16 3BA Enforcement notice appeal for the erection of structure in the rear yard used in association with the commercial ground floor unit. Appeal against an enforcement notice	10/09/2018
45	Cotham	16 Clyde Road Redland Bristol BS6 6RP Partial demolition of existing garage/store structure and erection of a single storey, 1 bedroom dwelling with revised access. Appeal against refusal Delegated decision	10/09/2018
46	Clifton Down	36 Hampton Park Bristol BS6 6LH Construction of a one bed house, sunken into existing rear garden. Appeal against refusal Delegated decision	10/09/2018

47	Bishopston & Ashley Down	126 Downend Road Horfield Bristol BS7 9PW Application for a Lawful Development Certificate for a Proposed use or development - Existing garage converted to annex to main house. Appeal against refusal Delegated decision	13/09/2018
48	Clifton Down	18 Elgin Park Bristol BS6 6RX Erection of garden room extension to existing annex with associated alterations. Appeal against refusal Delegated decision	13/09/2018
49	Stoke Bishop	3 Dingle Road Bristol BS9 2LN Application for variation of condition no.11 (List of Approved Plans) attached to planning permission 16/05204/F. Appeal against refusal Delegated decision	13/09/2018
50	Stoke Bishop	3 Dingle Road Bristol BS9 2LN Variation of condition 11 of reference number: 16/05204/F - To allow external alterations to improve internal arrangement. Appeal against refusal Delegated decision	13/09/2018
51	Easton	112 Robertson Road Bristol BS5 6JW Erection of single residential dwelling. Appeal against refusal Delegated decision	24/09/2018
52	Central	City Point Temple Gate Bristol BS1 6PL LED Digital Smartscreen. Appeal against refusal Delegated decision	03/10/2018
53	Hillfields	227 Lodge Causeway Bristol BS16 3QW Residential development of 2no. 2-bed apartments with vehicular parking, refuse store and cycle racks on land to the rear of 227 Lodge Causeway. Appeal against refusal Delegated decision	03/10/2018
54	Central	Central Reservation Temple Way Bristol BS1 6NH Erection and display of a single sided advertising panel to be used to show illuminated advertisements capable of automatic sequential change. Appeal against refusal Committee	04/10/2018

55	Filwood	13 Leinster Avenue Bristol BS4 1NH Erection of a two storey, 3-bed detached dwelling. Appeal against refusal Delegated decision	04/10/2018
56	Lawrence Hill	Public Footpath West Side Of Bond Street South Bristol BS1 3EN This application seeks consent for the erection and display of a single sided advertising structure to be used to show illuminated advertisements capable of automatic change of image. Appeal against refusal Committee	04/10/2018

List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
57	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	Appeal dismissed 03/09/2018
58	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	Appeal dismissed 04/09/2018 Costs not awarded
59	Filwood	69 Hartcliffe Road Bristol BS4 1HD Proposed two storey detached single dwelling house, with associated parking. Appeal against refusal Delegated decision	Appeal dismissed 04/09/2018
60	Knowle	75 Tavistock Road Bristol BS4 1DL Proposed two bedroom detached single dwelling house, with provision of car parking. Appeal against refusal Delegated decision	Appeal dismissed 04/09/2018
61	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	Appeal dismissed 07/09/2018 Costs not awarded

62	Knowle	35 Kingshill Road Bristol BS4 2SJ Demolition of outbuildings and erection of a 2 storey, one bed dwelling house. Erection of single storey rear extension to existing property along with other external alterations. Appeal against refusal Delegated decision	Appeal allowed 25/09/2018
63	Eastville	Rockfold Bell Hill Bristol BS16 1BE Widen the vehicular access onto Bell Hill (Classified 'B' road) by removal of the front boundary wall and partial demolition of front garden walls, and creation of an additional, off-street parking space in the garden. Appeal against refusal Delegated decision	Appeal allowed 06/09/2018
64	Eastville	Rockfold Bell Hill Bristol BS16 1BE Demolition of front boundary wall and parts of front garden walls in order to widen the vehicular access onto Bell Hill and create an additional, off-street parking space in the garden. Build new wall to rear of proposed parking area. Appeal against refusal Delegated decision	Appeal allowed 06/09/2018
65	Knowle	Land At Junction With Redcatch Road St Agnes Avenue Bristol Erection of two storey, 4-bedroomed detached house together with associated parking and amenity space. 3 additional parking spaces retained for use connected with St Elizabeth's. Appeal against non-determination	Appeal allowed 18/09/2018
66	Knowle	Land At Junction With Redcatch Road St Agnes Avenue Bristol Erection of two storey, 4-bedroomed detached house together with associated parking and amenity space. 4 additional parking spaces retained for use connected with St Elizabeth's. Appeal against non-determination	Appeal allowed 18/09/2018
67	Hartcliffe & Witherwood	Merchants Academy Gatehouse Avenue Bristol BS13 9AJ Erection of a 2 form-entry Primary School with Nursery and Autistic Condition Spectrum (ASC) School to be co-located on the site, associated play areas, car parking and drop off area. Demolition of former St Johns Ambulance building to create new access and parking area from Hareclive Road. Appeal against refusal Committee	Appeal withdrawn 27/09/2018

68	Westbury-on-Trym & Henleaze	8 Halsbury Road Bristol BS6 7SR Proposed front roof extension with front dormer. Appeal against refusal Delegated decision	Appeal allowed 26/09/2018
69	Clifton Down	23A Elgin Park Bristol BS6 6RX Proposed single storey, rear extension and excavation of rear lightwell to facilitate conversion of basement to additional accommodation. Appeal against refusal Delegated decision	Appeal dismissed 14/09/2018
70	Clifton	14 Canynge Square Bristol BS8 3LA Replacement attic stair, removal of partition, new roof lights, new en suite bathroom. Appeal against refusal Delegated decision	Appeal allowed 17/09/2018
71	Ashley	111 York Road Montpelier Bristol BS6 5QG Removal of existing conservatory at rear and new extension to create larger conservatory with steps into the garden. Appeal against refusal Delegated decision	Appeal allowed 19/09/2018
72	Cotham	Basement Flat 32 Cotham Road Bristol BS6 6DP Rearrangement of space uses and inclusion of 2 existing (but unused) rooms in the under-croft in the front garden. Appeal against refusal Delegated decision	Appeal dismissed 12/09/2018
73	Cotham	Basement Flat 32 Cotham Road Bristol BS6 6DP Rearrangement of space uses and inclusion of 2no.existing (but unused) vaulted rooms in the under-croft in the front garden. Appeal against refusal Delegated decision	Appeal dismissed 12/09/2018
74	Ashley	Unit 7 Montpelier Central Station Road Montpelier Bristol BS6 5EE 3no. internally illuminated box signs and 1no. fascia sign running above entrance doors. Appeal against refusal Delegated decision	Appeal dismissed 02/10/2018

75	Lawrence Hill	Hoarding At Corner Of Lawfords Gate Wade Street Bristol BS2 0DY The advertising display currently exists as a 48 sheet illuminated sequential display. This application relates to the upgrade in the technology used to display the advertising images. Appeal against refusal Delegated decision	Appeal dismissed 24/09/2018
76	Clifton	Flat B 9-10 Waterloo Street Clifton Bristol BS8 4BT Proposed change of first floor use from flat (Use Class C3) to Financial and Professional Services (Use Class A2), (to be used as part of the ground floor office use). Appeal against refusal Delegated decision	Appeal allowed 28/09/2018
77	Southmead	7 Lorton Road Bristol BS10 6DG Notification of prior approval for the erection of a single storey, rear extension that would extend beyond the rear wall of the original house by 6.0 metres, have a maximum height of 3.0 metres and have eaves that are a maximum height of 3.0 metres. Appeal against refusal Delegated decision	Appeal allowed 26/09/2018
78	Clifton	The Clarendon Gorse Lane Bristol BS8 1DH Application to vary condition 2 (which lists approved Plans) attached to app.no. 00/03847/F for the erection of a single dwelling house - (Alterations to the as built scheme) Appeal against refusal Delegated decision	Appeal allowed 26/09/2018
79	Bishopston & Ashley Down	138 Longmead Avenue Bristol BS7 8QQ Single storey rear L shaped extension. Appeal against refusal Delegated decision	Appeal allowed 04/09/2018
80	Westbury-on-Trym & Henleaze	54 Abbey Road Bristol BS9 3QW Single storey side extension. Appeal against refusal Delegated decision	Appeal allowed 04/09/2018

DEVELOPMENT CONTROL COMMITTEE A 17th October 2018

REPORT OF THE SERVICE DIRECTOR - PLANNING

LIST OF ENFORCEMENT NOTICES SERVED

Item	Ward	Address, description and enforcement type	Date issued
1	Ashley	Land Adjacent To 20 Belvoir Road Bristol Untidy site/land.	05/09/2018
2	Brislington West	6 Braikenridge Road Bristol BS4 3SW Without the grant of planning permission the unauthorised alteration to the scale and form of the roof over the pre-existing side extension and the insertion of a side and rear dormer extension. Not in accordance with permission 16/02958/H. Enforcement notice	04/09/2018
3	Central	Marlborough House Marlborough Street City Centre Bristol BS1 3LT Work on site in breach of terms of construction environment management plan approved under terms of condition 6 of planning permission 17/05962/F (which consented redevelopment to student accommodation). Breach of conditions notice	11/09/2018
4	Eastville	8 Argyle Street Eastville Bristol BS5 6PF Without planning permission the conversion of building to four separate residential units. Enforcement notice	05/09/2018
5	Lawrence Hill	213 Stapleton Road Easton Bristol BS5 0PD Alterations and extension to ground floor commercial premises without planning permission. Enforcement notice	26/09/2018

Development Control Committee A 17 October 2018

Report of the Service Director - Planning

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Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Central	Grant	17/05149/F - Land Adjacent To The Quays Cumberland Road Bristol Proposed 6 storey building (plus a basement), to accommodate 13 units operated as serviced apartments (Use Class C1), (major application).
2	Clifton Down	Grant	18/02902/F - Land On North Side Of Belgrave Hill Bristol Proposed development of 2 no. Use Class C3 dwellings with associated external alterations.
3	Ashley	Grant	18/02650/F - 4-5 Dean Street St Pauls Bristol BS2 8SF Change of use of basement from storage area associated with ground floor garage (Use Class B2) to private hire venue (Use Class D2/Sui generis).
4	Lawrence Hill	Other	17/04673/F - Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ Erection of a 6- to 11-storey building comprising 120 no. (PRS - privately rented sector), residential units (1-, 2- and 3-bed), 524 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level and associated development, including landscaping, public realm, bin storage, plant areas and cycle parking (Major application).

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Development Control Committee A – 17 October 2018

ITEM NO. 1

WARD: Central **CONTACT OFFICER:** Matthew Bunt

SITE ADDRESS: Land Adjacent To The Quays Cumberland Road Bristol

APPLICATION NO: 17/05149/F Full Planning

DETERMINATION DEADLINE: 13 May 2018

Proposed 6 storey building (plus a basement), to accommodate 13 units operated as serviced apartments (Use Class C1), (major application).

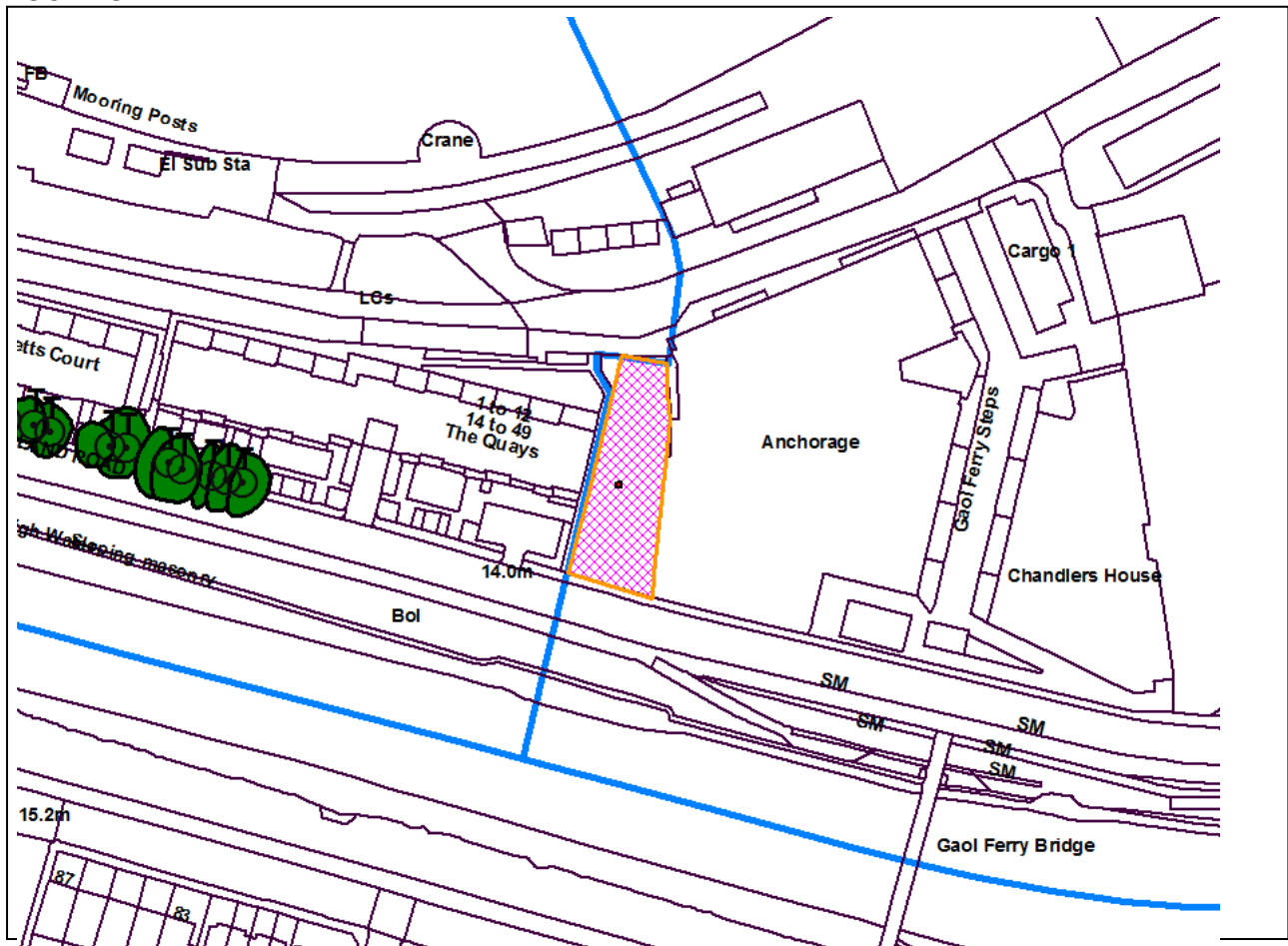
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Oxford Architects LLP
The Workshop
254 Southmead Road
Bristol
BS10 5EN

APPLICANT: Simon James Homes Cumberland Ltd
Beaufort House
29 Oakfield Road
Bristol
BS8 2AT

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

LOCATION PLAN:



Development Control Committee A – 17 October 2018
Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

SUMMARY

This report relates to a full planning application for the erection of a 6 storey building, including basement, to accommodate 13no. units to be operated as serviced apartments. The serviced apartments are proposed to provide a 'home-away-from-home' for visitors to Bristol City Centre, and will be let on a short term basis. The applicant has suggested that the future users of the apartments will likely be professionals visiting the city for work, or tourists on a short city break. The use class is therefore considered to be Use Class C1.

The development is located in the city centre with The Anchorage section of Wapping Wharf immediately to the east, The Quays apartments to the west, Cumberland Road to the south and Museum Street and the Floating Harbour to the north. The site is within the City Docks Conservation Area.

This planning application is before committee as it was referred by Cllr Paul Smith; there was also extensive objection to the development, including approximately 153 objections from neighbours. The concerns raised relate to a number of issues, including the use/principle of the development; the development's design and impact on the Conservation Area; impact on residential amenity; highway safety concerns; and concerns as to the land stability.

As this report will demonstrate, this application is an opportunity to redevelop an existing vacant and cleared site that currently represents an unattractive overgrown, gap in an important part of the city centre and Conservation Area. The proposal is considered to represent a high quality of design appropriate for the Conservation Area, and the proposed use as serviced apartments would provide tourists with a location to stay in close proximity to some of the city's most popular tourist attractions, as well as provide accommodation for people visiting the city due to business interests further supporting the local economy. The applicant has also addressed issues of highway safety and land stability through the submission of revised plans and documents.

Therefore, taking into account the planning balance, officers consider that the benefits of the scheme do outweigh any negative elements, and are therefore recommending approval of the scheme.

REASONS FOR REFERRAL

This application was referred by Cllr Paul Smith. The reasons for referral are included in full below:

This site would be better suited to a residential development than a leisure use. Provision for a residential use is contained within the application.

The emerging Joint Spatial Plan has identified a growing backlog for residential development within the city. This site is sandwiched between two existing residential blocks and therefore lends itself to residential rather than a leisure use.

The building line of the Quays should be followed for this development which is a natural extension of the existing residential development next door, that building line is allowed for in the Anchorage development to the east of the site.

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SITE DESCRIPTION

The development site represents a gap site between Wapping Wharf and The Quays within the Central Ward of the city centre. The site falls within Harbourside with Museum Street and the Floating Harbour to the north, and Cumberland Road and the New Cut/River Avon to the south. As discussed, the site is currently cleared and vacant and there are hoardings bordering the site on Cumberland Road. In terms of planning designations, the site is within the: City Docks Conservation Area; Flood Zone 1; an Air Quality Management Area (as is the majority of the city centre); and is adjacent to allocation SA1010 (Wapping Wharf).

APPLICATION

The application subject to this report seeks planning permission for the erection of a 6 storey building and basement to provide 13no. serviced apartments (Use Class C1) and associated car parking (8no. spaces), cycle parking, refuse storage and landscaping. Serviced apartments are characterised by short term stays for visitors to the city, the applicant has stated that based on their experience of managing serviced apartments at the Paintworks, guests tend to be business visitors within the week, and tourists during the weekend.

Given the site has two active fronts: Cumberland Road and Museum Street, the development effectively has two fronts and this is reflected in the design. The north elevation facing Museum Street has a 6 storey scale where the large twin fronting gable ends are set back at fourth storey level, and the footprint of the development cuts away from the adjacent Quays development in order not to harm outlook. The south elevation facing Cumberland Road has a similar form although the elevation is a true 6 storey in that there is no set back; the elevation also has two fronting gable ends, as well as a number of balconies as the north elevation does. The east elevation facing Wapping Wharf is rather blank given its function as a side elevation, and similarly the west elevation facing The Quays is also relatively blank in terms of detailing and fenestration. In keeping with the pallet of materials used in the local area, the development proposes brick, metal standing seam cladding, timber cladding and a translucent cladding and render.

The development has a vehicular access from Cumberland Road that leads to the basement car park which includes 8 car parking space, including 1 disabled car parking space. Further to this, the proposal includes an access, also from Cumberland Road, for cyclists and pedestrians. Refuse storage and cycle stores are proposed to the front of the development within a landscaped area adjacent to Cumberland Road. No access is sought from Museum Street.

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COMMUNITY INVOLVEMENT

A statement of community involvement (SCI) was submitted with the planning application following pre-application discussions with the Council. Two public consultation events were held in June 2016 and June 2017.

i. Process

A drop in event took place in June 2016, this event was advertised to the Neighbourhood Planning Network, the neighbourhood groups listed below, local councillors and the local residents and businesses.

- Bristol Civic Society
- BS3 planning group
- Friends of Avon New Cut
- Merchants Landing Residents Association

The SCI reports a steady attendance of around 40 – 50 people in total, and 19 completed feedback forms were received. According to the SCI: Comments received were generally appreciative of the consideration which had been given to achieving a building which would fit into the site, such as “good use of space”; and “not interrupting views from The Quays”. Several comments offered suggestions about the design and materials, such as “ – proposed brick bit dour – prefer brown and pale buff - definitely not red brick in this area.”

A further public consultation event took place in June 2017 inviting the same stakeholders as they did previously. Approximately 35 people attended the event and 11 feedback forms were received. In addition, an emailed response was received from the Bristol Civic Society, and emailed comments were received from 21 individuals during the week following the consultation event. The feedback is summarised as follows:

- Reduction in height is a positive;
- Footprint needs amending to remove northern corner;
- Proposed materials needed amending;
- Negative comments regarding 4th storey balcony;
- Concerns as to stag and hen ‘do’s’ visiting the building;
- Concerns as to loss of property value.

The SCI reports that further dialogue occurred with Cllr Smith. At the meeting Cllr Smith and representatives of local residents groups raised issue with the footprint; the possibility of disturbance from antisocial behaviour (stage and hen ‘do’s’); potential for light spillage; and concerns as to materials.

ii. Results

As a result of the rounds of consultation and the previous application that was withdrawn, the SCI asserts that the footprint now accords with that previously consented (2006/7); balconies on the north elevation have been reduced to Juliet balconies; and the stairwell area is now in an opaque material. It is correct that the scheme has changed in the face of community concerns; this can be seen for example in the height of the development being reduced and balconies reducing in size.

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RELEVANT PLANNING HISTORY

i. Application Site

16/03995/F - Proposed scheme for 20 no. serviced apartments with basement car park – Application Withdrawn 31/01/2017

10/01118/R - Renewal of approval ref. 06/05381/F; construction of six storey building comprising 17 residential apartments with associated basement car and cycle parking and landscaping – Application Withdrawn 20/04/2010

06/05381/F - Construction of six storey building comprising 17 residential apartments with associated basement car and cycle parking and landscaping – Granted subject to conditions – 19/03/2007.

It appears from that a number of conditions relating to this permission were discharged relating to conditions 5 and 7 (10/01126/COND, 19/03/2010), and that planning obligations were met/paid. Officers are also aware that in relation to the withdrawn planning application 10/01118/R, the agent for this application confirmed that Wring Units Ltd (the applicant for the approved application) made a material start on the site on the 19/03/2010 in the form of the excavation of foundation trenches, which in the agent's opinion implemented the consent 06/05381/F. Whilst a certificate of lawful development would be needed before this development could be confirmed as having commenced lawfully, and therefore remaining extant, the content of the letter suggests that this is likely to be the case.

ii. Wapping Wharf

04/04126/P - Outline application for redevelopment of site, including demolition works, to provide mixed use scheme including residential, retail, office, community workspace, hotel and leisure uses (Classes C1, C2, C3, A1, A2, A3, B1, D1, D2) and associated infrastructure, landscaping works and car parking.

A number of applications have been processed in subsequent years for reserved matters and conditions relating to this site. The development has now been substantially completed.

12/04517/M - closest to development site, with Blocks A+C.

16/02925/M - most recent reserved matters application for phase 2 – blocks D, E, F, G.

Block A/The Anchorage is the closest to the application site. This is dealt with within application reference 12/04517/M and has been constructed on site, and is now occupied. Suitably, the drawings for the 2012 reserved matters application include this pre-application site on the approved plans, and the footprint is annotated as "consented development (not built)".

RESPONSE TO PUBLICITY – MEMBERS OF THE PUBLIC

Nearby residents were notified by letter, and the application was advertised by site notice and press notice in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. As of the date at which this report was written, 153 objections comments have been received in response to the development in total. Please note that this represents a response to

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multiple rounds of consultation given the submission of amended plans. The submitted comments are summarised below.

i. Principle of Development

- There is a need for market and affordable housing, the proposed serviced apartments should therefore be resisted;
- The proposed use is not compatible with nearby residential buildings: Anchorage and The Quays;
- The development would give visitors to Bristol precedence over residents of Bristol;
- The development will attract a transitory population;
- Benefits of nightlife tourism;
- Too many hotel/serviced apartment uses in Bristol;
- Serviced apartments would impact on the family atmosphere in Wapping Wharf;
- A neighbourhood plan is in development, the proposal would be contrary to this – *please note at the time of this report there is not a designated neighbourhood planning area for this area*;
- The proposal is not compliant with the development plan;
- The previous permission on site is irrelevant;
- The development would be beneficial for local businesses.

ii. Residential Amenity

- The proposal would have an overbearing impact;
- The proposal would result in a loss of light;
- The proposal would result in a loss of privacy;
- The proposal would impact on the local amenity and enjoyment of nearby residents, including both the Anchorage and the Quays;
- The proposed use could result in noise and disturbance from large groups of temporary guests;
- The large party terrace on the 4th floor will result in noise and disturbance;
- The proposal is too close to The Anchorage building as there are flats with habitable windows and balconies looking toward the proposed building;
- The proposal would harm views out from the Anchorage to the harbour for example;
- Mutual overlooking between the Anchorage and the proposed building;
- The submitted Daylight/Sunlight study does not reflect reality;
- Noise from the terraces/balconies;
- If approved the building footprint may be made larger due to building regulations;
- Apartments are too small;
- Loss of natural light;
- Poor internal layout to flats and wider buildings;
- Building would not comply with Building Regulations;
- The proposed building would result in no means of escape for occupiers of the Anchorage;
- The development will result in noise and litter;
- Planning conditions would insufficient to dissuade parties and late night music.

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iii. Design, Visual Amenity, Conservation Area

- The proposal's bulk, massing, height, scale and use of materials is not in keeping with the character of the area;
- The proposal's design is harmful to the character of the area;
- Out of character with harbour and Museum Street;
- Overdevelopment of the site;
- The height of the building should not exceed the height of the previously approved development;
- Insufficient landscaping proposed;
- The north/museum street elevation (the Quays building line needs to be kept);
- No objection provided the building dimensions are in line with others in proximity and of acceptable appearance;
- Mass and scale of the development is not in keeping with the Wapping Wharf masterplan.

iv. Transport and Highway Safety Concerns

- The proposed access would impact on highway safety on Cumberland Road;
- The proposed access could be difficult with the nearby MetroBus stop;
- Concerns over the proposal's perceived lack of car parking for the number of units proposed;
- The development would result in a larger flow of traffic at the beginning and end of each week/weekend;
- The development would make a pre-existing traffic problem in the area worse;
- Concerns as to refuse vehicles.

v. Land Stability Concerns

- The submitted structural report stops short of confirming that the proposed solutions would actually work.

vi. Other Matters

- Revised plans have failed to respond to members of the public;
- The developer has ignored local consultation and views;
- Construction methodology is missing;
- Construction works could disrupt nearby tourist destinations including the m shed and SS Great Britain;
- The development has not demonstrated adequate drainage layout.

vii. Anchorage Residents Group, comment submitted by Mr Serdar Ozkan

- The proposal is larger than the 2006 application and has an overbearing impact on the residents of the Anchorage;
- The proposal will result in harm to the City Docks Conservation Area;
- The proposal will result in overlooking due to the orientation of both proposed building and the Anchorage;
- The materials proposed are unacceptable;

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- The use of the site is unacceptable – they are not sympathetic to the Quays or the Anchorage building.

viii. Residents Group (The Quays and Anchorage), comment submitted by Mark Houston, Architect and Senior Planning Consultant

- Overbearing and visually intrusive impact on neighbours;
- Harmful residential amenity impact: loss of views, loss/harm to setting and character, overshadowing, overlooking/privacy;
- Building safety concerns;
- Loss of daylight;
- Does not comply with emerging neighbourhood plan;
- Out of character;
- Highway safety concerns;
- Unacceptable use;
- The development would disturb residents.

ix. Cllr Paul Smith

Comments submitted (verbatim):

I am supportive of developing this site but not for a leisure use. The site is between the Quays and Anchorage both of which are residential locations. I believe that the best use for this site is also residential. Housing need has worsened dramatically since the plan was last updated and I would be pushing for this site to be allocated for housing in the new plan due to be prepared next year. The developer has stated that the site can be converted to residential and to save time I think it would be much better if it started as residential.

I also think that the building should follow the building line of the quay's development, which it could be a natural extension of.

I will be completing a call in form for this application so that it can be considered by the planning committee.

FURTHER CONSULTATION – INTERNAL AND OTHER STATUTORY CONSULTATION

i. Conservation Advisory Panel (comments received 05/02/2018)

The Panel objects. The proposed new building fails to link The Quays with the Umberlade site. It is too large on plan and too high in relation to The Quays. The expansive range of windows on the northern elevation would be a very dominant feature that is an inappropriate addition to the architectural grain of the docks. The alterations to the retaining wall onto the quay with a large opening for access to the car parking area is not acceptable. This proposal does not provide a quality building that contributes to or enhances the setting of this part of the conservation area and as such the proposal is contrary to the requirements of para 137 of the NPPF.

Officer note: these comments relate to the development as it was originally submitted, rather than the revised version of the development.

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ii. Harbour Master

The proposed drainage scheme seeks to install a drainage outfall into the Floating Harbour. Provided the drainage outfall is below water level and measures are put in place to ensure any water entering the harbour is free from contamination, there would be no objection to the development. Nonetheless, the applicant must be aware that compensation would be required where existing moorings are disrupted due to construction works, the following advisory note is recommended.

Harbour Master Approval

This decision notice only represents planning permission, it does not give any person permission to enter or develop land outside of their ownership. As such the applicant should be aware that prior to the commencement of drainage works, you will need to acquire permission from the Harbour Master to install the drainage outlet. As part of this permission, the Harbour Master will require the applicant to pay relevant compensation to the Harbour Master as a result of disruption to existing moorings.

iii. Transport Development Management (TDM)

The single point of vehicular access is acceptable with regard to visibility, although the applicant should be aware that splays should be taken to the nearside carriageway edge and not into the carriageway which appears to be the case with the splay shown on the submitted plan. The cycle store is acceptable, as is the refuse store and proposed collection method. The basement car parking layout is acceptable, as is the number of spaces (8). Concerns are raised as to allocation of these spaces. The trip generation is unlikely to result in a significant impact on the highway network. A Travel Plan is required as well as an Assessment in Principle as to the structural works.

iv. City Design Group

No objection subject to conditions. The development is considered to have an acceptable impact on the Conservation Area.

v. Pollution Control

No objection, the submitted management plan is acceptable.

vi. Arup Consulting Engineer

No objection subject to conditions.

vii. Sustainable City Team

No objection subject to conditions.

viii. Flood Risk Management

No objection subject to a condition requiring further details and consultation with the Harbour Master.

ix. Contaminated Land Environmental Protection

No objection subject to conditions.

x. Air Quality

No objection. A construction environmental management plan should be required with regard to dust. Concerns as to the proposed biomass boiler were raised, but this element of the scheme is no longer proposed.

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xi. Nature Conservation

No objection subject to conditions and a advisory note(s).

xii. Coal Authority (Verbal Comments – James Smith 04/10/2018)

The development is not within an area at a high risk from the legacy of coal mining. The Coal Authority is aware of the reports undertaken by Craddys and Arup. It is noted that a coal mining report is recommended, rather than a coal mining risk assessment. This can be suitably conditioned. The Coal Authority would advise standing advice as it is within an area of low risk with regards to coal mining legacy, and as such would not wish to be consulted with regard to any subsequent applications to discharge conditions in the case that planning permission is granted.

RELEVANT POLICIES

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

National Planning Policy Framework 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011)

Site Allocations and Development Management Policies (Adopted July 2014)

Bristol Central Area Plan (Adopted March 2015)

Conservation Area Appraisal - The City Docks: Character Appraisal and Management Proposals December 2011

Planning (Listed Buildings and Conservation Areas) Act 1990

EQUALITIES IMPACT ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues.

KEY ISSUES

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

(A) Principle of Development / Acceptability of Use

In planning terms, the proposal is closest to a hotel use given the flats will be let on a short term basis. Accordingly, the most relevant policy relating to the use of the development in the city centre of Bristol is policy BCAP10 which concerns hotel development in the centre. The policy supports small-scale,

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boutique or high quality hotel development as individual development or as part of mixed-use scheme, the policy also requires hotel development to provide active ground floor uses and/or frontages and achieve high standards of sustainability and urban design in all other respects. The proposal is small-scale in terms of a hotel use, and as the remaining report will demonstrate, the development is considered to achieve high standards of sustainability and urban design.

The site falls within the city centre neighbourhood of the Harbourside meaning policy BCAP41 is relevant. Development within the Harbourside is expected to enhance the Harbourside's role as an informal leisure destination and a focus for maritime industries, creative industries and water-based recreation, preserving and enhancing the setting of the neighbourhood's major attractions including the Floating Harbour itself. The proposal is a C1 use, and would therefore be attractive to tourists visiting this area of the city. The development therefore meets the requirements of policy BCAP41 in that its use is supportive of Harbourside's role as a leisure destination and does not prejudice the other industries of the area or the water-based recreation that occurs. The proposal's impact on the setting of the harbour and the wider Conservation Area will be assessed within Key Issue B.

Hotels and similar uses are considered to represent a 'main town centre use' meaning policies BCS7 and DM7 are relevant. These policies require hotel uses to be located in centres, as the development is. The scale and intensity of the use is considered to be appropriate for the site and area. Impacts such as noise and disturbance will be considered within Key Issue C.

Officers are aware of the comments of a number of members of the public as well as Cllr Smith where the use of the site is questioned with a preference for C3 use. The development represents the development of a brownfield site and the use proposed is compliant with the Development Plan, it should also be made clear that there is no policy basis to require a C3 use on this site, and there is also no allocation within the Development Plan requiring this site to be used for residential purposes. This section has also discussed that C1 uses are appropriate for the city centre. Policy also calls for the continued regeneration of the Harbourside and the development of vacant and cleared sites (policy BCS2). With this in mind, whilst officers understand concerns relating to the proposed land use, the use of the land and the principle of the development is in accordance with policy.

Notwithstanding this, as can be seen by the layout of the flats and the facilities provided to support the development, it is likely that in the future were the proposed use to be no longer required or in demand, the applicant has demonstrated that the building could be converted to a residential use, which would nonetheless require planning permission.

(B) Urban Design Quality and Impact on Conservation Area

i. Policy / Legislative Framework

A 'heritage asset' is defined in the NPPF (Annex 2: Glossary) as: "a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing)". 'Significance' is defined (also in Annex 2) as "the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance".

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Any decisions relating to conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Authority is also required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight." [48].

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2018 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 195 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. Finally, paragraph 196 states that 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 Setting of a heritage asset is defined within the NPPF (Annex 2) as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, and may affect the ability to appreciate that significance or may be neutral".

In addition, the adopted Bristol Core Strategy 2011, within Local Policy BCS22 of the Bristol Core Strategy (BCS) states that: "Development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including historic buildings both nationally and locally listed... and conservation areas." Policy DM31 of the SADMP requires that "proposals affecting locally important heritage assets should insure they are conserved having regard to their significance and the degree of harm or loss of significance". It goes on to state that: "Conserving heritage assets: Where a proposal would affect the significance of a heritage asset, including a locally listed heritage asset, or its wider historic setting, the applicant will be expected to:

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

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The proposal is within the City Docks Conservation Area. The proposal is unlikely to affect the setting of any listed building, for information the nearest listed buildings/structure is the grade II listed harbour wall (Floating Harbour, Princes Wharf and Wapping Wharf), as well as the listed Fairbairn Steam Crane to the north west of the site.

In December 2011 a conservation area appraisal was published for the area - The City Docks: Character Appraisal and Management Proposals. The appraisal identifies the site as being within The Floating Harbour area of the Conservation Area at the boundary with the Cumberland Road and The Cut Area.

ii. Assessment

The Conservation Area character appraisal for the City Docks does not include site specific guidance for this site, but does identify vacant and undeveloped sites as a weakness in the area, meaning this development would contribute to overcoming this weakness. The proposal seeks to develop this brownfield site as policy BCS20 requires. As this policy acknowledges, higher densities of the development are encouraged in city centre locations, and imaginative design solutions are called upon to deliver such densities. Given the adjacent developments to the site, the proposal's position, scale, height, mass and form is largely set by the constraints adjacent buildings.

The proposal's layout, footprint and massing recognise this and largely follow that of the pre-existing development in the area, this can be seen in the proposal's footprint which traverses the existing gap between The Quays' terraced front and back layout and the more recent courtyard layout of Wapping Wharf. The proposal sits well with the adjacent neighbouring development. This can be seen in the development's height that is largely level with the adjacent roof forms and heights. The development also has appropriate form, detail and scale of features within the both the key elevations: north and south. Any successful development in this location must effectively link the roof forms of both Wapping Wharf and The Quays. The development achieves this through utilising a pair of fronting gable ends that take a visual cue from Wapping Wharf, and the northern elevation's fourth storey terrace that steps forward of the gable ends enables the development tie in well with The Quays. Similarly, the proposal's southern elevation includes similar features to both Wapping Wharf and The Quays, for example the small balconies with balustrades and the fenestration arrangement.

Wapping Wharf utilises timber cladding, metal roofs, white colour render and brick. The Quays have simpler pallet including render and stone affect brick. Both developments include metal windows as development proposes. Given the development proposes a dark and light coloured brick, metal standing seam cladding, translucent cladding, white render and timer cladding, the proposed pallet of materials is acceptable in principle – a condition is recommended to ensure quality.

With this in mind, officers find that the development's design quality is acceptable and that the proposal would not have negative impact on the Conservation Area, rather the site's redevelopment would benefit it, given a weakness identified within the Conservation Area Appraisal is vacant site. Indeed, the City Design Group (CDG) agree with this conclusion, stating:

In broad terms the form and massing of the proposal are comparable in design terms with the existing consent and as such are acceptable from an urban design perspective. The proposed development conforms to the general massing of buildings within this part of the City Docks Conservation area and as such is broadly in keeping. The adjacent development at Wapping Wharf is characterised by tight courtyards and will have been designed with an awareness of the existing consent. The resultant

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layout is therefore comparable to the character of the wider development, and the siting of the proposed building will allow evening sunlight to penetrate the space.

The CDG suggested a number of conditions regarding design details, landscape details and maintenance, materials and green/brown roofs. All of these conditions are recommended to be applied.

Officers have considered The Prince's Wharf/Wapping Wharf Existing Quayside Walkway is to the north of the site, and find that the development would not prejudice this, or any other pedestrian routes or walkway as defined by policies BCAP30 or BCAP32. Similarly, officers are aware that the development does not have an active frontage, but this is not considered to be an issue or out of keeping given the adjacent Quays development, policy BCAP31 is therefore not particularly relevant in this circumstance.

Overall, special regard has been given to the setting of the conservation area, and it is concluded that the proposal would have an acceptable impact on the Conservation Area and that the development's quality of urban design is acceptable.

(C) Residential Amenity

i. Potential for Disturbance

Officers recognise the concerns expressed by a number of members of the public in relation to the future occupiers of the accommodation. The applicant has explained that the expected occupiers of the development are weekday business visitors and weekend tourists. However in response to concerns a management plan was submitted by the applicant. The strategy confirms that there will be a premises management team to provide a concierge service, and their office is within the basement. The premises will be managed 24 hours a day with a 24 hour call-out system available. If nearby residents or guests have any complaints, they will be able to contact the site manager through visiting the management office during working hours, and when outside of such hours, guests or local residents can also contact the management team via the 24 hour call-out system. The Council's pollution control officer has reviewed this document and considers the measures to be acceptable. It is recommended that the measures outlined within the management plan are secured by condition.

ii. Comparison of Approved (06/05381/F) and Proposed Development

The approved development in 2007 represents a material consideration to the assessment of this planning application, and as such it is relevant to compare the previously approved development with the proposal.

Helpfully, on a number of the submitted plans the applicant has included the outline of the previously approved scheme. The differences between the schemes are including in the list below:

- Apart for a small section of the ground floor, the whole of the ground floor sits within the footprint of the previously approved development, as does the majority of the first floor of the proposal when compared to the approved development.

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- The second floor extends further to the south than the approved development, but only by a relatively small amount of approximately 4 metres, although a small balcony does extend by a further 1.5 metres (approximation).
- The third floor is larger than the comparative floor in the approved scheme in that it extends to the north by approximately 5 metres further than the approved.
- At fourth storey height, the proposal's elevational form largely sits within the footprint of the comparative development, being set back by approximately 7 metres when compared to the northern elevation of the approved scheme, although it must be stated that there is a 4 metre by 11 metre roof terrace at this level that was not present in the approved development.
- The southern elevation of the proposal is set back by approximately 1 metre when compared to the approved scheme.
- At fifth floor level, the proposed development is set back from the approved development's northern elevation by 1 metre, whereas the southern elevation extends further to the south by approximately 6 metres.

In terms of overall height, the ridges of the development proposed are taller than the approved development by approximately 1.5 metre to 2 metres, although it must be appreciated that the roof form of the proposed development has less of a mass due to it being broken up into two gable ends when compared to the previously approved plans. Overall, the proposed scheme is larger than the footprint of the approved development, but not by a significant amount. In assessing the proposal's impact on the residential amenity of the adjacent development, the following factors should be considered:

- The fact that a similar development in terms of footprint and overall size was permitted at this site in 2007 - 06/05381/F;
- The fact that the previously approved development was permitted with the adjacent developments in mind, albeit that Wapping Wharf was still at design/planning stage;
- The fact that the adjacent development at Wapping Wharf was designed with a development of a similar footprint at the site in mind; and
- The fact that the site falls within the city centre, where due to higher densities and tighter urban grains, relationships between buildings are often closer than for example in more suburban locations.

iii. Daylight

The applicant supported the application with a Daylight and Sunlight Assessment completed by SYNTEGRA Consulting. From reading the report it has been undertaken in accordance with BRE and British Standard guidelines, as is required for such assessments. This report was based on the originally submitted development. The proposal has materially changed since this assessment was undertaken, however given the proposal is not bigger than the original scheme, officers find the submitted Daylight and Sunlight Assessment to be acceptable to accurately reflect the proposal's impact on the nearby residents.

In terms of daylight, and as expected due to layout, the assessment reports that The Quays development to the west would not be impacted by the proposal. The report does however confirm that the proposal would impact on a number of flats within The Anchorage (referred to within the assessment as Wapping Wharf).

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Daylight is assessed using a number of measures, the first of these being Vertical Sky Component (VSC). This measures the amount of light available on the outside plane at the centre of a window, as a ratio (expressed as a percentage) of the amount of total unobstructed sky visible following the introduction of visible barriers such as buildings.

For measures/tests relating to daylight, there are BRE targets. The development has been assessed with these targets in mind, where a neighbouring window does not meet a BRE target; it is an indicator that the proposal would have an impact on the levels of daylight currently enjoyed. With regard to VSC, BRE guidance states that if VSC is both less than 27% and less than 0.8 times its former value as a result of development, occupants of the existing building will notice the reduction in the amount of skylight.

The submitted assessment demonstrates that 23 windows/glazed doors within Wapping Wharf will receive a relative VSC level of less than 0.8 the former value due to their location facing the proposed development. BRE guidance suggests that these residents will notice a reduction in the amount of skylight. These 23 windows all face the courtyard and equates to 6 ground floor flats, 4 first floor flats, and 3 second floor flats. The report demonstrates that 13 of these affected windows, equating to 9 flats, already experience a substandard VSC according to BRE guidance as the VSC is already less than 27%. The relevance of this, is that given the levels of daylight are already substandard in terms VSC, that actual impact on perceived daylight for residents would likely be minor. Nevertheless, 10 windows (equating to 7 flats: 2 at ground floor level, 3 at first floor level and 2 at second floor level) that currently experience BRE compliant VSC would suffer a noticeable reduction in the amount of skylight as a result of the development. According to the approved plans for the Anchorage and the submitted survey, the specific rooms affected would include primary rooms, in this case: kitchen/diner/lounge and bedrooms.

Given it has been indicated that 7 flats will notice a difference in levels of skylight of varying significance; other tests must be applied to understand the actual illuminance that occupants of these affected flats will experience. These include:

- No Sky Line (NSL). NSL tests how good the distribution of daylight is in a room, taking into account external obstructions and divide those areas of the working plane that can receive direct skylight and those that cannot. Where officers refer to NSL targets, BRE targets are being referred to.
- Average Daylight Factor (ADF). ADF is a measure of internal daylight and equates to the ratio of illuminance at a point on a given plane due to light received from a sky of known or assumed luminance distribution, to illuminance on a horizontal plane due to an unobstructed hemisphere of this sky. ADF is therefore a test as to the overall amount of daylight in a space. BRE does not issue guidance levels for ADF testing, rather British Standard and CIBSE targets are utilised, so throughout the remaining report, where ADF targets are discussed, officers are referring to British Standard.

Of the 7 flats to suffer a significantly noticeable difference in skylight, the affected rooms within 4 of the flats would meet the guides for NSL and ADF which would indicate that such rooms would achieve acceptable standards of internal daylight. Of 2 of the remaining impacted flats, the affected rooms would meet the ADF guide, but fail the NSL guide. The remaining flat would experience acceptable standards of internal daylight within the kitchen/dining/lounge (i.e. would meet both ADF and NSL targets), but not within the other two affected rooms which are both bedrooms; these rooms would however receive British Standard compliant ADF. The submitted assessment does however conclude

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that where flats meet the ADF targets, an acceptable standard of internal illuminance would remain within the impacted rooms. As such the rooms where the NSL target is failed, but the ADF target is met, are still likely to achieve acceptable levels of daylight.

Moving on from the discussed rooms/flats, the Daylight and Sunlight Assessment did state that 3 further rooms would fail to meet the NSL target. Of these rooms, 2 are at ground floor level and 1 is at first floor level, and all face the courtyard. These rooms were discussed above with regard to VSC, in that these rooms already experience a substandard VSC, meaning the actual impact of the development in terms of levels of skylight would be minimal on these flats. Turning back to NSL, 1 of the 3 rooms which fails to meet the NSL target meets the ADF target, so the actual illuminance within the room would be acceptable. 2 of the remaining rooms discussed would however fail to meet relevant ADF targets, but they already experience poor levels of ADF so it is unlikely that the development's impact would not make a significant difference to the illuminance of those rooms. Thus, the impact on the occupants would not be greatly noticeable.

Accordingly, it is clear that the development would impact negatively upon the levels of daylight currently experienced by the occupiers of the Anchorage. 7 flats that currently experience acceptable levels of daylight would notice a reduction in daylight levels, but further testing demonstrates all would still meet relevant ADF targets, which suggests the amount of daylight within the affected rooms would be acceptable. Of a lesser concern are the 9 flats that already experience substandard levels of daylight, of these flats only 2 would fail to meet internal daylight tests – ADF and NSL. Whilst this is concerning, the daylight assessment does suggest that the levels of daylight in these affected rooms is already poor, meaning the impact on daylight would not be greatly noticeable to residents.

With this in mind, it is clear that development would contribute to a number of windows/glazed doors within the Anchorage failing the relevant BRE criteria. For a number of these affected rooms, non-BRE compliant levels of daylight already exist so the proposal's impact would not be significant. The development nonetheless does impact negatively upon levels of daylight for a number of flats that currently do enjoy BRE compliant levels of daylight; in these cases it has been shown that these flats would nonetheless still achieve acceptable levels of internal daylight as set out by the British Standard. Officers have considered if the reduction in daylight levels is severe enough to constitute a reason to refuse this development. However, the following factors dissuades officers from doing so: the Anchorage was planned and designed with a development at the adjacent site in mind; the proposal is not dissimilar to a previous consent at the site which was permitted with the a development at Wapping Wharf (the Anchorage) in mind; a number of the affected flats already experience substandard levels of daylight according to BRE guidance; the city centre context of the development; and finally the majority of the rooms affected would still achieve acceptable levels of internal daylight with regards to the British Standard. Officers therefore recommend that the development is not resisted with regard to the development's impact on levels of daylight.

iv. Sunlight and Overshadowing

The submitted Daylight and Sunlight Assessment completed by SYNTEGRA Consulting also assesses the development impact with regard to sunlight and overshadowing.

Firstly, the difference between daylight and sunlight should be made clear. Ambient daylight is the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between dawn and dusk. Daylight from an overcast sky is generally the same no

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matter how the building is orientated. Sunlight on the other hand refers to direct sunshine and is very much brighter than ambient daylight.

Turning to sunlight, the report demonstrates that two surfaces/windows in the Anchorage will be adversely impacted by the development. However, the report demonstrates that the impacted rooms Annual Probable Sunlight Hours (ASPH) will be close to the BRE target, although will not meet the target. For information, ASPH forecasts the sunlight available throughout the year for the main window of each habitable room. The report therefore concludes that the actual impact on sunlight would be minimal.

The courtyard within the Anchorage development closest to the site will experience a noticeable loss of sunlight as in accordance with BRE guidance, at least half of the amenity area will not receive direct sunlight on the 21st of March. This is an indicator of a noticeable loss of direct sunlight. However, the report concludes that the aforementioned area within the Anchorage would receive BRE compliant levels of sunlight in the month of June, which according to the report is the month when residents are most likely to use the amenity area. The report indicates a similar impact to the affected amenity areas within The Quays development, finding there would be a noticeable impact on sunlight, but in June levels of sunlight would be BRE compliant. The site represents a gap site, and as the previous planning permission at the site confirms, it has always been expected that development would come forward on this site. The proposal's position, massing, layout, scale and height is fairly in keeping with the existing urban layout of The Quays, and the masterplanning for the adjacent Wapping Wharf development took into account the future development of this site. Further to this, the building's scale, form, height and massing are not that dissimilar to the previously approved development. Hence it is not surprising that the development would overshadow the courtyard of the Anchorage or the amenity area of The Quays, and degrees of overshadowing are fairly common in city centre locations where there is a tight urban grain and higher densities. With this in mind, whilst the proposal will impact the adjacent sites through overshadowing, its impact is not considered to be so severe or out of character that the development should be resisted.

Overall, the report submitted sufficiently demonstrates the proposal's impact on the neighbouring developments with regard to levels of sunlight and overshadowing. Officers have reviewed the report and find its conclusions and assessments to be acceptable, and conclude that the development's impact with regard to levels of sunlight and overshadowing are acceptable.

v. Outlook / Views / Overbearing

Officers note many comments from residents in relation to views. A loss of a person's view from a property is not a planning consideration, but the impact of built form in obstructing outlook is.

The distance between the eastern elevation of the proposal and the courtyard elevation of the Anchorage ranges between approximately 12.4 and 14.2 metres. The development would therefore reduce the outlook of the residents within the Anchorage who gain outlook from these windows across the existing vacant site. However, views toward the Floating Harbour would still be achieved for the majority of these occupiers, and views toward Cumberland Road would also be achievable from a number of these flats as well. Similarly, the development would not prevent views to the Floating Harbour from the southern wing of the Anchorage. It is a fair assessment to conclude that the outlook from the Anchorage would be reduced as a result of this development, but the standard of outlook achieved would still be acceptable for this city centre context. Especially when considering that the Anchorage was planned with the expectation that this site would be developed in a manner similar to

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this proposal. It is also considered that the resultant outlook within the courtyard facing flats is still likely to be better than what is offered within the other courtyard section of the Wapping Wharf (known as Plot A Courtyard on approved plans relating to ref. 12/04517/M).

The development would allow a 45 degree uninterrupted angle of view from both the northern and southern elevations of The Quays, meaning the development would not harm the outlook enjoyed by these residents.

As has been discussed, the development would not give rise to a situation when residents of either the Anchorage or the Quays would suffer from an oppressive built form. This is because the development would still allow for views out from the respective windows/balconies of something other than built form.

Overall, the development would not result an unacceptable standard of outlook for the residents of the Anchorage or The Quays, and it is also considered that the development would not give rise to an overbearing/oppressive impact.

vi. Privacy and Overlooking

A number of members of the public have expressed concerns as to the proposal's impact on the privacy of the flats within the Anchorage.

The development's east elevation does not include any windows preventing potential for overlooking. The southern elevation does include a number of windows and balconies as would be expected of such an elevation. Officers have considered if these openings could give rise to a loss of privacy for Anchorage residents, mainly in relation to the southern wing of this development closest to the site. Within this wing of the Anchorage there are windows running vertically at either end. The closest proposed balconies are approximately 9.7 metres from the vertical line of windows within the Anchorage. In order to prevent overlooking from persons looking toward the development within these balconies, a condition is recommended to ensure a schedule of screens are submitted and secured. There are also south facing windows that are within approximately 13.7metres from west-facing windows within the Anchorage, however due to the angle of these views a material loss of privacy would not result to occupiers of either the Anchorage or the proposed development.

The principal elevation of the development has windows within approximately 15 to 16 metres from the closest windows within the Anchorage (northern protruding wing). The affected windows within the Anchorage are slim windows and given the wing is at an angle to the proposal's front elevation, any lines of sight would be at such an angle material losses of privacy would not occur. The development's building line is angled away from that of the Quay's to allow adequate outlook. Windows within this elevation would give an angle of view into the private amenity spaces associated with the Quays, and would overlook a communal landscaped area associated with the Quays. This is not considered to be a reason to resist the development given the area is already in the public realm being visible from Museum Street.

At fourth floor level there is a roof terrace and a larger green roof area. Firstly, a condition is recommended to ensure that green roof is never used as a roof terrace or similar amenity area in order to safeguard the amenity of both adjacent neighbours. A 1.8 metre screen will be secured by condition on the eastern side of the terrace/balcony to prevent views into the balconies and windows within the adjacent Anchorage. The roof terrace does however cause concern as to its relationship with the fifth floor roof terraces/windows of the Anchorage. The proposed roof terrace is at a lower

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height than the comparable fifth floor within the Anchorage meaning the risk of overlooking or a loss of privacy would be reduced, especially when considering the angle of views expected. However, there is only approximately 12 between the Anchorage and the proposed roof terrace. Taking the city centre context into account, the likely angle of views and the height difference, it is considered that the roof terrace is acceptable in terms of its relationship with the Anchorage.

i. Summary

In summary the development will have an impact on the adjacent neighbours, as has been acknowledged within this report. Given the existence of the previous permission at the site; the fact that the Anchorage was planned with a development on this site in mind; and the city centre context of the development, officers are of the opinion that subject to conditions, the development's impact are acceptable with regard to the residential amenity of nearby residents, as well as the future occupiers of the development proposed.

(D) Land Stability

After requests the applicant submitted a Feasibility Report undertaken by Craddys in relation to the proposal and land stability, this was in addition to a land contamination assessment undertaken by CJ Associates. The report was requested in order to consider if the development met the requirements of policy DM37, which states the following:

On sites where there is reason to suspect unstable land and the risk of instability has the potential to materially affect either the proposed development or neighbouring uses/ occupiers, development will only be permitted where:

- i. A desk-based study of available records has been carried out to assess the previous uses of the site and their potential for instability in relation to the proposed development; and*
- ii. Where the study establishes that instability is likely but does not provide sufficient information to establish its precise extent or nature, site investigation and risk assessment are carried out to determine the standard of remediation required to make the site suitable for its intended use.*

Where remediation measures are necessary, conditions or obligations may be applied to ensure that the development does not take place until appropriate works are completed.

Given the nature of the technical assessment required, engineering geologists from Arup were instructed by the Council to review the submission together with the reports submitted in order to understand the development's impact on land stability and compliance with policy DM37.

The Arup assessment states that the submitted reports made appropriate consideration of the adjacent structures, and that the suggested construction method utilising an embedded pile wall for the basement is appropriate. Further to this, the report states that the proposed sequencing of works is appropriate based on the information provided, and that the proposed foundation and slab options appear to be acceptable given the expected ground conditions, caveating that further investigation of the ground and investigation of the nature, position and depth of adjacent structures and sub-structures is required. This leads Arup to confirm that the submitted details meets the needs of point i

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of policy DM37 as the details provided acceptably mitigate risk to land stability, provided sufficient investigation is carried out to allow suitable design.

Arup go onto confirm that the development would meet point ii of the DM37 provided site investigation and risk assessment is submitted to suitably understand the standard of remediation required as there is a potential for land instability. Arup make 5 recommendations to ensure damage to adjacent retaining structures and basements is avoided, and confirms that these recommendations can be managed appropriately using pre-commencement conditions, officers agree with this conclusion. For information, the conditions will ensure the following is undertaken:

1. A coal mining report is obtained from the Coal Authority.
2. A ground investigation at the site to inform the development of the ground model and to aid in the preparation of suitable design options.
3. A temporary works assessment, ensuring that adjacent structures and infrastructure are not damaged during construction activities; for example, from the applied load of a piling rig, or from vibration induced damage which may be exacerbated by buried obstructions relating to former building foundations or slabs.
4. A pre and post works condition survey of all retaining structures in question and the adjacent basements, in order to demonstrate that they have not been damaged as part of the construction works. This could include a visual assessment, photographic record, and surveyed targets attached to the walls, amongst other measures.
5. An assessment that in the permanent condition, the level 00 transfer slab acts as a prop to each of the retaining walls to ensure the piled wall can be considered as propped as opposed to cantilevered.

It should be noted that the Coal Authority were not notified of this application originally as the site is not within a High Risk Area, however they have been notified of the structural issues raised by the Arup report. Nevertheless, Arup's comments confirm that subject to the measures discussed, it can be ensured that the development would not result in a harmful impact the stability of land and nearby structures.

Accordingly, subject to conditions, the development is acceptable with regard to policy DM37.

(E) Transport and Highway Safety

Transport Development Management (referred to hereafter as 'TDM') has had extensive involvement in this application as can be seen from their comments on the case file. In terms of transportation considerations and highway safety, the proposal has a single point of access for cars that leads to the basement car park, and separate to this access, there is a pedestrian and cycle access leading to the main access to the building where there is a cycle store adjacent to the access. TDM have confirmed in their latest comments that the development is acceptable in highway safety terms, the remaining paragraphs in this section will explain this further.

i. Trip Generation

The site is in a sustainable location being within walking distance of a number of local amenities and facilities. TDM have raised no issue with the expected trip rate generated from this development as it is considered that the existing highway network is capable of supporting this. Officers do note that TDM have raised concerns that TRICS survey data has not been provided, but in itself this is not a

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Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

reason to resist the development as the trip rate suggested by the applicant seems reasonable for the development proposed.

ii. Access

The development originally had two accesses for vehicles which led to objection from TDM due to inadequate visibility splay. The proposal has revised access arrangements with only one point of access for motorised vehicles from Cumberland Road. This provides vehicular access to the basement car parking; there is then a further access for pedestrians and cyclists. TDM have confirmed that the access to the basement car parking has acceptable visibility, and as such is not expected to result in highway safety concerns.

iii. Car Parking

In accordance with policy DM23, policy BCAP29 requires new development to accord with the maximum car parking standard set out within Appendix 2 of the Site Allocations and Development Management Policies document. Importantly, policy BCAP29 states that a significantly lower level of car parking provision will be expected where appropriate. Appendix 2's maximum standard requires one space per bedroom including a minimum of one disabled space. The maximum standard would therefore be 19. The proposal includes 8 car parking spaces within the basement, one of which is a disabled parking space. This amount complies with the maximum standard included within Appendix 2, and is also compliant with policy BCAP29 as the due the site's location being within a sustainable area of the city centre, a significantly lower provision than 19 is appropriate. Officers are aware that applicant has suggested that an agreement with NCP is likely to be sought to allow car parking within NCP's Prince Street car park. TDM questioned this suggesting that off-site NCP parking should be allocated to some of the units, rather than others. However, as stated, the policy for the city centre allows for a significantly lower provision in sustainable locations such as this, and given Cumberland Road has double yellow lines, it is unlikely that on-street illegal parking would occur as a result of this development.

Officers note that members of the public have questioned the layout of the basement. TDM have raised no issue with its layout, and confirm it useable.

The proposed car parking is acceptable.

iv. Cycle Parking

TDM have confirmed that the cycle store within the yard on the Cumberland Road side is suitably safe and secure, and also provides sufficient cycle spaces (18) in excess of what Appendix 2 requires.

v. Refuse Collection

It is proposed that a refuse vehicle would stop on the highway to collect from kerbside, in the same manner as the majority of the properties on Cumberland Road are serviced. It would be preferable that refuse vehicles did not stop on the highway, however in this circumstance this is not possible without resulting further highway safety issues relating to such a vehicle not entering or leaving the site in a forward gear. Whilst, the proposed refuse collection arrangements may obstruct the free flow of vehicle movements, it is the same method as the majority of the properties in Cumberland Road,

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and any obstruction would be short-term in nature. Accordingly, it would be unreasonable to resist the proposed refuse collection method. Conditions are recommended to ensure collection methods.

vi. Safeguarded Transportation Routes

Cumberland Road is part of the MetroBus route, route m2 – Long Ashton Park and Ride to city centre. The proposal would not prejudice this route in terms of highway safety or any other transportation consideration as TDM have confirmed, the proposal therefore accords with policy BCAP27.

vii. Travel Plan

All C1 uses are required to be supported by a Travel Plan or Travel Plan Statement in order to encourage more sustainable modes of transport. Given the scale and size of the development, a Travel Plan Statement is sufficient and a condition is recommended to secure this. No monitoring fee is required.

viii. Highway Land Stability

The Council's Bridges and Highway Structures Team have reviewed the submitted structural reports and the comments from Arup. They have concluded that an Assessment in Principle (AiP) is required in order independently check the design parameters for the highway structures, and given the extent of the works required for the basement and the importance of Cumberland Road as a transport route, officers find that an AiP should be secured by using a pre-commencement condition. The recommended condition is included below (*italicised*). A bond will also be needed to affectively insure that if the works harm the highway, the Council can recoup the costs of putting it right. This bond will be secured via section 278 agreement pursuant to the Highway Act 1980, this agreement can be secured separate to this planning decision.

Structure Adjacent To/Within 6m of the Highway

No development shall take place until an Approval In Principle (AiP) Structural Report setting out how any structures within 6 metres of the edge of the adopted highway (and outside of this limit where the failure of any structures would affect the safety of road users) will be constructed, excavated, assessed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority. For further information on how the AiP Structural Report should be set out and fees required contact the Highway Authority's Bridges and Highway Structures Team by emailing bridges.highways@bristol.gov.uk

N.B. The Highway Authority's technical approval fees as determined by the proposed category of structure to be assessed must be paid before the AiP Structural Report is considered and approved and formal technical approval must be obtained prior to any works being permitted.

ix. Summary

TDM have reviewed the development and have no objection to it on highway safety or other transport-related grounds. Officers agree with such advice, and find the development to be acceptable with regard to transportation subject to the conditions discussed within this section.

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Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

(F) Sustainability and Drainage

The submitted sustainability statement demonstrates that by utilising photovoltaic panels the proposal will achieve a 20% saving on residual carbon dioxide emissions, meaning the target within policy BCS14 is met, a condition is recommended to ensure installation.

Development's design must ensure they suitably mitigate expected impacts of climate change in order accord with BCS13. One such impact is overheating. The applicant has provided an overheating analysis in accordance with relevant guidance, demonstrating that the proposal is likely to meet the requirements set out in guidance. A number of recommendations are made and the Council's sustainability officer has recommended a condition that will require the development to be constructed in accordance with the submitted report in order to ensure overheating is avoided in the development.

The floor area of the development is in excess of 1,000 sq.m meaning in order to accord with BCAP 20 the development will need to achieve BREEAM 'Excellent'. This can be ensured through suitably worded condition.

The development includes a green roof which is a positive element of the development meeting a requirement of policy BCAP25. A condition is recommended to require further details of the green roof to ensure biodiversity benefits.

The proposal includes a SuDS scheme that seeks to discharge through a discharge control chamber into the harbour. The Flood Risk Manager has commented stating no objection to this method subject to a condition requiring further details and the Harbour Master agreeing to this method of drainage. The Harbour Master has raised concerns that if the drainage outlet was above water level, a mooring would be lost and compensation would be needed. The drainage outfall will be below water level in order to avoid this, the Harbour Master has confirmed no objection this arrangement, provided measures are in place to ensure the water discharged from the site is not contaminated by oils etc. a condition is recommended to ensure this. The Harbour Master has also recommended an advisory note regarding compensation payment(s) during construction for disrupted moorings, the advisory note will be appended to the decision notice.

Given the outlet for the SuDS scheme would affect the built fabric of a grade II listed structure Floating Harbour, listed building consent would be required for this intervention. As has occurred with similar methods of drainage in the area, listed building consent would need to be sought by the applicant separate to this planning application. A condition preventing development until details all relevant consents/permissions are obtained is recommended.

The Docks Estate Manager has also confirmed that the installation of the drainage system would require approval from Bristol City Council Docks Estate, an advice note will be appended to the decision notice to this effect in the event of planning approval.

Overall, the development is acceptable with regard to sustainability policy subject to the conditions discussed.

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Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

(G) Contamination

The Council's Contaminated Land Officer has commented on the proposal along with the Desk Study submitted CJ Associates. The officer found that subject to conditions the development is likely to be acceptable in terms of contamination. Such conditions are recommended.

(H) Air Quality

Issues of air quality were considered by the Air Quality Team who did not raise any issues with the development in terms of air quality apart from to advise that a construction environmental management plan is secured by condition with regard to dust mitigation. As well as this, assessment/mitigation measures regarding the on-site communal boiler will be required by condition.

(I) Nature Conservation

The site currently forms a clear site, and the Council's nature conservation officer has not objected to the development, rather conditions have been suggested with regard to nesting/roosting opportunities. The officer also recommended a Japanese Knotweed survey, a condition is recommended and shall also include measures for removal. Further to this, a living roof has been incorporated in line with the officer recommendation and policies DM29 and BCAP25, as discussed above a condition is recommended to ensure the biodiversity value of the roof. An advisory note has been recommended with regard nesting birds given there is a small amount of shrub on site, this will be included.

Overall, the development has an acceptable impact with regard to nature conservation.

(J) Planning Balance

The application represents the effective use of a vacant and cleared site that currently contributes no benefits to the community and wider Bristol. It is recognised that given the complex nature of the site and the constraining urban grain within which the site is located, there are a small number of negative elements to this scheme, and as such the decision needs to be made on the basis of the planning balance.

Offices consider these negative elements to constitute limited weight against approving the development. Officers are also aware of the concerns from residents, and Cllr Smith, regarding the proposal's land use; design quality; impact on the Conservation Area and impact on residents.

However, as the report has demonstrated, officers would advise that these issues should not attract significant weight against the approval of this development.

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In the context of the planning balance, members should consider the benefits this scheme represents. As the report demonstrates, the proposal includes a number of benefits all of which should attract weight in favour of approving the development. Specifically, this application is an opportunity to redevelop an existing vacant and cleared site that currently represents an unattractive overgrown gap in an important part of the city centre and Conservation Area. The proposal is considered to represent a high quality of design appropriate for the Conservation Area, and the proposed use as serviced apartments would provide tourists with location to stay in close proximity to some of the city's most popular tourist attractions, as well as provide accommodation for people visiting the city due to business interests further supporting the local economy.

On balance, whilst officers recognise the concerns of residents and Cllr Smith, it is considered that the benefits of the scheme are significant and far outweigh any harm the development represents. On this basis, officers are recommending that permission be granted, subject to relevant conditions.

(K) Recommended Conditions

It is recommended that in the case members resolve to permit this development, the conditions listed within this section are imposed. The following list is not exhaustive and delegated authority is sought to prepare the draft conditions in consultation with the applicant in line with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

Recommended conditions:

i. Procedure

- Requirement to commence development within 3 years of the date of decision.
- Requirement for the development to be carried and to accord with all approved plans/documents.

ii. Urban Design / Residential Amenity

- Requirement to submit and secure details of elevations and sections for the building.
- Requirement to submit and secure details of external materials to be used in the development.
- Requirement to submit and secure details of landscaping and future maintenance.
- Compliance condition to ensure the green/brown roof is never used as an amenity area e.g. roof terrace or roof garden.
- Requirement to submit and secure a schedule of 1.8 metre balcony screens: Units 1, 4, 7, 10, 13.
- Requirement of erection of a 1.8 metre screen at the eastern side of the fourth floor balcony/roof terrace.
- Compliance condition to ensure the development operates in accordance with submitted Management Plan.

iii. Transport / Highway Safety

- Requirement to submit and secure approval regarding a refuse management plan

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Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

- Requirement to submit and secure a Travel Plan Statement.
- Implementation and retention of cycle parking as depicted on approved plans.
- Implementation and retention of refuse storage as depicted on approved plans.
- Implementation and retention of car parking as depicted on approved plans.
- Completion of accesses as depicted on approved plans.
- Requirement to submit and secure details of an Assessment in Principle in relation to the development's impact on the stability of the highway.
- Requirement to submit and secure a Construction Management Plan.

iv. Land Stability

- Requirement to submit and secure details of the following:
 - A coal mining report is obtained from the Coal Authority.
 - A ground investigation at the site to inform the development of the ground model and to aid in the preparation of suitable design options.
 - A temporary works assessment, ensuring that adjacent structures and infrastructure are not damaged during construction activities; for example, from the applied load of a piling rig, or from vibration induced damage which may be exacerbated by buried obstructions relating to former building foundations or slabs.
 - A pre and post works condition survey of all retaining structures in question and the adjacent basements, in order to demonstrate that they have not been damaged as part of the construction works. This could include a visual assessment, photographic record, and surveyed targets attached to the walls, amongst other measures.
 - An assessment that in the permanent condition, the level 00 transfer slab acts as a prop to each of the retaining walls to ensure the piled wall can be considered as propped as opposed to cantilevered.

v. Sustainability and Drainage

- Installation of renewable energy technologies in accordance with approved plans/reports.
- Construction of the approved building in accordance with approved plans and statement in order ensure measures to prevent overheating in the development.
- Requirement for the development to meet BREEAM 'Excellent' standards.
- Details of SuDS and discharge into the Harbour.
- Requirement to submit and secure measures to ensure any surface water discharged into the Floating Harbour is free from contamination.
- Requirement to submit and secure details of SuDS and discharge to the Floating Harbour including assurance that the drainage outlet will be below water level.
- Requirement for all relevant consents relating to the drainage works (e.g. listed building consent and permission from the Harbour Master) to be obtained and demonstrated to the Local Planning Authority prior to the commencement of development.

vi. Nature Conservation

- Requirement to submit and secure details of a green/brown roof.
- Requirement to submit a Japanese Knotweed survey and removal measures if required.

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Application No. 17/05149/F: Land Adjacent To The Quays Cumberland Road Bristol

- Requirement to submit and secure details of bat and bird roosting/nesting opportunities.

vii. *Environment and Air Quality*

- Requirement to submit and secure mitigation measures in relation to the emissions from the communal gas boiler. The information shall include specification as to the installation of a low NOx Gas boiler (<40mgNOx/kWh) with the stack release point for the boiler at a location and height that provides adequate dispersion. Details should be provided showing the proposed stack release point for approval.
- Requirement to submit and secure a construction environmental management plan.

viii. Land Contamination

- Requirement to submit and secure details of further surveys to characterise contamination on site.
- Requirement to submit and secure details of a remediation strategy if required, along with its implementation and future verification.
- Requirement to submit and secure remediation and verification relating to any unexpected contamination found at any stage of development.

CONCLUSION

It is recommended that planning permission is granted subject to relevant conditions. As discussed in Key Issue K, delegated authority is sought to prepare the draft conditions in consultation with the applicant, although it is expected for these conditions to be in line with those discussed in Key Issue K.

RECOMMENDED Grant subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY

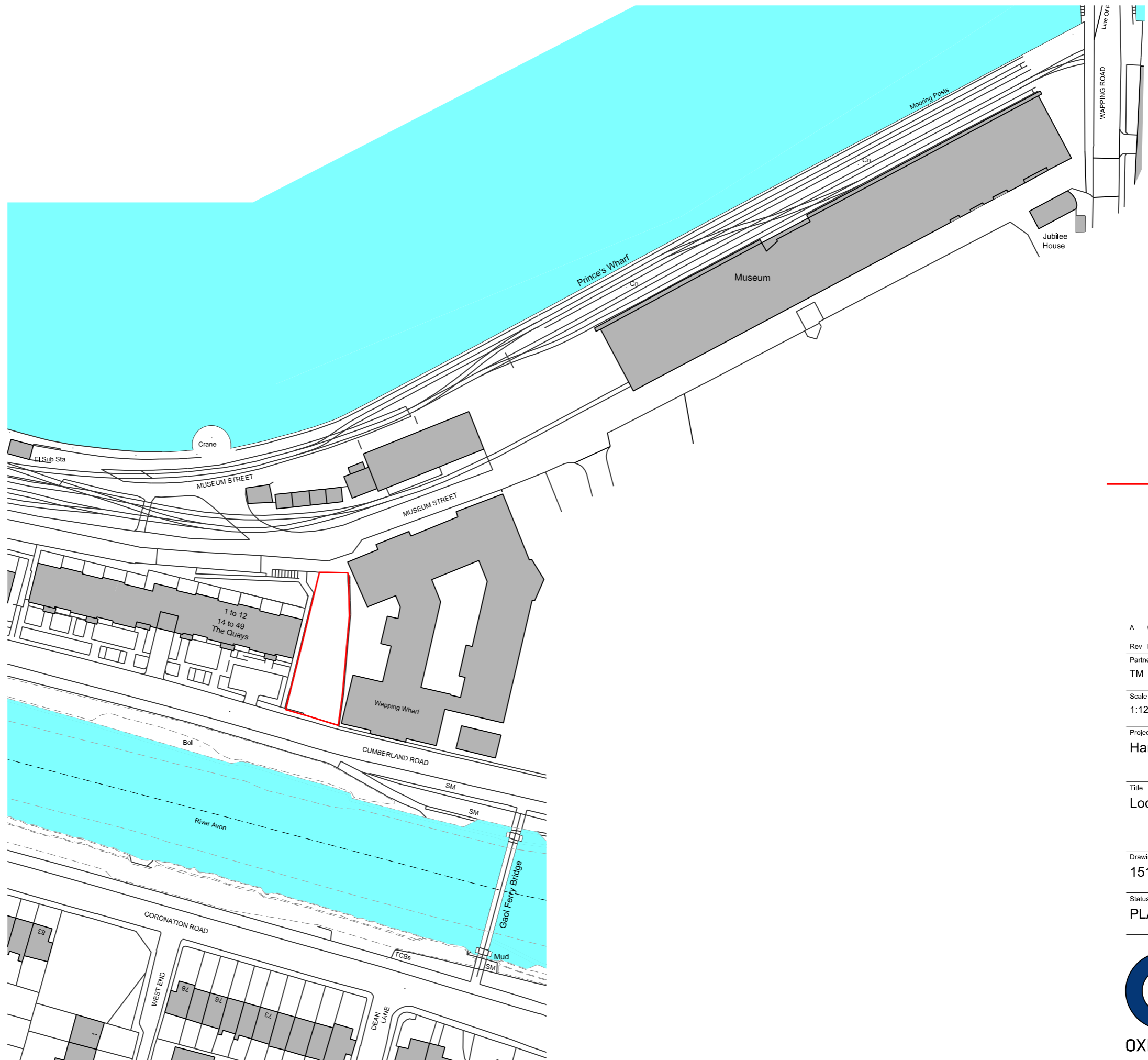
How much Community Infrastructure Levy (CIL) will this development be required to pay?

The amount of CIL required to be paid will be confirmed within the amendment sheet prior to committee.

Supporting Documents

1. Land Adjacent To The Quays, Cumberland Road

1. Location plan
2. Block plan
3. Proposed East elevation
4. Proposed North elevation
5. Proposed West elevation
6. Proposed South elevation
7. Proposed landscape plan



— Site Boundary

Rev	Date	Revision
Partner	Drawn	Date
TM	SEJ	24/04/17

Scale
1:1250 @ A3

Project
Harbourside, Bristol

Title
Location Plan

Drawing No
15155_101

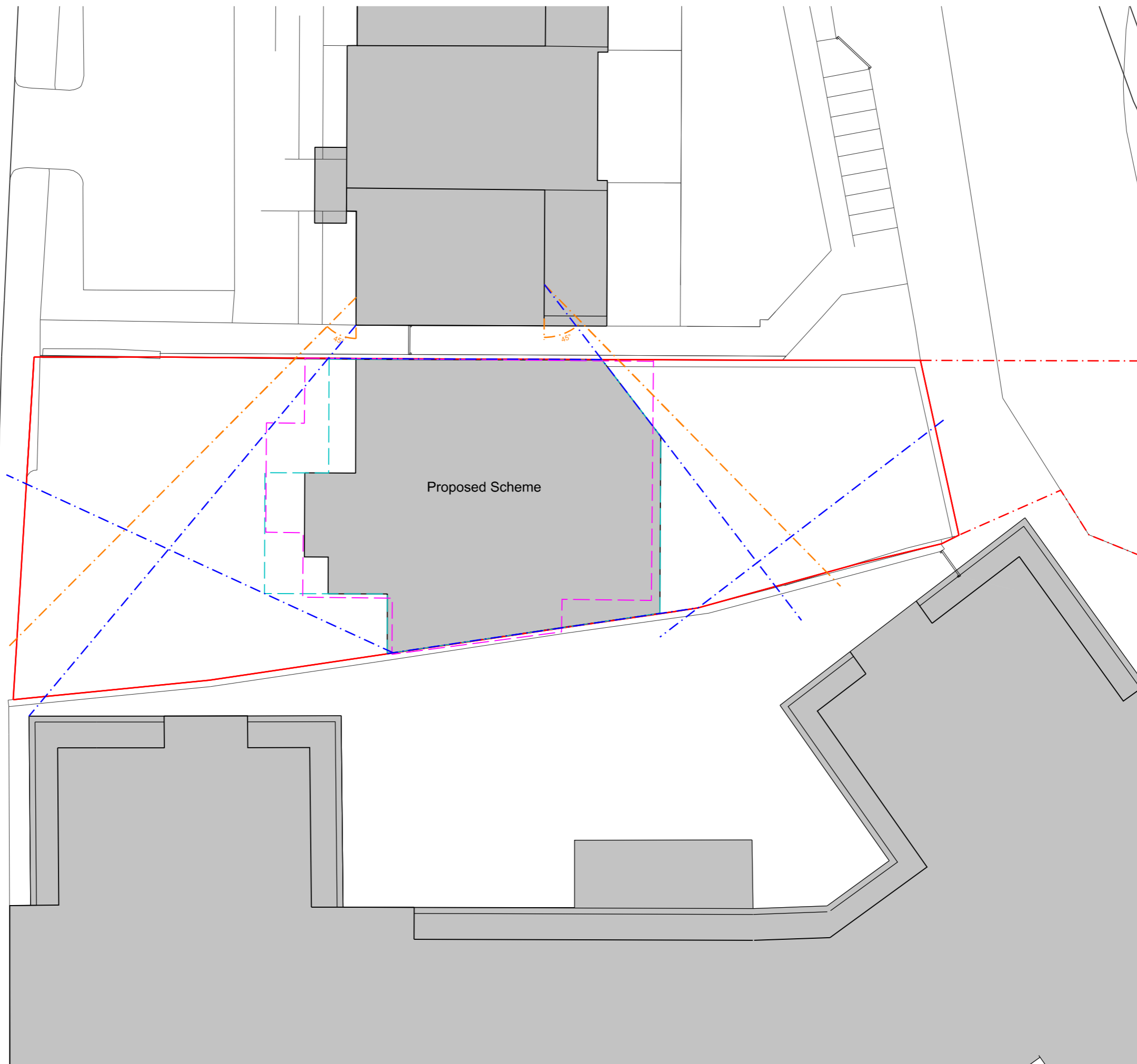
Status	Revision
PLANNING	A



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DRAWING KEY

- Buildings
- Site Boundary
- Access Boundary from Adopted Road
- Generating lines illustrate the contextual influences on the development
- SPD Lines make reference to Bristol City Council's Supplementary Planning Document 2
- Generating line established with local residents at public consultation
- Footprint for initial submission under planning application no. 17-05149-F
- Footprint for Quentin Alder planning submission under application no. 06_05381_F

Rev	Date	Revision
C	28.03.18	Quentin Alder's design footprint added
B	13.03.18	Building footprint changed
A	27.07.17	Public consultation generating line added.
Partner	Drawn	Date
TM	SEJ	03.05.2017

Scale
1:200 @ A3

Project
Harbourside, Bristol

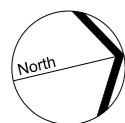
Title
Proposed Site Block Plan

Drawing No
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Status	Revision
PLANNING	C

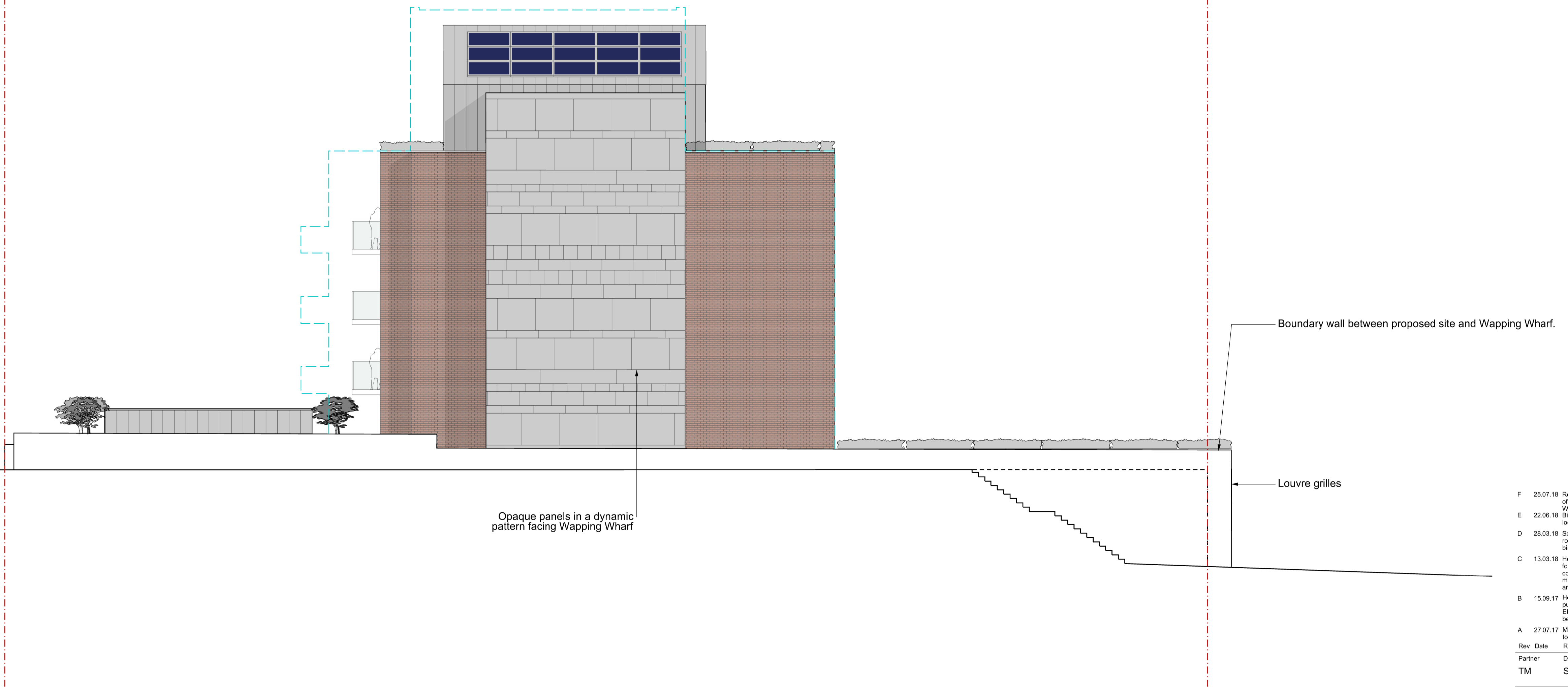


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- DRAWING KEY**
- Site Boundary
 - Brick
 - Metal Standing Seam
 - Opaque Panel Cladding
 - Original building line for initial submission under planning application no. 17-05149-F
 - Solar PV Panels

Roof Apex	31,000
05 Finished Floor Level	27,300
Parapet Level	25,850
04 Finished Floor Level	24,750
03 Finished Floor Level	22,000
02 Finished Floor Level	19,250
01 Finished Floor Level	16,500
00 Finished Floor Level	13,750
Basement Finished Floor Level	11,050



Opaque panels in a dynamic pattern facing Wapping Wharf

Boundary wall between proposed site and Wapping Wharf.

Louvre grilles

- F 25.07.18 Reduction in no. PV in result of yield calculation by 1 World Solar
- E 22.06.18 Bin store and utility room location changed
- D 28.03.18 Solar PV panels added to roof, roof height changed, bin store door added
- C 13.03.18 Height and massing reduced following Planner's comments. Elevation material revised to be brick and glass panels.
- B 15.09.17 Height reduced following public consultation. Elevation material revised to be opaque panels.
- A 27.07.17 Massing revised in response to public consultation

Rev	Date	Revision
TM	SEJ / ML	03.05.2017

Scale
1:100@ A1 & 1:200@ A3

Project
Harbourside, Bristol

Title
Proposed East Elevation

Drawing No
15155_121

Status
PLANNING



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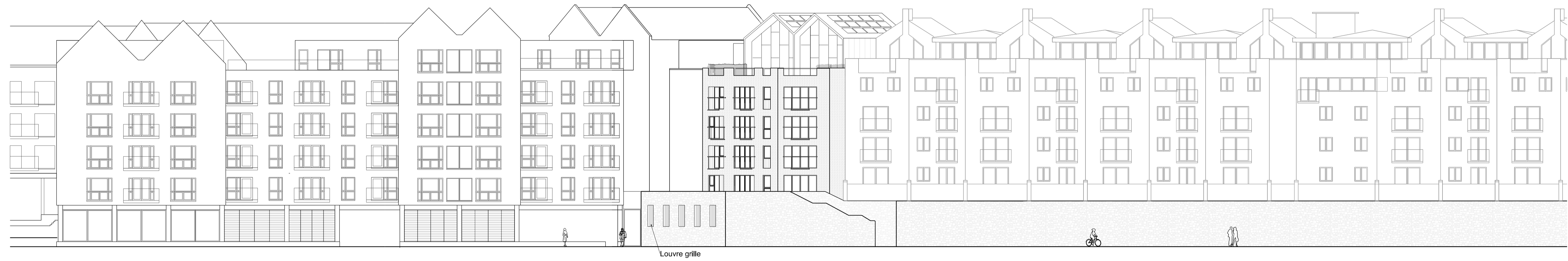
0 5m

Building Elevation - North



- DRAWING KEY**
- Site Boundary
 - Brick
 - Metal Standing Seam
 - Opaque Panel Cladding
 - Timber Panel Cladding
 - Original roof line for initial submission under planning application no. 17-05149-F

Site Elevation - North



- F 25.07.18 Louvre grille design adjusted to suit planning officer's comment. no. pv panels reduced in the result of PV yield calculation by 1 World Solar.
 - E 22.06.18 Louvre grille slightly adjusted to suit basement layout
 - D 28.03.18 Solar panels to roof added, roof shape amended to symmetrical, Louvre changed to match Wapping Wharf's
 - C 13.03.18 Height reduced and fenestration changed. Louvre grille added.
 - B 15.09.17 Height reduced following public consultation
 - A 27.07.17 Massing revised in response to public consultation
- | Rev | Date | Revision |
|-----|----------|----------|
| TM | SEJ / ML | 03.05.17 |

Scale
 1:100@ A1 & 1:200@ A3
 1:250@ A1 & 1:500@ A3

Project
Harbourside, Bristol

Title
Proposed North Elevation

Drawing No
15155_120

Status Revision
PLANNING **F**



DRAWING KEY

- Site Boundary
- Brick
- Metal Standing Seam
- Translucent Panel Cladding
- Timber Panel Cladding
- Original building line for initial submission under planning application no. 17-05149-F
- Solar PV Panels



- F 25.07.18 Reduction in no. PV in result of yield calculation by 1 World Solar.
- E 22.06.18 Bin store, cycle store and utilities room location changed, soft landscaping added.
- D 28.03.18 Solar PV panel added to roof, roof height reduced
- C 13.03.18 Height and massing reduced, elevation materials and fenestration revised, following planner's comments
- B 15.09.17 Height reduced following public consultation
- A 27.07.17 Massing revised in response to public consultation

Rev	Date	Revision
TM	SEJ / ML	xx/xx/xx

Scale
1:100 @ A1 & 1:200 @ A3

Project
Harbourside, Bristol

Title
Proposed West Elevation

Drawing No
15155_123

Status
PLANNING



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Building Elevation - South



DRAWING KEY

- Site Boundary
- Dark colour brick
- Light colour brick
- Metal Standing Seam
- Translucent Panel Cladding
- Timber Panel Cladding
- Original building line for initial submission under planning application no. 17-05149-F

Site Elevation - South



Rev	Date	Revision
F	26.09.18	Perimeter boundary amended to include for stone wall and piers.
E	22.06.18	Access arrangement changed to suit planning officer's comments.
D	28.03.18	Glazing panels adjusted, roof height reduced and shaped symmetrical.
C	13.03.18	Height and massing reduced, elevation materials revised following Planner's comments.
B	15.09.17	Height reduced following public consultation.
A	27.07.17	Massing revised in response to public consultation.

Partner	Drawn	Date
TM	SEJ / ML	03.05.17

Scale
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 1:250@ A1 & 1:500@ A3

Project
Harbourside, Bristol

Title
Proposed South Elevation

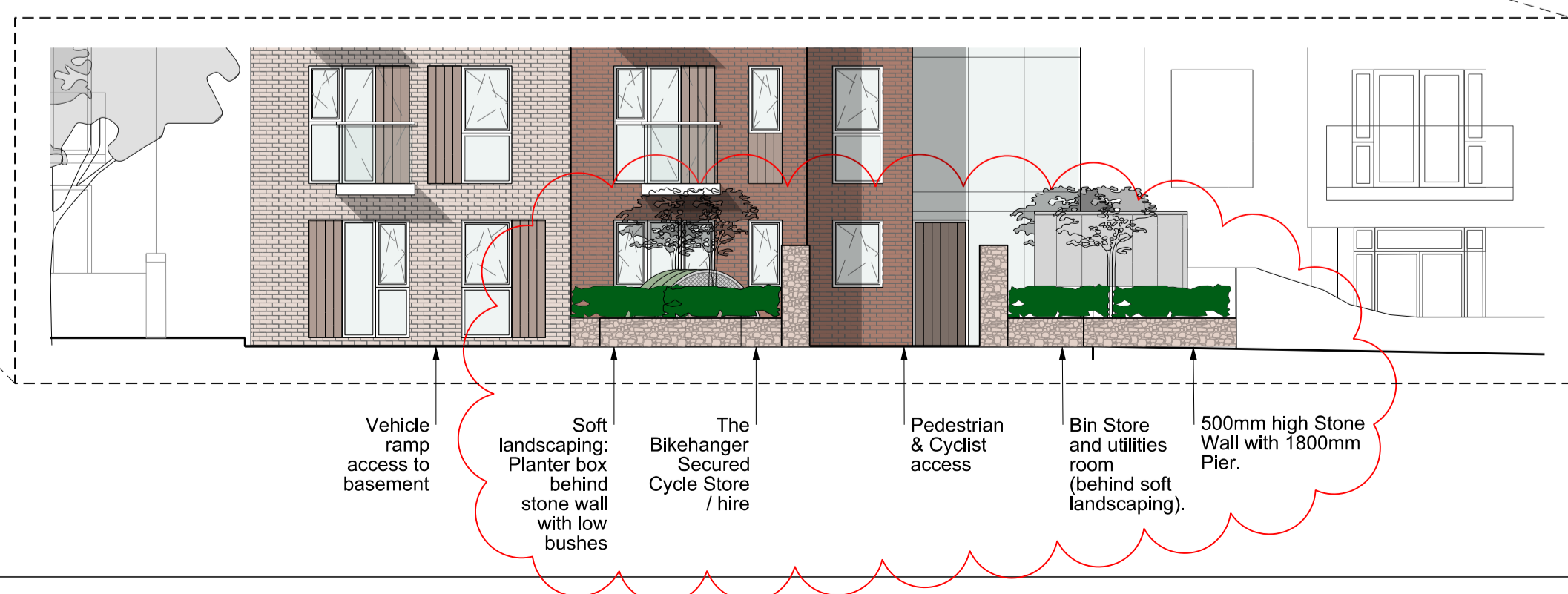
Drawing No
15155_122

Status
PLANNING



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Detail view of scheme as seen from Cumberland Road.



CUMBERLAND ROAD



DRAWING KEY

- Site Boundary
- |- Access Boundary from Adopted Road
- Footprint for initial submission under planning application no. 17-05149-F
- Footprint for Quentin Alder planning submission under application no. 06_05381_F
- Visual Splay of a car crossing footway 2.4m x 2.4m
- Visual splay of a car entering road 2.4m x 43m

H	26.09.18	Boundary wall with stone piers added to pavement edge. Vision splay towards The Quays rotated to align with road edge.
G	22.06.18	Changed to one vehicle access point
F	18.05.18	Issue to planning officer
E	16.05.18	Plan adjusted to suit consultee's comments
D	28.03.18	Wapping Wharf plan overlaid, vehicle turning diagram omitted.
C	13.03.18	New ramp access to basement, GF Plan changed to suit.
B	27.07.17	Massing revised in response to public consultation
A	03.05.17	Realignment of section cut lines
Rev	Date	Revision
Partner	Drawn	Date
TM	SEJ / ML	06.04.2017

Scale
1:200 @ A3

Project
Harbourside, Bristol

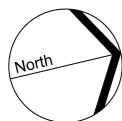
Title
Proposed Landscape Plan

Drawing No
15155_111

Status	Revision
PLANNING	H



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Development Control – 17 October 2018**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol****SUMMARY**

The application relates to a site that previously benefited from planning permission (reference 14/02366/F) granted by Development Control Committee in 2014 for the same development proposed under this application. That planning permission expired in November 2017 and the applicant is seeking a new planning permission for the same development.

The application is being reported to committee at the request of Councillor Stevens. In addition, both this application and the previous one has generated significant levels of public interest. 31 contributors have commented on this application with 29 objecting to the proposal, 1 in support and 1 general representation. Objectors include the Bristol Industrial & Archaeological Society, The Association for Industrial Archaeology and Bristol Civic Society. The letter of support comes from the Conservation Advisory Panel.

Given this application is for the same development as previously approved, the key consideration here is whether there have been material changes in circumstances since the previous decision was made, and would those changes warrant us reaching a different decision on the application. While there has been an update to the National Planning Policy Framework (2018) since the previous permission was granted, it is the view of officers that the policy relevant to this application is broadly unchanged, including local policy. The circumstances of the application site and planning considerations for the application also remain largely unchanged.

It is also material that since the previous permission was granted, several applications to discharge conditions attached to that consent have been made in order to implement the previous permission. However, while not all conditions were discharged in full they remain material considerations in the consideration of the current case and the applicant has now submitted details relating to the outstanding conditions in order to address a number of these matters up front as part of the current application. Key matters covered by condition include: land stability, archaeology, highways matters, nature conservation and drainage.

In addition, enabling works have been carried out on site in order to satisfy several conditions of the 2014 permission including vegetation clearance, archaeological investigation and partial ground clearance.

The Council's specialist land stability consultant has reviewed the submission and advised that it satisfies the requirements of conditions attached to lapsed permission 14/02366/F. In terms of archaeology, the Council's Archaeologist advises that the details submitted are acceptable but that further monitoring and reporting would be needed at subsequent stages of development should permission be granted.

It is the view of officers that has the proposal as not changed, the policy remains broadly unchanged and the circumstances do not differ significantly from those under the consideration of the 2014 application, that permission should be granted subject to relevant an updated list of conditions.

SITE DESCRIPTION

The application site is a narrow piece of vacant open ground that has a frontage of 29m facing Belgrave Hill. The site boundary abuts the northern side elevation of 10 Sutherland Place/Sutherland Mews.

The retaining wall to the rear of the site is constructed of local rubble stone. The site area once formed part of a large quarry, a fact that explains the substantial change in levels between Upper

Development Control – 17 October 2018**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol**

Belgrave Road, to the north and Belgrave Hill of between 8-12 metres.

The site is located within the Clifton Conservation Area but is situated along the boundary with the Whiteladies Road Conservation Area. 15-21 Belgrave Hill to the east of the site are Grade II listed buildings.

RELEVANT PLANNING HISTORY

This site was the subject of a recent planning permission 14/02366/F, which expired in November 2017. The full report in relation to that application is appended to this report.

The current application seeks a new consent for the same development and to address some of the conditions attached to the previous consent.

Following the original approval in 2014, the application site was sold and the new owner (the current applicant) started to discharge the pre-commencement conditions. However given the complexity of the site and the condition requirements, some of the pre-commencement conditions remained unresolved at the time the original consent lapsed on 14th November 2017, and therefore the development could not be lawfully implemented (and as such necessitating the new application).

In undertaking to discharge relevant conditions of the original permission, several works were undertaken, comprising:

- Vegetation clearance (Oct 2016);
- Rock mass assessment (Oct 2016) and structural appraisal;
- Archaeology ground works (Nov 2017);
- Repairs, repointing and scaffolding stabilisation of the wall;

The following applications have been made to discharge conditions on the previous permission:

16/04049/COND- Application to approve details in relation to conditions 4(Recording of the fabric of building) 5(Archaeological Works) and 6 (Construction environmental Management Plan) of permission 14/02366/F Proposed development of 2 no. Use Class C3 dwellings with associated external works. Partially discharged 02.11.2016

17/05299/COND- Application to approve details in relation to condition 2 (Structural engineer) of permission 14/02366/F Proposed development of 2 no. Use Class C3 dwellings with associated external works. Partially discharged 05.01.2018

17/05624/COND- Application to approve details in relation to condition 3(Insurance) 7 (Highway) and 8 (Footway) of permission 14/02366/F Proposed development of 2 no. Use Class C3 dwellings with associated external works. Not discharged 05.01.2018

17/05976/COND- Application to approve details in relation to conditions 4 (Fabric of Building) and 5 (Archaeological Works) 12 (Bat method statement) 13 (Bird and bat boxes) and 14 (Drainage strategy) of permission 14/02366/F Proposed development of 2 no. Use Class C3 dwellings with associated external works. Partially discharged 05.01.2018

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No.	Condition title	Status
1	Commencement of development by 14.11.17	Condition not met
2	Supervision by structural engineer	Not discharged
3	Insurance policy	Not discharged
4	Recording fabric	Not discharged
5	Implement archaeological works	Approved
6	Construction Environmental Management Plan (CEMP)	Approved
7	Highway condition survey	Not discharged
8	Approval of road and footway works	Not discharged
9	Further details	Details not submitted
10	Green living roof	Details not submitted
11	Sample panels before element started	Details not submitted
12	Bat method statement	Discharged
13	Bird and bat boxes	Not discharged
14	Drainage strategy	Not discharged

Other Planning History:

11/04256/F- Redevelopment of existing vacant site for 3no. two bedroom dwelling houses with associated external amenity space, refuse and cycle storage. REFUSED 05.11.2012

APPLICATION

This application is for the same development approved under permission 14/02366/F (now expired)- as per the 'description of development'.

RESPONSE TO PUBLICITY AND CONSULTATION

A site notice and press notice were issued/ published (expiry date 11th July 2018) and neighbours were consulted by individual letter (expiry date 6th July 2018).

Councillor Stevens has referred to the application to development control committee for the following reasons:

- Impact on heritage asset (quarry) in light of emerging NPPF policies not in place in 2014;
- Inappropriate provision of waste/ recycling storage and impact on the conservation area;
- Further work is needed to ensure the right conditions regarding geological stability of the wall, insurance, structural engineer supervision, liaison with residents;

At the time of writing, 31 contributions to the application had been made- with 29 objections, 1 general representation and 1 letter of support. Representations are summarised as follows:

OBJECTION

- Wide spread fears have been expressed over likely prejudice to ground instability and/or drainage/flooding. The amount of bedrock to be removed was not understood at the time that the previous planning permission was granted. The site is already prone to rock falls.
- There are concerns regarding access to the retaining wall/ rock face in the future. The developer's report states a design life of 60 years.

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- There is concern that the site could not be developed safely and development could lead to harm to/ loss of life (including to future residents of the properties- a concrete roof being proposed);
- There is concern that there is conflict between the Construction Environmental Management Plan, which seeks non-percussive means of rock breaking to reduce noise impacts on residents and what would be a safe form of development in stability terms;
- Need for insurance to cover damage to neighbouring properties- but it is also an objection that the insurance required by Condition 3 of lapsed permission 14/02366/F could not actually be achieved. One objector has commented that the developer “has tried to gain party wall agreement with us but has stumbled on supplying sufficient insurance documentation for all properties above the site and immediately below, including for loss of life or limb.”
- There has been no Party Wall Agreement with neighbouring property owners and there are questions regarding the ownership of the land; *
- There is no plan to deal with drainage and development could divert water run-off to neighbouring properties. Existing drains at the bottom of Belgrave Hill already over flow;
- Loss of industrial heritage and views of the old quarry cliff face (which is cited as being the location of the discovery of the ‘Bristol dinosaur’ fossil);
- The design would be out of keeping with the area and detrimental to the character and appearance of the Whiteladies Road Conservation Area;
- New evidence, as detailed in the by Archaeological Watching Brief Report, shows that the pre-existing buildings on this site were constrained in size so that each building had its own associated open courtyard, some 4 meters in size. These open courtyards served to let in light to the quarry buildings & critically to also provide relief and light to the houses immediately opposite (within 14ft) in Richmond Dale. Development should be constrained to its original dimensions.
- Over development of the site with resultant "overcrowding". Existing site represents a ‘breathing space’ in a tightly developed area;
- Impact on residential amenity in terms of loss of privacy, overshadowing, noise disturbance from use of outside areas amplified by quarry wall. The condition to restrict use of the upper level outside space is not manageable. Previously a similar application was refused on grounds it was an "oppressive and an overbearing form of development".
- Poor living environment of future occupiers of the site (in terms of size, outdoor space, outlook and natural light). Also insufficient cycle parking storage is proposed;
- Additional on street car parking in an area already at saturation point, with attendant and resultant detriment to highway safety, congestion, obstruction and emergency access. RPZ restrictions are already regularly flouted as traffic wardens do not check regularly;
- Detriment to established nature conservation interests; including protected species.
- Noise and disruption during construction including parking/ access concerns- including for emergency vehicles due to the narrow road. Many serious issues have already arisen during the pre-condition enabling works of this complex & sensitivity site, which has necessitated Planning Enforcement action and police involvement. Appropriate site management has not taken place.

* NB It should be noted that Party Wall Agreements are covered by separate legislation not dealt with by the planning system and fall outside the planning consideration, as do land ownership matters.

The Bristol Industrial and Archaeological Society have commented (in summary- refer to Background Papers for full comments):

- The area was part of a large stone quarry and the site is a unique part of the industrial heritage of Clifton. This application will have a huge visible impact due to wire netting and rock bolts on the quarry face. This site is the only visible vestige of the quarry industry left in the area.

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- The National Planning Policy Framework (NPPF) states that local authorities must give great weight to the conservation of heritage assets and should resist development that would cause substantial harm unless it can be justified that there are public benefits to outweigh the harm, an approach reflected through Bristol City Council's own conservation policies. There is no public benefit, in fact there is established concern by experts that the instability of the land may cause construction issues and affect a large number of neighbouring properties.
- This is over-intensive insensitive development which harms the asset in a conservation area.
- Who is responsible for any problems that may arise during construction.
- No insurance details have been submitted with the application despite this being a pre-commencement condition. The applicants have not addressed all of the stability issues.
- Construction management and access to the site will be difficult.
- The proposal will harm existing residential amenity.
- The proposed materials are not appropriate.
- The site should be set aside as open space indefinitely as being a unique part of Bristol's industrial heritage.
- The new premises should not be allowed to obtain parking permits.

The Association for Industrial Archaeology commented as follows (in summary- refer to Background Papers for full details): "The development will seriously compromise the visual impact of this face and there is the problem of ensuring continued stability. It is preferable for the face to remain visible and provide interesting evidence of the industrial past of this area and how people lived."

Bristol Civic Society is concerned about the quality of living environment that can be achieved in dwellings located in such a deep hollow and in such close proximity to a very high retaining wall. There can be no rear windows and the resulting dwellings would be largely single aspect.

SUPPORT

The Conservation Advisory Panel has commented that they continue to support the proposal for the residential redevelopment of this site.

CONSULTEES

A **Consultant Senior Engineering Geologist** has advised on the land stability aspects of the application in terms of whether the submitted details meet the requirements of the conditions attached to the previous consent 14/02366/F. Further details are provided under Key Issue F.

The **City Design Group** (including Conservation) raises no objections to the proposals subject to conditions (refer to Key Issue C).

The **Nature Conservation Team** has advised that they now remove their original objection to the application on the basis of the submitted up-to-date ecology survey, subject to conditions requiring the installation of bird and bat boxes at the site in addition to other relevant conditions. See background papers for full details.

The **Public Protection (Contaminated Land) Officer** advises that the proposed use would be sensitive to contamination but is situated on land not thought to have been subject to a potentially contaminating land use, historical quarrying was for limestone. This application does have a very small area of soft landscaping and it is recommended that clean imported soils are used in this area.

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This matter can be dealt with via condition. See background papers for full details.

The **Flood Risk and Drainage Team** has reviewed the submitted Outline Drainage Strategy report and raised a number of queries including: the storage details for the green roof, how water from the wall and behind the development would drain, and confirmation from Wessex Water that a connection into the sewer system would be acceptable. The applicant has responded to these queries and it is concluded that any outstanding matters can be dealt with by condition.

The **Transport Development Management Team** raises no objections to the proposals subject to conditions.

Wales and West Utilities have submitted an extract for the mains records of the area covered by the proposal together with a comprehensive list of General Conditions for guidance. The promoter of the development should contact them directly to discuss their requirements in detail before any works commence on site. An advice note is recommended to advise the applicant of this.

EQUALITIES

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.

PRE-APPLICATION INVOLVEMENT

There has been no pre-application involvement under the current application given that it is a resubmission of a previous planning permission (now lapsed).

RELEVANT POLICIES

National Planning Policy Framework – July 2018

Bristol Local Plan comprising Core Strategy (Adopted June 2011) and Site Allocations and Development Management Policies (Adopted July 2014).

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

Clifton Conservation Area Character Appraisal

Bristol City Council Climate Change and Sustainability Practice Note (December 2012)

The Planning (and Conservation Areas) Act 1990

Technical housing standards – nationally described space standard (2015)

KEY ISSUES

The previous lapsed consent is a material planning consideration. The key consideration for this application therefore is to reconsider the proposal in light of any changes in policy or planning considerations since the previous consent (14/02366/F) was granted. In short, the local planning authority cannot reach a different decision on matters previously considered, unless there has been a

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change in circumstances that would warrant this. In addition, this report will consider to what extent the current application has addressed the conditions attached to the previous planning permission.

The policy situation under which the previous permission was determined remains unchanged with the exception of the National Planning Policy Framework (NPPF), updated as of July 2018- the relevant updates are summarised under the relevant Key Issues below.

(A) IS THE PROPOSAL ACCEPTABLE IN LAND USE TERMS AND IS THE MIX, BALANCE AND AMOUNT OF HOUSING PROPOSED ACCEPTABLE IN PLANNING POLICY TERMS?

The policy considerations set out within the report to permission 14/02366/F continue to apply (page 5 of the appended report refers) and it is the view of officers that the 2018 update to the NPPF would not warrant taking a different decision on the current application.

(B) WOULD THE PROPOSALS SAFEGUARD OR ENHANCE HERITAGE ASSETS OR AREAS OF ACKNOWLEDGED IMPORTANCE AND HAVE ARCHAEOLOGICAL CONSIDERATIONS BEEN ADDRESSED?

The policy considerations set out within the report relating to permission 14/02366/F continue to apply- please refer to page 5. As set out above, the National Planning Policy Framework (NPPF) was updated in July 2018; however this remains broadly consistent in respect of heritage matters. Paragraphs 184- 202 of the NPPF now apply (formerly paragraphs 126- 141).

The Council's Conservation Officer has advised as follows in relation to the current application:

“The current planning application is a resubmission of a previously consented proposal (14/02366/F- Proposed development of 2 no. Use Class C3 dwellings with associated external works). This was assessed at the time using the relevant sections of the National Planning Policy Framework. An assessment of the heritage context was undertaken at the time, and has been further enhanced in the present application with archaeology and building recording. These reports have interpreted the site and recorded the standing and below-ground archaeology at an interim stage. The reports have not identified any greater significance to the assets than previously established in 2014.

The Association for Industrial Archaeology have suggested in their recent public objection that “this surviving face is all that remains of the quarrying heritage of Clifton”. The quarry setting is expressed principally through the topography of the present site, the sudden fall away from the edge of the Downs and the later tall retaining walls that now cover the original rock face. The quarried face has been further obscured by remnants of dwellings that formerly stood against it. As such the industrial context is not explicit, and the proposals would have no further direct impact on that as a non-designated heritage asset. The small-scale of the new houses will ensure that the majority of the retaining wall remains exposed to the Conservation Area whilst preserving the fabric where the buildings abut. The previous assessment provided to Development Control Committee B in 2014 therefore remains broadly valid, and we would find it difficult to make an objection based on this previously approved report.”

The stabilisation works (including rock anchor points) would have a visual impact on the heritage asset, however this would be limited in number and extent and would not result in harm to the heritage asset that would not be justified by the benefits of stabilising the asset for the future.

An Archaeological Watching Brief Report (Feb 2018) has been submitted with the current application, setting out the archaeology recording works carried out to date which took place during rubble clearance and initial groundworks on the site. The recording works recorded evidence of a row of three mid-19th century house plots that were early examples of workers accommodation in this part of

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Clifton, among the stone quarries. Only apparent damage from incendiary bombing during WWII ended the occupancy of the houses with final demolition and clearance occurring after the 1970s.

Two conditions relating to archaeology were attached to permission 14/02366/F (Condition 4- Recording fabric and Condition 5- Implement archaeological works). Since the previous permission was granted, applications have been made to discharge these conditions. The Council's Archaeology Officer advises that Condition 5 (implementation of archaeological work in accordance with an approved Written Scheme of Investigation) has been discharged (references 16/04049/COND and 17/05976/COND) and that Condition 4 (Recording fabric of building/ site) can be discharged when a full report has been submitted to the Historic Environment Record (HER). Should permission be granted by Members, a further condition would be recommended to secure further recording at subsequent stages of development.

In summary, officers are satisfied that the proposal continues to address the relevant policy and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, particularly Section 72. Officers have given great weight and importance to harm resulting to the heritage assets of the historic quarry and the Clifton and Whiteladies Road Conservation Areas in making this assessment. It was previously concluded that the proposal would conserve the Conservation Area and the setting of nearby listed buildings, and would offer public benefits through the provision of additional dwellings. There is no reason to conclude differently here.

(C) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN DESIGN TERMS?

The relevant policy and proposed design remain unchanged from the previous proposal and the proposed design is deemed appropriate in this location- page 7 of the appended report refers. Conditions 9 and 11 attached to permission 14/02366/F related to further design details and material samples being submitted before those elements commence. No details have been submitted in respect of these matters, however it is considered reasonable that these same conditions be attached in the event that permission is granted.

(D) WOULD THE PROPOSED DEVELOPMENT SAFEGUARD THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS AND WOULD IT MAKE SATISFACTORY PROVISION FOR THE AMENITY OF FUTURE OCCUPIERS?

Space standards for future occupiers

The 2014 permission was assessed against the Council's Space Standards Practice Note (2011), which has been superseded by the Nationally Described Technical Standards (2015). The current proposal is unchanged compared to the previous (lapsed) permission. The 2014 proposals met the Council's former space standard requirements, based on the houses providing three bedspaces (a single bedroom and a double bedroom), but do not meet the new national technical standards as follows.

Table 1

	Proposal floor area (sqm)	BCC Space Standard requirement (now superseded) (sqm)	Current national space requirement (sqm)
Unit 1	59.1	57- 67	70
Unit 2	59.3	57-67	70

The agent for the applicant has responded to this issue as follows (quoted):

"The adopted policy arena in this regard remains unchanged.

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Policy BCS18 – Housing Type remains the same and the background text puts emphasis on “Building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Homes can also be used more flexibly and adapted more easily by their occupants to changing life circumstances”.

As you have pointed out, the previous standards that Bristol chose to utilise were the HCA standards and the proposal easily met those. The previous requirement for a 3 bed space was between 57-67sqm. Both proposed houses are 59 sqm and also include private amenity space which is not included within the floor space calculations. One of the dwellings includes a 19sqm courtyard, whilst the second includes a 5.3sqm external space.

The new standards require 2 bed, 2 storey dwellings to meet 70sqm, which is a big difference. Both the dwellings are flexible and adaptable, which is the key requirement of the adopted policy. In addition, there have been several appeal decisions where proposals below the national space standards have been allowed in Bristol. For example the Inspector in appeal ref: APP/Z0116/W/16/3154994 focused on the space required for day-to-day activities and the flexibility & adaptability of the units. In assessing a dwelling that doesn't meet the national spaces standards he states:

“Consequently, in addition to sufficient space for day-to-day activities, the size of this flat would afford future occupiers the internal space for a reasonable degree of flexibility with which they would be able to adapt to their changing living needs over time....” ... “Consequently, in my view both proposed flats would provide a suitable living environment for their future occupiers. The proposal would therefore accord with CS Policy BCS18”.

I would also direct you to para 123 of the updated NPPF which says “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site”.

Para 117 supports the effective use of land to meet a need for homes and para 118 (c) supports the reuse of brownfield land, particularly where there is the opportunity to remediate despoiled, degraded, derelict, contaminated or unstable land.

There is clear overarching support for making the most of brownfield sites in urban areas. Whilst the proposal no longer meets the national housing standard guidance, which has been now been adopted by Bristol to replace the HCA guidance, the houses still easily provide adaptable and flexible living conditions, with separate bedrooms, bathrooms hallways and kitchen dinners, especially when taking on board the external space. This is a point that has been subject to appeals in Bristol. Given the above, there are clear benefits to the development which ultimately outweigh the reduction in internal floorspace from the latest national guidance.”

Whilst officers do not consider the result of one appeal to be the determinant factor, it is notable that the previous permission was considered under policy BCS18, and as stated by the applicant it was concluded that the development would have provided adequate space for everyday activities and for appropriate levels of activities. Given this material consideration, it is not considered that the proposal would warrant refusal on these grounds.

Neighbouring occupiers

There have been no changes in policy or site circumstances since the previous grant of planning permission and it is the view of officers that the assessment undertaken in relation to permission 14/02366/F still applies. Please refer to the appended report for full details at page 8.

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It should be noted that a right to light is a civil matter not within the remit of the planning system and is separate to assessments undertaken through a planning application.

(E) WOULD THE PROPOSALS BE ACCEPTABLE IN TERMS OF TRANSPORT AND MOVEMENT ISSUES?

The proposal is unchanged compared to the lapsed 2014 permission in terms of highways matters. The relevant policy also remains unchanged. The update to the NPPF would not warrant a different decision on the application, in the view of officers.

Several conditions relating to highways matters were attached to the previous permission and these are addressed below.

Condition 6- Construction environmental management plan (CEMP)

A CEMP was already approved under condition discharge application 16/04049/COND and CEMP information was supplied with the current application. Taking into account local consultation responses providing anecdotal details of local issues arising during enabling works on this part of the highway network, it is deemed appropriate to seek further detailed information through a further CEMP condition attached to any consent, should this be granted. The applicant's agent has advised that as no contractor is yet appointed for the works that it is therefore difficult to provide the detailed information normally required, at the current stage.

Condition 7- Condition survey and Condition 8- Highway/ footway works approval remain outstanding.

(F) HAVE LAND STABILITY AND GROUND CONTAMINATION ISSUES BEEN ADDRESSED?

Land stability matters were assessed under consideration of application 14/02366/F (page 10 of the appended report refers) and the following conditions were attached to the permission granted by Committee:

Condition 2 - Full-time supervision by a structural engineer during enabling works (emphasis in bold added for Committee purpose only)

*No development shall take place on site until **details have been submitted to and agreed in writing by the Local Planning Authority of the (suitably qualified) structural engineer/ geologist who will undertake the full-time supervision of all enabling works** (including all site investigation, stabilisation works, clearance of base rock/ walls and foundation works). Thereafter the enabling works shall only take place under the full-time supervision of the agreed structural engineer/ geologist for the duration of these works and in accordance with the approach set out within the approved Integrare 'Proposed method statement and sequence of working' and Integrare 'Outline Methodology for Combining Geotechnical Investigation with Stability Works' reports, **the final detail of which shall be submitted to and approved in writing by and within a timescale to be agreed** in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To ensure proper supervision during works in the interest of land stability.

Condition 3- Insurance policy

No development shall take place until the developer has provided evidence that an appropriate insurance policy has been taken out (to which the City Council will have access as a named party on the insurance details), to be approved in writing by the Local Planning Authority, in respect of any adverse effect the works may have on the stability of the existing retaining wall to the north of the site,

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any base rock/ walls adjacent to the footway and any neighbouring properties upslope of the site within 10m of the site boundary and also 10 Sutherland Place/ Mews. The insurance policy shall be sufficient to cover any potential problems that may arise during the course of construction and consequently as a result of the development.

Reason: To ensure that the Local Planning Authority as a named party in the insurance policy, has the access to the policy in order to secure the necessary funds to carry out any remedial works required in respect of stability of the retaining wall or site, in the event that this becomes necessary.

Since the previous consent was granted, applications (17/025299/COND and 17/05624/COND) were made to discharge those conditions; however the information provided was incomplete and it was not deemed possible to discharge the conditions. A report was submitted in respect of discharging the condition: 'Geotechnical report on condition of rock face including structural addendum, rock slope stability considerations and proposed anchor schedule' (Integrale, Report No. 9221/B, September 2017).

The applicant has submitted an updated report in relation to the current application: 'Geotechnical report of rock face formation including structural addendum, rock slope stability considerations and proposed anchor schedule' (Integrale, Report No. 9221/C, May 2018). No details have been submitted in respect of Condition 3. The applicant's agent advises that the applicant cannot arrange for insurance given the structural issues until they have consent.

The previous application and conditions are a material consideration in the assessment of the current application. The Council has consulted an engineering geologist to provide advice as to whether the details submitted in relation to the current application address the previous condition requirements. The advice of the consultant is summarised below:

The consultant previously provided advice regarding this site in relation to condition discharge application 17/05299/COND (Condition No. 2 of 14/02366/F) - they advised that the submitted documents in relation to that application were sufficient to partially meet the requirements of the condition, namely approving the final detail of the two Integrale reports. However, the details of the appointed structural engineer/geologist to oversee the works were not provided. Furthermore, while that submitted information recommended possible stability measures it did not confirm the approach to be taken. A confirmed methodology and sequence of working would need to be submitted to and agreed with the Council.

In relation to the information provided with the current application the consultant advises that:

- Details of the appointed structural geologist have been provided and are acceptable;
- The approach to stability measures has been confirmed (including installing rock anchors to reinforce the rock face and masonry wall);
- The applicant has confirmed a methodology and sequence of working within their submitted report. This references the progressive inspection and assessment by the appointed geologist, however it does not refer back to the proposed method statement and sequence of working described within the 2014 report or the outline methodology for combining geotechnical investigation with stability works. Nonetheless, it is considered that the Applicant's engineer has a comprehensive understanding of the stability issues and how to resolve them. As long as the methodologies described within the 2014 report and the 2013 report are followed, it is considered that this meets the requirements of pre-commencement condition no. 2.
- It is considered that the applicant's submission meets the requirements to discharge pre-commencement condition no. 2. However, this is on the basis of the assumption that this level of support will continue for the remaining works on a full time basis. On this basis it is recommended that Bristol City Council discharge this condition.

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In summary, the application submission demonstrates that land stability matters have taken account of the latest evidence following investigation works and that this issue can be satisfactorily addressed through the proposed methodologies and sequence of working. This approach has been devised by an appropriately qualified party, who would be required to undertake full-time supervision during works.

(G) HAVE SUSTAINABILITY OBJECTIVES BEEN ADDRESSED AND ARE THERE ANY FLOOD RISK OR DRAINAGE ISSUES?

There has been no change in policy or circumstances in terms of addressing sustainability objectives. Conditions 17 and 18 of consent 14/02366/F remain relevant and are recommended in the event that Members are minded to approve the application.

An updated Drainage Strategy was submitted with the application and the Council's Flood Risk management Team are satisfied that the proposal would satisfactorily address drainage considerations subject to a further condition.

(H) HAVE NATURE CONSERVATION ISSUES BEEN ADDRESSED?

An updated ecological survey (2018) has been carried out and the Council's Nature Conservation Officer is satisfied subject to appropriate conditions.

CONCLUSION

The proposal is concluded to be acceptable in all respects including in terms of ground stability issues and would be compliant with national and local planning policy in all respects. Approval of the application is therefore recommended subject to detailed conditions. The recommended conditions reflect those that were imposed on the previous consent, albeit amended where conditions have been discharged.

APPENDICES

Committee Report 2014 relating to permission 14/02366/F.

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £11,174.00.

RECOMMENDED GRANT subject to conditions

Time limit for commencement of development1. 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.

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The development enabling works (including all site investigation, stabilisation works, clearance of base rock/ walls and foundation works) hereby approved shall be carried out only under the full-time supervision of the approved geotechnical engineer/ engineering geologist for the full duration of the enabling works, unless otherwise agreed in writing by the Local Planning Authority.

The development hereby approved shall be carried out only in full accordance with the approach and methodologies set out within the approved reports: 'Proposed method statement and sequence of working' (Integrale Ltd. 2014), 'Outline Methodology for Combining Geotechnical Investigation with Stability Works' (Integrale Ltd. 2013, Report No. 4349/A) and 'Outline methodology for combining geotechnical investigation with stability works and proposed anchor schedule.' (Integrale Ltd. 2018, Report no. 9221/C) unless otherwise agreed in writing by the Local Planning Authority.

Should unexpected conditions arise, which are not foreseen in the approved reports, no further work shall be carried out (except those required to secure the site), without a working method agreed in writing by the Local Planning Authority. The development shall not be occupied until a validation report to confirm that the approved works have been submitted and approved by the Local Planning Authority.

Reason: To ensure proper supervision by an appropriately qualified geotechnical engineer/ engineering geologist during works in the interest of land stability and to ensure compliance with the previously agreed methodologies and sequence of working.

3. Insurance policy

No development shall take place until the developer has provided evidence that an appropriate insurance policy has been taken out (to which the City Council will have access as a named party on the insurance details), to be approved in writing by the Local Planning Authority, in respect of any adverse effect the works may have on the stability of the existing retaining wall to the north of the site, any base rock/ walls adjacent to the footway and any neighbouring properties upslope of the site within 10m of the site boundary and also 10 Sutherland Place/ Mews. The insurance policy shall be sufficient to cover any potential problems that may arise during the course of construction and consequently as a result of the development.

Reason: To ensure that the Local Planning Authority as a named party in the insurance policy has the access to the policy in order to secure the necessary funds to carry out any remedial works required in respect of stability of the retaining wall or site, in the event that this becomes necessary.

4. To secure the recording of the fabric of buildings of historic or architectural importance

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors to be agreed in writing by the Local Planning Authority prior to being carried out) shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording shall be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment.

5. To ensure implementation of a programme of archaeological works

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors, to be agreed in writing by the Local Planning Authority prior to being carried out) shall take place until an updated Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

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The scheme of investigation shall include an assessment of significance and research questions; and:

- * The programme and methodology of site investigation and recording- including timetable;
- * The programme for post investigation assessment- including timetable;
- * Provision to be made for analysis of the site investigation and recording
- * Provision to be made for publication and dissemination of the analysis and records of the site investigation- including timetable;
- * Provision to be made for archive deposition of the analysis and records of the site investigation- including timetable;
- * Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development (including demolition of existing structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors to be agreed in writing by the Local Planning Authority prior to being carried out) shall be carried out only in accordance with the approved programme of archaeological work and timetable for work. The publication of the analysis and records and the archive deposition or the records shall be carried out in accordance with the timetable agreed in writing by the Local Planning Authority.

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

6. Construction environmental management plan

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall) shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- a) Management of vehicle movements including parking, routes for construction traffic, proposed temporary traffic restrictions;
- b) Details of siting and form of the site compound/ office;
- c) Pedestrian and cyclist protection;
- d) Method of prevention of mud being carried onto highway;
- e) Hours of operation;
- f) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- g) Arrangements for liaison with the Council's Pollution Control Team;
- h) Procedures for emergency deviation of the agreed working hours;
- i) 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;
- j) Measures for controlling the use of site lighting whether required for safe working or for security purposes;

The development shall only be carried out in accordance with the approved Management Plan.

Reason: In the interests of the amenities of surrounding occupiers and in the interests of highways safety.

7. Highway condition survey

The development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall) hereby approved shall not commence until a condition survey of the road network surrounding the site has been carried out to an extent to be agreed with the Highway Authority and has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until remedial works to any part of this highway damaged as a result of the development have been agreed with and undertaken to the satisfaction of the Highway Authority and details of these works submitted to and approved in writing by the Local Planning Authority.

The developers shall contact Highways Asset Management on 0117 9222100 to agree the extent of the

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condition survey and any remedial works required.

Reason: In the interests of safe operation of the highway.

8. Approval of footway works necessary

No development (including demolition/ alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) shall take place until details of the following works to the highway/ footway have been submitted to and approved in writing by the Local Planning Authority:

1. All works to the existing footway/ pavement required by the development;

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation.

9. Sustainable Drainage System (SuDS)

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

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

10. Bat method statement and method of working

No development (including demolition/ alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) shall take place until a method of working prepared by a suitably qualified ecological consultant setting out the precautionary methods to be followed during all enabling and construction works with respect to bats has been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted (including enabling works: site clearance, stabilisation works and works to the base rock/ walls on site) shall thereafter take place only in accordance with the approved pre-cautionary method of working at all times. If works to implement this consent do not commence within 12 months of the approved bat survey report (by 12 July 2019) then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site (including the enabling works listed above).

Reason: To conserve legally protected bats.

11. Further large scale details before relevant element started

Large scale detailed drawings of the following elements 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) Typical details of each new window and door type, including set-back window features, cills, heads, reveals and surrounds;
- b) Typical roof junctions including parapets, copings and eaves;
- c) Typical corner detailing at junctions;
- d) Junction with retaining wall;
- e) Rainwater goods;
- f) Terrace screening.

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

12. Green living roof

Prior to the commencement of the roof of the property a strategy for the implementation of the green living roof shall be submitted to and approved in writing by the Local Planning Authority.

The strategy should include details relating to the extent, specification, installation method and the management and maintenance of the green roof unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and that the character and appearance of the Conservation Area would be safeguarded, to promote sustainability interests and biodiversity and to reduce surface water run-off. Alternatives to sedum will be expected to be explored to improve biodiversity and inclusion of native species.

13. Sample panels before specified elements started

Sample panels of the rubble stone wall, render and timber cladding; 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.

Pre occupation conditions14. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures 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.

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

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

15. Bird and bat boxes

The development hereby approved shall be carried out in accordance with approved plan 1506(L)33 Rev A 'Proposed bird boxes and bat tubes'. The approved details shall be installed prior to the first occupation of the dwelling hereby approved and retained at all times thereafter.

Reason: To help conserve legally protected bats and birds which include priority species.

16. Implementation/installation of refuse storage and recycling facilities - shown on approved plans

No building hereby permitted shall be occupied 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

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within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway at any time or on the 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.

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.

18. Sustainability Statement and Energy Strategy

The development hereby approved shall be carried out in accordance with the measures contained within the approved Sustainability Statement and the approved Energy Strategy prior to the first occupation of the development hereby approved and shall be maintained in accordance with these details in perpetuity.

Reason: To ensure that sustainability policy objectives would be met.

19. Solar photovoltaic and solar thermal panels

The solar photovoltaic and solar thermal panels hereby approved shall be installed and made fully operational prior to the first occupation of the dwellings hereby approved. The solar panels shall be maintained in situ in accordance with the approved details and as fully operational thereafter.

Reason: To ensure that the development would meet sustainability and climate change policy objectives.

Post occupation management20. Restriction of the use of the roof

The roof of the dwellings (with the exception of the area marked 'terrace' in association with Unit 2 on drawing 1506 (L) 22) hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking, loss of privacy and disturbance through noise impacts.

21. No extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted (including refuse/ cycle storage courtyard), without the express permission in writing of the council.

Reason: The extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

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22. No further windows/ enlargement of windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in any elevation of the dwellings hereby permitted and none of the windows hereby permitted shall be enlarged or altered (other than like for like replacement of the window frames) without the grant of a separate planning permission from the Local Planning Authority.

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

23. Site clearance

No clearance of vegetation on the site or demolition of any structures suitable for nesting birds shall take place between 1st March and 30th September inclusive in any year without checking of the vegetation or structure by a suitably qualified ecologist no more than 48 hours before the clearance or demolition. Should any nesting birds or other protected species be encountered within the relevant element during the checks, then work to this element should stop immediately and the Council's Nature Conservation Officer should be contacted on 0117 922 3403 to advise further on the scope of works possible to the relevant element.

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

List of approved plans

24. 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.

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SUMMARY

The application relates to a site situated on the north side of Belgrave Hill within the Clifton Conservation Area, at the boundary with the Whiteladies Road Conservation Area.

The site forms part of an old quarry and is bounded to the north by a high retaining wall, which is the former 'cliff face' of the quarry. Above this lie the gardens and properties of Upper Belgrave Road. The site is very narrow at only 4m in width and is currently an open space that is overgrown with vegetation and with the remains of rubble stone walls visible, that once formed a couple of terraces with the eastern most part of the site being set at a higher level. Historic maps show that the site was once built on.

The application is for two, two-bedroom dwelling houses, one of which would have a small outside terrace. No off-street car parking is proposed.

The application follows a previous application in 2011 for three dwellings on the site, which was refused by Committee on the grounds of impact on the residential amenity of 10 Sutherland Place/ Mews and insufficient details regarding ground stability concerns in relation to the retaining wall.

This application has been subject to full publicity and consultation and 32 representations have been received objecting to the proposals including on the following grounds: overdevelopment, loss of industrial quarry heritage, loss of open space, land stability, parking and highways issues and residential amenity impacts.

Since the previously refused application, the number of dwellings proposed for the site has been reduced from three to two and the applicant has carried out significant further investigation into the land stability matters. The Council's consultant structural engineer/geologist has advised that the land stability issues can be satisfactorily addressed through appropriate planning conditions, including a condition requiring details to be submitted of an insurance policy in which the City Council would be a named party, allowing a claim to be made in the event that the Council needed to make the site safe at any stage. This is consistent with the approach taken on similar developments elsewhere in the city where land stability has been a key issue.

It is the view of your officers, on the basis of all of the material considerations related to this application, that approval of the application should be given subject to conditions.

SITE DESCRIPTION

The application site is a piece of vacant open ground largely orthogonal in shape that has a frontage of 29m facing Belgrave Hill. The site boundary abuts the northern side elevation of 10 Sutherland Place/Sutherland Mews. There is a fall of approximately 1.7m fall across the length of the site that is currently derelict and overgrown. The retaining wall to the rear of the site is constructed of local rubble stone. The site area once formed part of a large quarry, a fact that explains the substantial change in levels between Upper Belgrave Road, to the north and Belgrave Hill of between 8-12 metres.

The site is located within the Clifton Conservation Area but is situated along the boundary with the Whiteladies Road Conservation Area. 15-21 Belgrave Hill to the east of the site are Grade II listed buildings.

The site is within Flood Zone 1.

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RELEVANT PLANNING HISTORY

The following recent planning history is associated with the site:

13/03239/PREAPP- Pre-application enquiry for the development of 2 no. 'Use Class C3' dwellings. CLOSED 12.11.2013

11/04256/F- Planning application for the redevelopment of the existing vacant site for 3no. two bedroom dwelling houses with associated external amenity space, refuse and cycle storage. REFUSED Committee decision 31 Oct 2012 on the following grounds:

1. *By reason of its juxtaposition with neighbouring occupiers at both 10 Sutherland Place and Sutherland Mews, the proposed development to include; its excessive height, scale, massing and detailed design, would constitute both an oppressive and an overbearing form of development. For the reasons given proposals are contrary to policies BSC21 of the Core Strategy (June 2011) and Policy DM 27 of the Site Allocations and Development Management Preferred Approach Document March 2012.*
2. *Insufficient information has been submitted with the application to fully determine the impact of development upon the incidence of ground stability. As a result the proposal is contrary to policy ME13 of the Bristol Local Plan.*

APPLICATION

The application proposes two no. two-bedroom dwellings on the site, one of which would have a small, screened roof terrace. Both properties would have flat roofs with solar panels and a living green roof. Unit 1 is approximately 6.5m in height and 10.5m in length, Unit 2 is approximately 8m in height (maximum) and 14m in length. Both units are approximately 4m in depth.

The materials proposed include recycled rubble stone and coloured render to the elevations. Unit 2 also incorporates a timber panelled element to the top storey.

No off-street car parking is proposed. Cycle storage for each unit is proposed within their own individual, secure cycle stores.

The Certificates submitted with the application state that all reasonable steps have been taken to find out the names and addresses of everyone who, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates, but the applicant has been unable to do so. A notice has been published in the Bristol Evening Post to notify anybody with an interest in the land and neighbouring properties that share a boundary with the site notified.

RESPONSE TO PUBLICITY AND CONSULTATION

A Community Involvement Statement was not required for this application given that it is categorised as a 'minor' application in planning terms.

A site notice and press notice have been posted/ published and neighbours have been consulted by individual letter. 33 written representations have been received to the proposals, with 32 of these comments objecting to the proposals on the following grounds:

- Design issues and detriment to the character and appearance of the Whiteladies Road Conservation Area;
- Over development of the site with resultant "overcrowding";

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- Impact on residential amenity in terms of loss of privacy, overshadowing;
- Noise and disturbance from roof areas;
- Additional on street car parking, with attendant and resultant detriment to highway safety, congestion, obstruction and emergency access;
- Detriment to established nature conservation interests; including protected species.
- Wide spread fears have been expressed over likely prejudice to ground instability and/or drainage/flooding;
- Loss of industrial heritage and aspect of the old quarry;
- Noise and disruption during construction;
- Living environment of future occupiers of the site;

Comments include objections from the Bristol Industrial Archaeological Society and South Gloucester Mines Research Group.

OTHER COMMENTS

The Council's consultant structural engineer has reviewed the detailed geotechnical reports and application submission and confirmed that their advice is that it is possible for the works to be undertaken without causing any problems or distress to the adjacent structures and that therefore planning permission could be granted subject to certain conditions. The recommended conditions including full-time supervision by a qualified structural engineer, condition surveys of all relevant properties and a bond to ensure that the Council would have the funds to make the site safe if required. See background papers for full details.

The Conservation Advisory Panel (CAP) supports the application. (See background papers for full details).

Urban Design has commented as follows:-

The proposed development of 2 residential dwellings in this street responds effectively to the surrounding context. It will introduce a new street frontage to this part of Belgrave Hill which will contribute positively to the street environment by providing additional enclosure and street level activity and opportunities for surveillance. The scale and form of the development reflects a mews type development which is suited to the immediate context and is proportionate with the street width. The proposal presents a contemporary architectural style which responds well to the site constraints and reduces the impact on neighbouring properties. (See background papers for full details).

Transport Development Management has commented as follows:-

The proposal is a car free development, which is acceptable in this location. An advice note is recommended given the emerging residents parking zone that residents of the development shall not be eligible for parking permits. Acceptable provision is made for cycle storage. There are concerns regarding servicing of the development due to the narrow nature of streets surrounding the site, however servicing would be possible from this location, although not ideal. Detailed conditions are recommended including a requirement for the submission of a Construction Management Plan. (See background papers for full details).

Contaminated Land Environmental Protection has commented as follows:-

No objections are raised to the proposals subject to conditions. (See background papers for full details).

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Nature Conservation Officer has commented as follows:-

There is no objection to this application subject to detailed conditions. (See background papers for full details).

Archaeology Team has commented as follows:-

The site is a locally important heritage asset, refusal of the application on archaeology grounds would not be justified given that the site is not of national significance nor are the structural remains of the quarry activity sufficiently well preserved. There are many other examples of quarries in the Bristol area either already built on or surviving as part of the present landscape.

If the proposals are granted consent, securing archaeological recording of these remains with associated documentary research through planning conditions is the appropriate response. (See background papers for full details).

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Core Strategy (Adopted June 2011)

BCS5	Housing Provision
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
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 (Adopted July 2014)

DM1	Presumption in favour of sustainable development
DM14	The health impacts of development
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
DM37	Unstable land

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Supplementary Planning Guidance

Clifton & Hotwells Conservation Area Character Appraisal
 PAN 2 Conservation Area Enhancement Statements (November 1993)

Bristol City Council Climate Change and Sustainability Practice Note (December 2012)

Bristol City Council Space Standards Practice Note (July 2011)

The Planning (Listed Buildings and Conservation Areas) Act 1990

KEY ISSUES

- (A) IS THE PROPOSED LAND USE ACCEPTABLE IN PRINCIPLE IN LAND USE TERMS AND IS THE MIX, BALANCE AND AMOUNT OF HOUSING PROPOSED ACCEPTABLE IN PLANNING POLICY TERMS?

The proposals would provide residential accommodation on a brownfield site and would therefore meet policy objectives to make more efficient use of land in a location close to an existing Centre (Whiteladies Road Town Centre) and as a windfall site would provide housing over and above the housing targets and allocated sites set out within the Core Strategy and would contribute to meeting national housing policy objectives.

The application proposes two dwelling houses, each with two bedrooms. The nature of housing in this area is a mix of houses and flatted accommodation. Given the constrained nature of the site, there is limited scope for a mix of housing within the development itself and the proposal is concluded to be acceptable in this respect and to contribute to objectives to achieve mixed and balanced communities.

The site has been vacant for a significant period and therefore may reasonably be identified as undesignated open space. In terms of local planning policies; Policy BCS9 of the Bristol Core Strategy (BCS) seeks to maintain, enhance and extend the city's strategic green infrastructure network and to protect areas of open space that are important for recreation/leisure/ community use and townscape/ landscape quality and visual amenity. Policy DM17 of the SADMP supports these aims.

The site is not a publicly accessible space and therefore does not serve a recreation, leisure or community use function. In terms of townscape value; small amenity spaces in densely built up areas including street corners may have important townscape value linked to their greening effect. This is a view shared by many in the community and is partly due to the ongoing derelict nature of the site which has led to the site becoming overgrown. While the site is considered to have some informal townscape value in terms of its green nature, in other respects the derelict state of the site detracts from the visual amenity of the area and residential development could readily have the potential to improve the local townscape. Overall, the site is not considered to be so valuable in terms of its townscape value as open space such that it should be set aside as open space indefinitely.

The principle of new residential development on the land would be acceptable.

- (B) WOULD THE PROPOSALS SAFEGUARD OR ENHANCE HERITAGE ASSETS OR AREAS OF ACKNOWLEDGED IMPORTANCE AND HAVE ARCHAEOLOGICAL CONSIDERATIONS BEEN ADDRESSED?

The site is within the Clifton Conservation Area (at its boundary with the Whiteladies Road Conservation Area to the south, which runs along Belgrave Hill). The Clifton Conservation Area and Whiteladies Road Conservation Areas are 'designated heritage assets' as defined within the National Planning Policy Framework (NPPF). The site is not specifically identified within the Clifton and Hotwells Character Appraisal or the Whiteladies Road Conservation Area Enhancement Statement. There are several listed buildings within the immediate vicinity of the site- 15-21 Belgrave Hill to the east of the site are Grade II listed and these also constitute 'designated heritage assets'.

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The NPPF also contains policies relating to non-designated heritage assets (i.e. 'heritage assets') and defines these as being buildings, monuments, sites, places, areas and landscapes positively identified as having a degree of historic significance meriting consideration in planning decisions. The site forms part of a former quarry dating from the eighteenth century and there is evidence of residential development on the site from the mid-nineteenth century. The site itself is therefore considered to be a local heritage asset (non-designated). The site has no other designations on the Proposals Map for the Bristol Local Plan - Site Allocations and Development Management Policies (SADMP) document.

Local heritage asset/ non-designated archaeological site

The significance of the heritage asset is as a site that forms part of a former quarry dating from the eighteenth century and comprises a narrow strip of land to the south of the former wall of the quarry, now faced in rubble stone. There are a number of vault structures evident within the face of the wall and remnants of structural features from the former housing on the site. A lower rubble stone wall is set at the back edge of the pavement and bounds the terraced areas behind the wall that are currently derelict and overgrown with vegetation. The high stone wall is in need of stabilization as the integrity of the wall has diminished over the years.

Paragraph 135 of the National Planning Policy Framework (NPPF) states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Policy BCS22 of the Bristol Core Strategy requires development to safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including Conservation Areas and archaeological remains. Policy DM31 of the Bristol Local Plan- Site Allocations and Development Management Policies (SADMP) document states that proposals affecting locally important heritage assets should ensure that they are conserved having regard to their significance and the degree of harm or any loss of significance and sets out the criteria to be addressed in terms of conserving heritage assets.

In terms of archaeology, policy DM31 states that scheduled monuments and other non-designated archaeological sites of equivalent importance should be preserved in situ. In those cases where this is not justifiable or feasible, provision should be made for excavation and record with an appropriate assessment and evaluation. The Council's Archaeology Team advises that while the site is an important local heritage asset, that it would not be considered an archaeological feature of national significance or equivalent to a scheduled monument. The structural remains associated with the quarry activity are not sufficiently well preserved to require their preservation in situ or to justify refusal of the application and archaeological evaluation and recording is recommended.

The historic mapping evidence for this area demonstrates that the site has previously been developed, it is thought as cottages up to two-storeys in height judging by features remaining on site. The proposed development is for two mews-style houses, and while these houses would partly obscure the high retaining wall behind through infilling this space, the dramatic topography of the area would still be clearly appreciated and the retaining wall would remain visible above the houses retaining the sense of the original quarry wall and vault features within the wall.

It is therefore concluded that the harm to the significance of the heritage asset as a result of the proposal would be limited and that the proposals would conserve the significance of this site in accordance with the NPPF and local policies BCC22 and DM31. The proposal also offers conservation benefits for the heritage asset in terms of the stabilization and maintenance of the rubble wall in situ. Conditions relating to archaeological recording are recommended.

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Clifton Conservation Area and Whiteladies Road Conservation Areas

Great weight and considerable importance should be attached to the conservation of these designated heritage assets. The proposal is concluded to maintain the sense of the topography of the area and retaining the character of tight-knit streets with smaller residences that forms the character of these parts of these Conservation Areas.

In terms of the NPPF assessment, it is concluded that the proposal would result in 'less than substantial harm' to these Conservation Areas and that any harm would be minimal and limited to the partial obscuring of parts of the existing retaining wall by the proposed houses and the loss of a very small area of inaccessible, overgrown open space. This limited degree of harm would be concluded to be justified by the public benefits of the proposals of bringing the site back into use and meeting housing needs. In fact, there are considered to be conservation benefits in terms of ensuring the long term preservation of the rubble wall and enhancement of this derelict site.

Listed buildings

15-21 Belgrave Hill to the east of the site are Grade II listed buildings. The proposals would be concluded to preserve the setting and special interest of these buildings in accordance with the requirements of the NPPF, Policy BCS22 of the Core Strategy, Policy DM31 of the SADMP document and Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

Summary

In summary, the proposals would be concluded to conserve the significance of this heritage asset and to conserve and safeguard the Clifton and Whiteladies Road Conservation Areas. The proposal would preserve the setting and special interest of the nearby listed buildings 15-21 Belgrave Hill.

It is your officers' opinion that while great weight and considerable importance has been given to the impact of the development on both non-designated and designated heritage assets that the impact on these heritage assets would be limited and would be outweighed by the public benefits achieved in terms meeting housing need requirements. The proposals are deemed by officers to be in accordance with both Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF (Conserving and enhancing the historic environment) and local policies BCS22 and DM31 in all respects.

(C) WOULD THE PROPOSED DEVELOPMENT BE ACCPETABLE IN DESIGN TERMS?

Policy BCS21 of the Bristol Core Strategy states that development should deliver high quality urban design, and sets out the ways in which development should achieve this. Policies DM26, DM27, DM28, DM29 and DM31 of the Bristol Local Plan- Site Allocations and Development Management Policies document (SADMP) set out more specific design criteria by which developments will be judged. The key principles being that the design of development will be expected to contribute towards local character and distinctiveness and result in the creation of quality urban design, making efficient use of land and resulting in healthy, safe and sustainable places.

The proposed development of 2 residential dwellings in this street responds effectively to the surrounding context. It will introduce a new street frontage to this part of Belgrave Hill which will contribute positively to the street environment by providing additional enclosure and street level activity and opportunities for surveillance. The scale and form of the development reflects a mews type development which is suited to the immediate context and is proportionate with the street width. The proposal presents a contemporary architectural style which responds well to the site constraints and reduces the impact on neighbouring properties. The proposed materials (render and rubble stone) are reflective of those found within the immediate context. The proposed design is concluded

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to be acceptable and to safeguard the character and appearance of the Clifton and Whiteladies Road Conservation Areas.

Conditions are recommended to ensure that the detailed design of the development would be of a high quality finish.

- (D) WOULD THE PROPOSED DEVELOPMENT SAFEGUARD THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS AND WOULD IT MAKE SATISFACTORY PROVISION FOR THE AMENITY OF FUTURE OCCUPIERS?

Neighbouring occupiers

Policy BCS21 of the Core Strategy replaces policy B8 of the Bristol Local Plan and states that new buildings should be designed so that the amenity of the existing and future occupiers of residential properties are not adversely affected. This has been assessed with respect to the relationship between the proposed properties and the existing surrounding properties. The key issues raised by local residents in response to consultation include issues of loss of privacy, reduction in light levels and noise from the use of terraces.

Overlooking

Belgrave Hill is a narrow street and the façade of the proposed development would be 6m from the façade of those houses opposite. In view of this close separation distance, the potential for overlooking of neighbouring homes on the opposite side of Belgrave Hill would be controlled through the use of high level glazing, set back window positioning and narrow slot windows with the larger area of glazing at the top level to be set back from the front of the site and positioned at roof level of the property directly opposite. This relationship is concluded to be acceptable and while it is acknowledged that some overlooking would occur, this would not be to an unacceptable degree.

The previous application was refused on the basis of the impact on the amenity of 10 Sutherland Place and Mews to the west of the site due to the overbearing impact of the development on this property as a result of its proximity and scale. The development has been amended since this time to reduce the number of dwellings and to improve the relationship with this dwelling. At present the flats and maisonettes to 10 Sutherland Place and Mews each have habitable rooms, bedrooms and living rooms, with an open aspect to Belgrave Hill, the lower floor to the Mews at street level has a bay window. It is concluded that these revisions have now satisfactorily overcome these original concerns.

Reduction in light levels

In terms of reduction in light levels to the properties opposite on Belgrave Hill, the site is situated north of these properties and therefore would have no overshadowing impact and would not result in a loss of sunlight. A sunlight study has been submitted to demonstrate this. While the proposed development would be situated in close proximity to the properties opposite, the narrow nature of this street and its topography already limit the amount of daylight received by the windows of these properties and the proposed development would not be concluded to significantly worsen this situation. Such a relationship between buildings is not uncommon in tight-knit urban environments such as this.

Noise levels

The special acoustic properties of this area are noted in terms of the topography and the potential for noises to be reflected from the quarry walls, as raised by a number of residents. The proposed dwellings would not be expected to result in excessive noise levels compared to the existing situation. Unit 1 would not have any outdoor space and only a small terrace is proposed to Unit 2 at first floor level. This would be very small in size and set behind a timber screen which would prevent overlooking and also contain noise. The flat roof area at the second floor level of Unit 2 would not be

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accessible from the dwelling and a condition is recommended to this effect to prevent issues of overlooking and disturbance.

Construction issues would be dealt with through a Construction Management Plan for the site.

Future occupiers

Space standards- The proposed development is for two dwellings each with a single and double bedroom (i.e. three bed spaces). The dwellings would meet the minimum space standards required by Policy BCS18 of the Core Strategy for dwellings of this size.

While the outlook from these dwellings is limited, it would be concluded to be acceptable on balance.

Summary

It is the view of officers that the proposals have addressed previous concerns in respect of the impact on the residential amenity of neighbouring occupiers and would safeguard the amenity of all neighbouring occupiers and would make satisfactory provision for the amenity of future occupiers of the site.

(E) WOULD THE PROPOSALS BE ACCEPTABLE IN TERMS OF TRANSPORT AND MOVEMENT ISSUES?

The site is located on Belgrave Hill, which is a narrow street with narrow pavements on either side. The pavement on the north side of the highway in front of the application site is very narrow (approximately 700mm wide) and is often parked on by vehicles along its length. There are no parking restrictions along this road currently; however the Clifton East residents' parking zone is currently undergoing informal consultation. Under the proposals that have been informally consulted on as part of this process, there are no residential parking permit spaces proposed along Belgrave Hill, however a disabled parking bay is proposed outside the site.

Given the constrained nature of the site, no off-street parking is proposed for the new dwellings and the development is therefore assessed as a car-free development. It is therefore recommended on this basis that the residents not be eligible for parking permits and an advice note making this recommendation is proposed. The site is in a sustainable location close to local facilities and public transport routes on Whiteladies Road and therefore residents could reasonably be expected to live in this location without the need for a private vehicle.

The existing pavement would be retained under the proposals and the proposed houses would have entrances accessed directly from the pavement. While the pavement is very narrow in this location, it would provide sufficient refuge for pedestrians entering or leaving the dwellings from the street. The number and speed of vehicles travelling along Belgrave Hill is low given the narrow width of the street and there would be good visibility of pedestrians entering or exiting the property for vehicles turning the corner towards the site. This arrangement is concluded to be acceptable in terms of ensuring pedestrian safety around the site.

Residents have raised concerns regarding emergency and access around the area as a result of the proposal. Officers advise that the proposed development would result in reduced parking in this location (on the pavement), which would improve access for emergency vehicles along Belgrave Hill. This is likely to be formally set out through the emerging residents' parking scheme.

Cycle storage and refuse storage is proposed off-street and is acceptable. Conditions are recommended to secure this provision. While the access for servicing vehicles to the properties is not ideal given the narrow nature of the surrounding street network, the dwellings are located close to

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other existing dwellings that already require regular bin collections from close to the site. Officers are therefore content that the dwellings would be serviced satisfactorily.

It is recommended that the details of the construction be agreed via a Construction Management Plan, to be secured by condition. Other highways conditions are required.

(F) HAVE LAND STABILITY AND GROUND CONTAMINATION ISSUES BEEN ADDRESSED?

The previous application on this site was refused by Committee on the basis that insufficient evidence had been provided on the subject of ground stability. An extensive process of further consideration and exploration of this issue has been carried out by the applicant in discussion with officers following that Committee decision in order to address this matter. These issues are discussed further below.

Land stability

The National Planning Policy Framework (NPPF) sets out that the planning system should prevent new development from contributing to or being put at unacceptable risk from land instability and should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate to bring unstable land, wherever possible, back into productive use.

Planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability and should ensure that adequate site investigation information, prepared by a competent person, is presented. The NPPF makes clear that where a site is affected by land stability issues the responsibility for securing a safe development rests with the developer. The National Planning Practice Guidance (NPPG) sets out the steps that developers should take if land stability is an issue for an application and this is supported by Policy DM37 of the Bristol SADMP relating to unstable land. These provisions require expert advice to be sought and an assessment of ground stability to be undertaken and necessary remediation measures proposed.

The site forms part of a former quarry and a high retaining wall bounds the site with a substantial terrace of properties set above the height of this retaining wall. The retaining wall is faced with rubble stone, which is in a neglected state overall. The issue of land stability was considered under the assessment of the previous application 11/04256/F, however Committee Members were not satisfied with the level of information submitted regarding this issue and the application was refused on this basis.

Since this previous decision, a further detailed technical site investigation and geotechnical assessment report have been submitted with the application prepared by a ground engineering consultancy. This report proposes an outline methodology that the full geotechnical investigation be combined with stabilisation works in order to minimise costs (the main costs being in accessing the cliff face) and to minimise disruption to neighbours.

The Council has commissioned an assessment of this report by local expert Dr Brian Hawkins of H M Geotechnics (Chartered Engineer, Chartered Geologist and European Engineer). Dr Hawkins has advised that the information submitted demonstrates that planning consent could be given subject to the following conditions:

- a) Full time supervision of the works by a suitably qualified engineer/ geologist throughout the enabling works;
- b) Condition surveys on all of the upslope properties and their boundary walls (all upslope properties within 10m of the boundary of the site). The surveys should be agreed with Party Wall Inspectors and appropriate Party Wall Agreements signed and copies of the surveys and agreements shall be submitted to the Local Planning Authority for their records.

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- c) A bond should be provided by the developers to ensure that funds are available to safeguard the stability of the retaining wall should the project not be completed timeously.

In response to this advice, the Council's Legal Team has advised that rather than seeking a bond, a condition to require evidence that an insurance policy has been taken out that would cover any adverse effect the works may have on the stability of the retaining wall and neighbouring buildings. The developer should be asked to provide confirmation that the insurance company has seen the relevant reports and understand the nature of the risk they are insuring against. The developer would also be required to demonstrate that the Council would be a named party to this insurance policy, to allow the City Council to make a claim against this policy in the future should they need to- for example if the development was left incomplete and the Council needed to ensure the safety of the site. The condition is considered to be fundamental to the development as without it the development should be refused and therefore meets the relevant tests for planning conditions. The removal of this condition in the future would therefore not be acceptable.

A further condition is recommended to require supervision by a qualified structural engineer and an advice note is required to recommend that the developer undertake condition surveys of all neighbouring properties upslope of the site within 10m of the site boundary and 10 Sutherland Place/ Mews. This is a party wall matter and therefore must be dealt with through the Party Wall Agreement process and cannot be required through this planning permission.

In summary, despite the challenging nature of construction for this site, the proposal to combine further site investigation works with stabilization and remediation works is concluded to be acceptable and officers are satisfied that the development would comply with the requirements of the NPPF and NPPG. Provided that satisfactory insurance is in place to cover any potential problems as a consequence of the proposed works and that the other points above are covered by condition, it has been advised that development could be carried out safely.

Officers advise that the proposals would comply with the policy requirements of the National Planning Policy Framework, Policy DM37 of the Site Allocations and Development Management Policies document and the guidance of the NPPG in this respect.

Ground contamination

Officers are satisfied that ground contamination issues can be dealt with via appropriate condition.

- (G) HAVE SUSTAINABILITY OBJECTIVES BEEN ADDRESSED AND ARE THERE ANY FLOOD RISK ISSUES?

An Energy Strategy has been submitted to demonstrate the energy efficiency and renewable energy generation measures proposed for the development. The application proposes the installation of both solar thermal (hot water) and solar photovoltaic panels and the completed Energy Strategy table indicates that this would achieve a reduction in carbon dioxide emissions of 20% from the residual level in line with local sustainability policy objectives.

Other aspects of sustainability including overheating considerations, material sourcing, heating system, water consumption; drainage and green infrastructure are covered within the Design and Access Statement. The proposal includes a sedum roof, which is welcomed. A condition is recommended to seek the detail of this roof in order to maximise its potential to contribute to the biodiversity of the area. Conditions are recommended to ensure that the sustainability measures would be provided as proposed.

The site is within Flood Zone 1 and there are no flood risk issues.

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(H) HAVE NATURE CONSERVATION ISSUES BEEN ADDRESSED?

Ecological surveys have been carried out in respect of the site and the Council's Nature Conservation Officer advises that they are satisfied with the recommendations of these updated surveys and recommends a number of conditions in respect of nature conservation. As evidence of the presence of bats has been found at the site, the Council's Nature Conservation Officer has recommended that a method statement requiring further details of the precautionary approach to be taken during the work in terms of identifying the presence of bats be agreed prior to work commencing.

(I) ARE THERE ANY OTHER MATERIAL CONSIDERATIONS?

During the determination of the application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposed development other than those considered above. Overall it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

CONCLUSION

The proposal is concluded to be acceptable in all respects including in terms of ground stability issues and would be compliant with national and local planning policy in all respects. Approval of the application is therefore recommended subject to detailed conditions.

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £8739.38.

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Full-time supervision by a structural engineer during enabling works

No development shall take place on site until details have been submitted to an agreed in writing by the Local Planning Authority of the (suitably qualified) structural engineer/ geologist

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who will undertake the full-time supervision of all enabling works (including all site investigation, stabilisation works, clearance of base rock/ walls and foundation works). Thereafter the enabling works shall only take place under the full-time supervision of the agreed structural engineer/ geologist for the duration of these works and in accordance with the approach set out within the approved Integrale 'Proposed method statement and sequence of working' and Integrale 'Outline Methodology for Combining Geotechnical Investigation with Stability Works' reports, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure proper supervision during works in the interest of land stability.

3. Insurance policy

No development shall take place until the developer has provided evidence that an appropriate insurance policy has been taken out (to which the City Council will have access as a named party on the insurance details), to be approved in writing by the Local Planning Authority, in respect of any adverse effect the works may have on the stability of the existing retaining wall to the north of the site, any base rock/ walls adjacent to the footway and any neighbouring properties upslope of the site within 10m of the site boundary and also 10 Sutherland Place/ Mews. The insurance policy shall be sufficient to cover any potential problems that may arise during the course of construction and consequently as a result of the development.

Reason: To ensure that the Local Planning Authority as a named party in the insurance policy, has the access to the policy in order to secure the necessary funds to carry out any remedial works required in respect of stability of the retaining wall or site, in the event that this becomes necessary.

4. To secure the recording of the fabric of buildings of historic or architectural importance

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors to be agreed in writing by the Local Planning Authority prior to being carried out) shall take place until the applicant/developer has recorded those parts of the building which are likely to be disturbed or concealed in the course of redevelopment or refurbishment. The recording to be carried out by an archaeologist or archaeological organisation approved by the Local Planning Authority.

Reason: To ensure that features of archaeological or architectural importance within a building are recorded before their destruction or concealment.

5. To ensure implementation of a programme of archaeological works

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors to be agreed in writing by the Local Planning Authority prior to being carried out) shall take place on site until the applicant/developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- * The programme and methodology of site investigation and recording- including timetable;
- * The programme for post investigation assessment- including timetable;
- * Provision to be made for analysis of the site investigation and recording

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- * Provision to be made for publication and dissemination of the analysis and records of the site investigation- including timetable;
- * Provision to be made for archive deposition of the analysis and records of the site investigation- including timetable;
- * Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development (including demolition of existing structures or stabilisation works to the retaining wall - other than basic works to ensure the safety of the archaeologists/ other contractors to be agreed in writing by the Local Planning Authority prior to being carried out) shall be carried out only in accordance with the approved programme of archaeological work and timetable for work. The publication of the analysis and records and the archive deposition or the records shall be carried out in accordance with the timetable agreed in writing by the Local Planning Authority.

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

6. Construction environmental management plan

No development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall) shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- a) Management of vehicle movements including parking, routes for construction traffic, proposed temporary traffic restrictions;
- b) Details of siting and form of the site compound/ office;
- c) Pedestrian and cyclist protection;
- d) Method of prevention of mud being carried onto highway;
- e) Hours of operation;
- f) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- g) Arrangements for liaison with the Council's Pollution Control Team;
- h) Procedures for emergency deviation of the agreed working hours;
- i) 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;
- j) Measures for controlling the use of site lighting whether required for safe working or for security purposes;

Reason: In the interests of the amenities of surrounding occupiers and in the interests of highways safety.

7. Highway condition survey

The development (including demolition/ alteration to existing base rock/ wall structures or stabilisation works to the retaining wall) hereby approved shall not commence until a condition survey of the road network surrounding the site has been carried out to an extent to be agreed with the Highway Authority and has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until remedial works to any part of this highway damaged as a result of the development have been agreed with and undertaken to the satisfaction of the Highway Authority and details of these

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works submitted to and approved in writing by the Local Planning Authority. The developers shall contact Highways Asset Management on 0117 9222100 to agree the extent of the condition survey and any remedial works required.

Reason: In the interests of safe operation of the highway.

8. Approval of footway works necessary

No development (including demolition/ alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) shall take place until details of the following works to the highway/ footway have been submitted to and approved in writing by the Local Planning Authority:

1. All works to the existing footway/ pavement required by the development;

The building hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation.

9. Further large scale details before relevant element started

Large scale detailed drawings of the following elements 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) Typical details of each new window and door type, including set-back window features, cills, heads, reveals and surrounds;
- b) Typical roof junctions including parapets, copings and eaves;
- c) Typical corner detailing at junctions;
- d) Junction with retaining wall;
- e) Rainwater goods;
- f) Terrace screening.

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

10. Green living roof

Prior to the commencement of the roof of the property a strategy for the implementation of the green living roof shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include details relating to the extent, specification, installation method and the management and maintenance of the green roof unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory and that the character and appearance of the Conservation Area would be safeguarded, to promote sustainability interests and biodiversity and to reduce surface water run-off.

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11. Sample panels before specified elements started

Sample panels of the rubble stone wall, render and timber cladding; 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.

12. Bat method statement

No development (including enabling works: site clearance, stabilisation works and works to the base rock/ walls on site) shall take place until a method statement prepared by a suitably qualified ecological consultant setting out the precautionary methods to be followed during all enabling and construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.

The development hereby permitted (including enabling works: site clearance, stabilisation works and works to the base rock/ walls on site) shall be carried out only in accordance with the recommendations of the approved bat survey report dated 17 July 2014 at all times. If works to implement this consent do not commence within 12 months of this report (by 17 Jul 2015) then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site (including the enabling works listed above).

Reason: To conserve legally protected bats.

13. Bird and bat boxes

Prior to commencement of development details shall be submitted providing the specification and location for built-in bird nesting and bat roosting opportunities. This shall include two built-in bird and two built-in bat boxes. The approved details shall be installed prior to the first occupation of the dwelling hereby approved and retained at all times thereafter.

Reason: To help conserve legally protected bats and birds which include priority species.

Pre occupation condition(s)

14. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures 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.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

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ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. Implementation/installation of refuse storage and recycling facilities - shown on approved plans

No building hereby permitted shall be occupied 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 buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway at any time or on the 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.

16. 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.

17. Sustainability Statement and Energy Strategy

The development hereby approved shall be carried out in accordance with the measures contained within the Sustainability Statement section within the submitted Design and Access Statement and the approved Energy Strategy prior to the first occupation of the development hereby approved and shall be maintained in accordance with these details in perpetuity.

Reason: To ensure that sustainability policy objectives would be met.

18. Solar photovoltaic and solar thermal panels

The solar photovoltaic and solar thermal panels hereby approved shall be installed and made fully operational prior to the first occupation of the dwellings hereby approved. The solar panels shall be maintained in situ in accordance with the approved details and as fully operational thereafter.

Reason: To ensure that the development would meet sustainability and climate change policy objectives.

Post occupation management

19. Restriction of the use of the roof

The roof of the dwellings (with the exception of the area marked 'terrace' in association with Unit 2 on drawing 1506 (L) 22) hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking, loss of privacy and disturbance through noise impacts.

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20. No extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted (including refuse/ cycle storage courtyard), without the express permission in writing of the council.

Reason: The extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

21. No further windows/ enlargement of windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no windows, other than those shown on the approved plans shall at any time be placed in any elevation of the dwellings hereby permitted and none of the windows hereby permitted shall be enlarged or altered (other than like for like replacement of the window frames) without the grant of a separate planning permission from the Local Planning Authority.

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

22. Site clearance

No clearance of vegetation on the site or demolition of any structures suitable for nesting birds shall take place between 1st March and 30th September inclusive in any year without checking of the vegetation or structure by a suitably qualified ecologist no more than 48 hours before the clearance or demolition. Should any nesting birds or other protected species be encountered within the relevant element during the checks, then work to this element should stop immediately and the Council's Nature Conservation Officer should be contacted on 0117 922 3403 to advise further on the scope of works possible to the relevant element.

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

List of approved plans

23. 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.

1506(L)00 Site location plan, received 23 May 2014

1506(L)01 Existing site layout, received 23 May 2014

1506(L)21 Proposed elevation, received 23 May 2014

1506(L)22 Proposed floor plans, received 23 May 2014

1506(L)23 Proposed sections, received 23 May 2014

1506(L)24 Proposed section G-G, received 23 May 2014

Bat Survey, received 17 July 2014

Energy Statement, received 23 May 2014

Integrale 'Proposed method statement and sequence of working' report, received 23 May 2014

Integrale 'Outline Methodology for Combining Geotechnical Investigation with Stability Works' report, received 23 May 2014

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Reason: For the avoidance of doubt.

Advices

1. Living green roof

It is recommended that the green living roof be provided with local low-nutrient status subsoil and no nutrients added with no seeding to take place to allow colonisation by native wild plants. If seeding is preferred a wildflower mix should be used rather than Sedum (stonecrop) because Sedum provides limited wildlife benefits.

The landform on the roof could be mounded with troughs and mounds to provide habitat diversity and structure, with stones, coils of rope and dry dead wood included 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). Please see www.livingroofs.org for more information.

2. Construction site noise:

Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5228: Part 1: 1997 - "Noise and Vibration Control on Construction and Open Sites Code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, Brunel House, St. George's Road, Bristol BS1 5UY.

Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.

3. Right of light: The building/extension that you propose may affect a right of light enjoyed by the neighbouring property. This is a private right which can be acquired by prescriptive uses over 20 years; as such it is not affected in any way by the grant of planning permission.

4. Contaminated land: It is suggested that the certificate of remediation referred to in Condition No. 14; should be along the lines of:-

"This is to certify that the scheme of decontamination and reclamation at the site known as **** in relation to Planning Application No. **** was carried out between the dates of **** and **** and was completed in accordance with the specification detailed in the document reference **** and titled ****, which were designed to afford protection from contamination on the site to all known receptors (in this context contamination and receptor have the same definition as in part 2(a) of the Environment and Protection Act 1990)".

The certificate should be signed and dated.

5. Nesting birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

6. Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations Act. Prior to commencing work you

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should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).

7. Retaining walls: Where retaining walls above or below the highway are to be constructed or are affected by development, details of the structural design should be approved by the Local Highway Authority. (Telephone 0117 9222100).
8. Traffic Regulation Order (TRO): The implementation of a TRO may be required. The TRO process is a lengthy legal process involving statutory public consultation and you should allow an average of 6 months from instruction to implementation. You are advised that the TRO process cannot commence until payment of the TRO fees are received. Telephone 0117 9036846 to start the TRO process.
9. Wessex Water requirements: It will be necessary to comply with Wessex Water's main drainage requirements and advice and further information can be obtained from <http://www.wessexwater.co.uk>.
10. The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9031212 or email 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.
11. Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority that on the creation of any Restricted / Controlled Parking Zone area which includes the development, that the development should be treated as car free / low-car and the occupiers ineligible for resident permits.

12. Party Wall Act

Party Wall Agreements will likely be required in relation to all properties upslope of the site and also 10 Sutherland Place/ Mews should they share a party wall with the application site. Please be advised that this planning consent does not act in any way as Party Wall consent and the developer/ applicant should be satisfied that they have undertaken all necessary measures and actions in respect of this matter prior to the commencement of the development.

It is recommended that the developer undertakes condition surveys of all properties upslope of the application site within 10m on the site boundary as well as 10 Sutherland Place/ Mews to provide a benchmark against which any potential movement/ damage can be measured.

In the event that any issues arise during or following construction in terms of impacts on the upslope properties, the resolution of these issues will need to be addressed through the Party Wall process, third party insurance or any other legal processes available to third parties. However, the Local Planning Authority will seek through the discharge of Condition 4 to ensure that the insurance policy taken out will cover damage to neighbouring properties.

13. With regards to Condition 4 of this consent, you are advised that the City Council will require access to the insurance policy (as a named party on the insurance details) in the event that a claim is to be made.

Development Control Committee B – 12 November 2014
Application No. 14/02366/F: Land On North Side Of Belgrave Hill Bristol

14. Bird and bat box guidance:

Examples of built-in bird and bat boxes are available from:

<http://www.ibstock.com/sustainability-ecozone.asp>

http://www.nhbs.com/brick_boxes_for_birds_eqcat_431.html

If built-in bird and bat boxes cannot be provided within built structures, they should be provided on trees (with no more than one bird box per tree).

Bird boxes should be installed to face between north and east to avoid direct sunlight and heavy rain. Bat boxes should face south, between south-east and south-west. Bird boxes should be erected out of the reach of predators. For small hole-nesting species bird boxes should be erected between two and four metres high. Bat boxes should be erected at a height of at least four metres, close to hedges, shrubs or tree-lines and avoid well lit locations.

BACKGROUND PAPERS

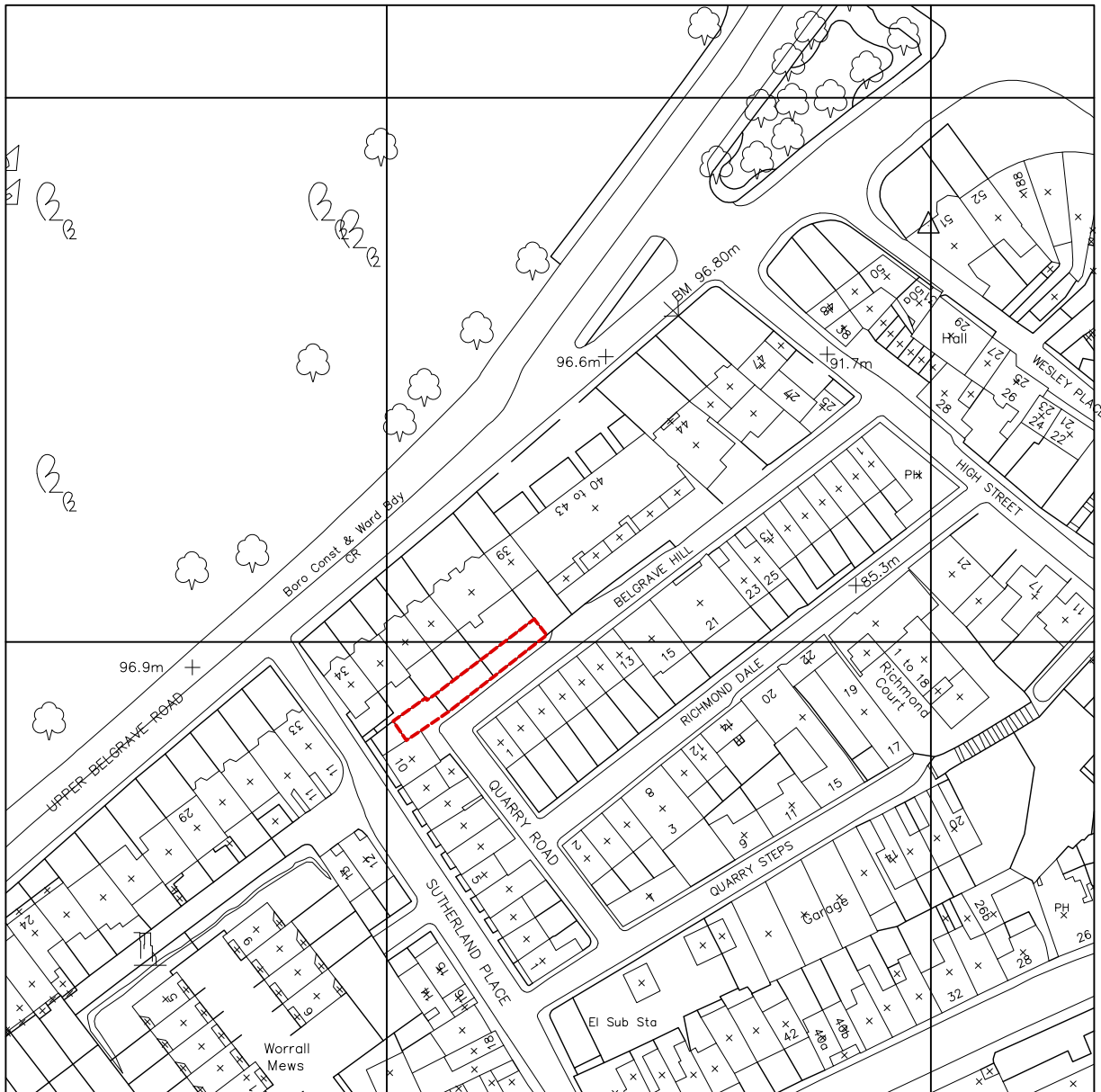
Urban Design	15 October 2014
Transport Development Management	8 October 2014
Contaminated Land Environmental Protection	26 June 2014
Nature Conservation Officer	24 July 2014
Archaeology Team	25 June 2014
Consultant Structural Engineer	30 September 2014
Conservation Advisory Panel	17 June 2014

Supporting Documents

1. Land On North Side Of Belgrave Hill, Bristol

1. Location plan
2. Existing plans
3. Existing elevations
4. Proposed plans
5. Proposed elevations
6. Proposed sections
7. Proposed section G-G

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ISSUED FOR PLANNING

10/10/11

REV	Note	Date
-	-	-



105 WEST ARCHITECTS Ltd
107 Lower Redland Road
Redland, Bristol, BS6 6SW

T 0117 3737 596
E Info@105west.co.uk

Project **Land at Belgrave Hill,
Clifton, Bristol**

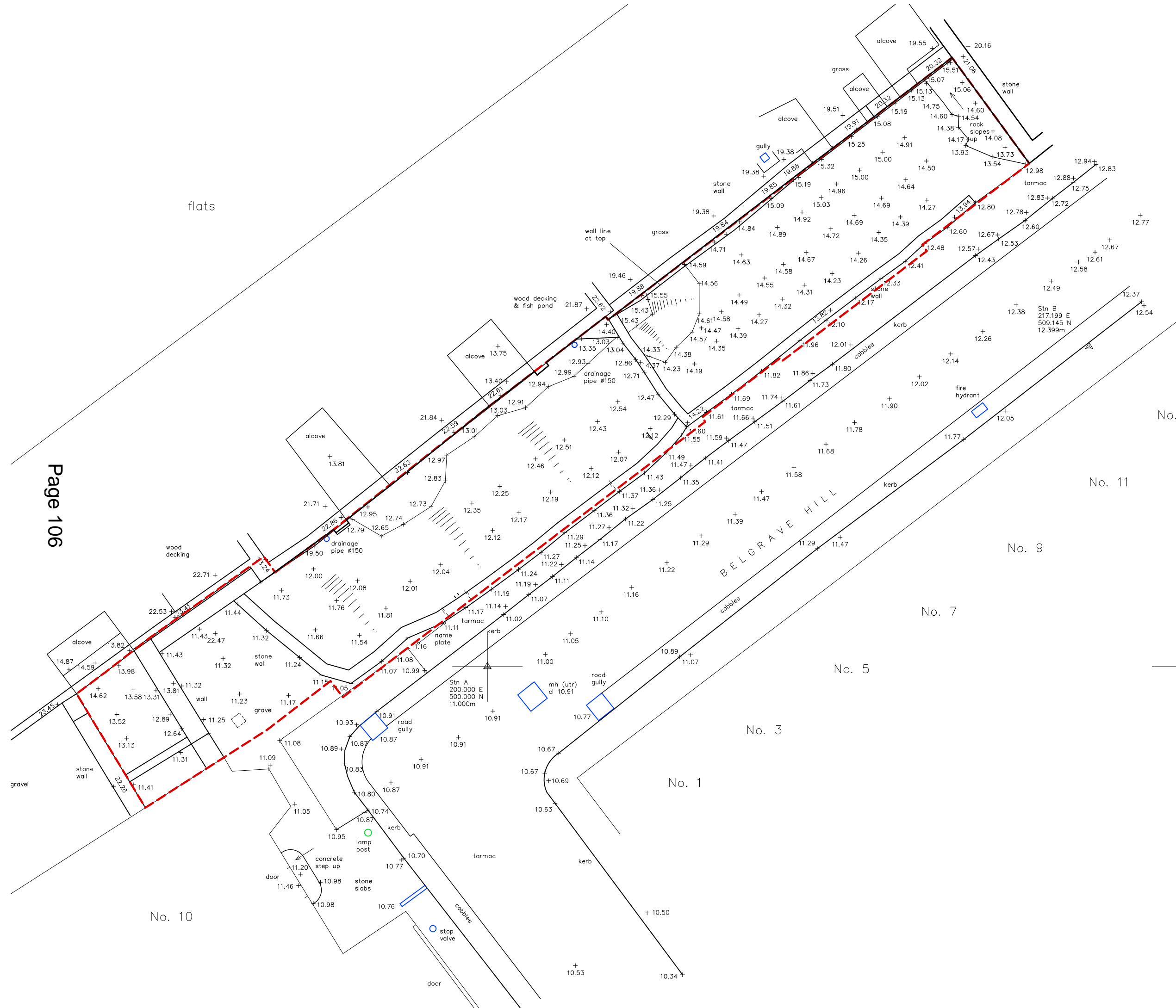
Drawing Title **Location Map**

Drawing No. **1506(L)00**

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ISSUED FOR PLANNING 10/10/11

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-	-	-

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Project **Belgrave Hill, Clifton Bristol**

Drawing Title **Existing Plans**

Drawing No. **1506(L)01**

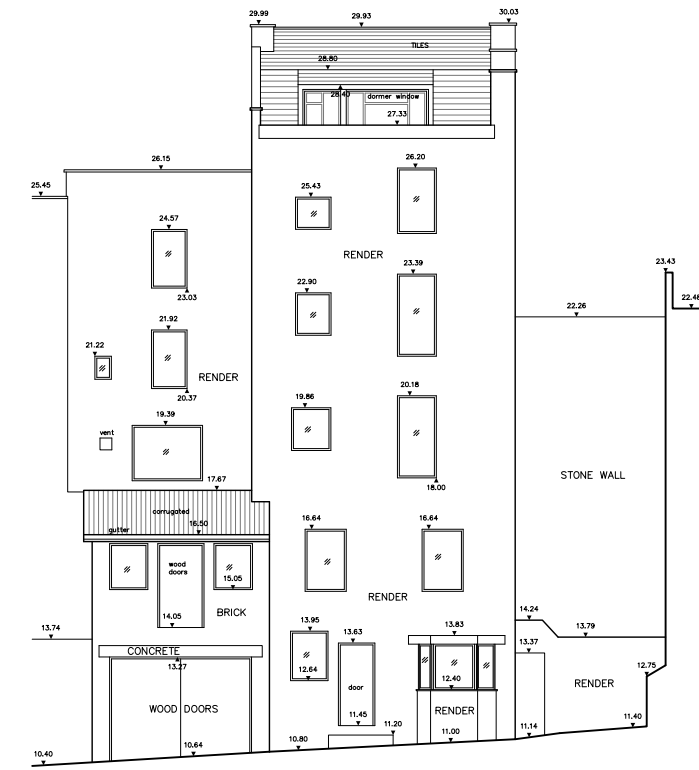
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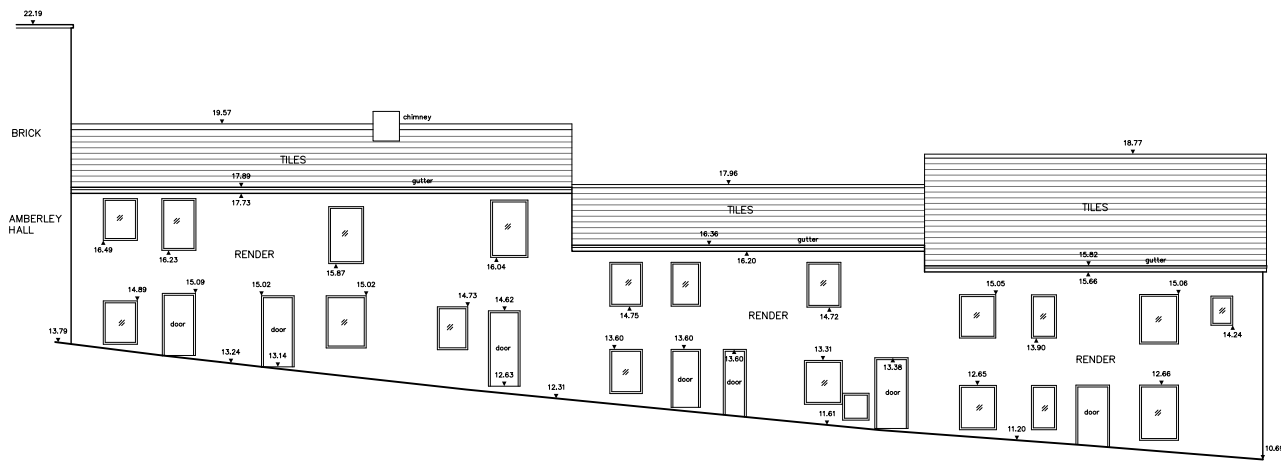


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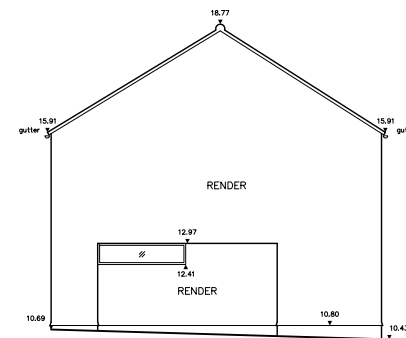
Retaining Wall Elevation



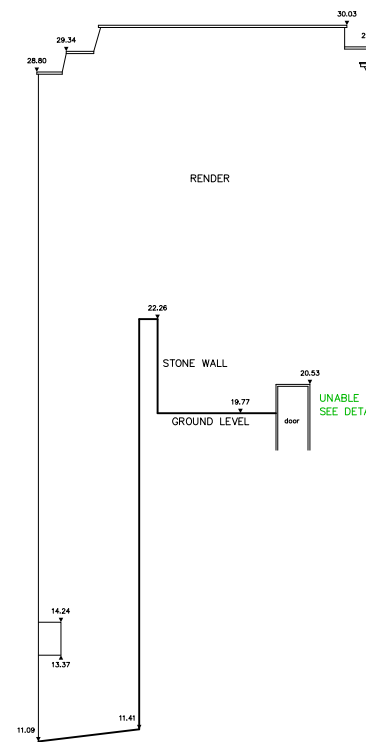
Rear Elevation
10 Sutherland Place



Front Elevation
1 to 13 Belgrave Hill



Side Elevation
1 Belgrave Hill



Side Elevation
10 Sutherland Place

ISSUED FOR PLANNING 04/07/11

REV Note Date

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 E Info@105west.co.uk

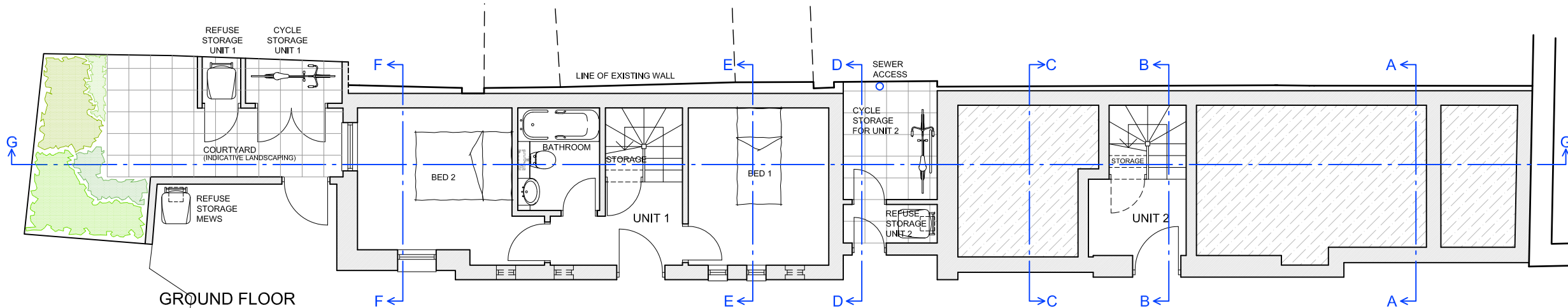
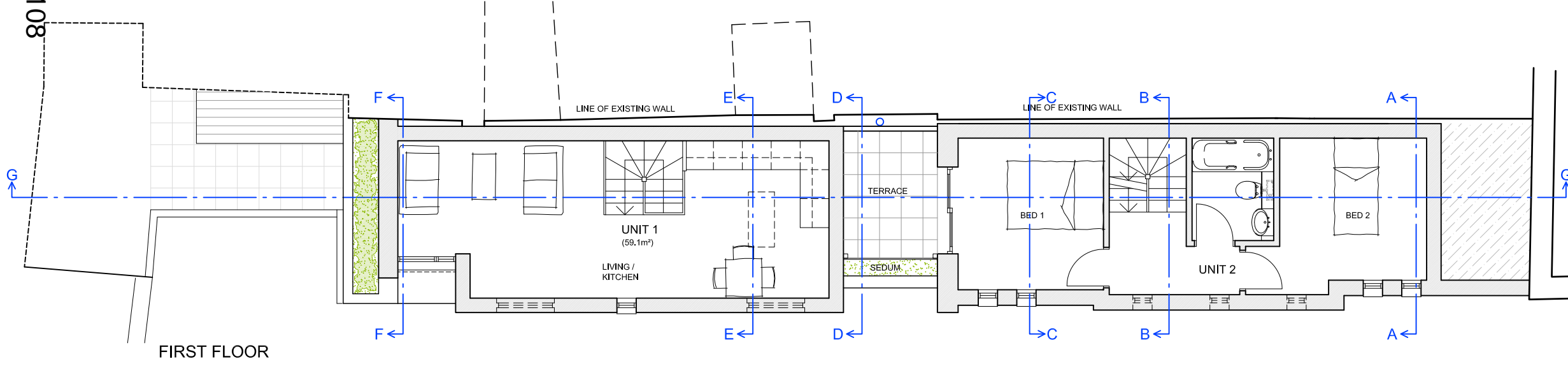
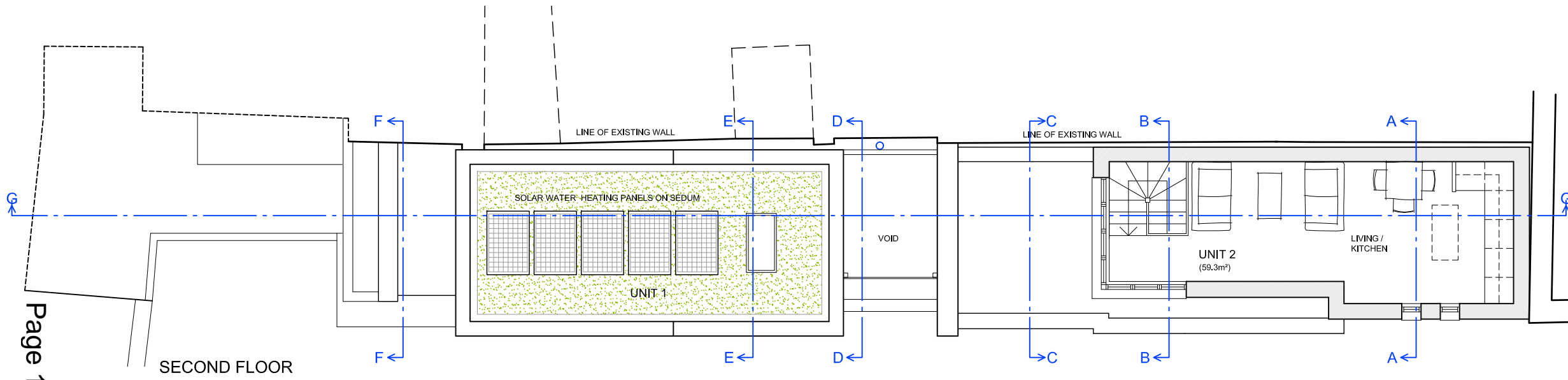
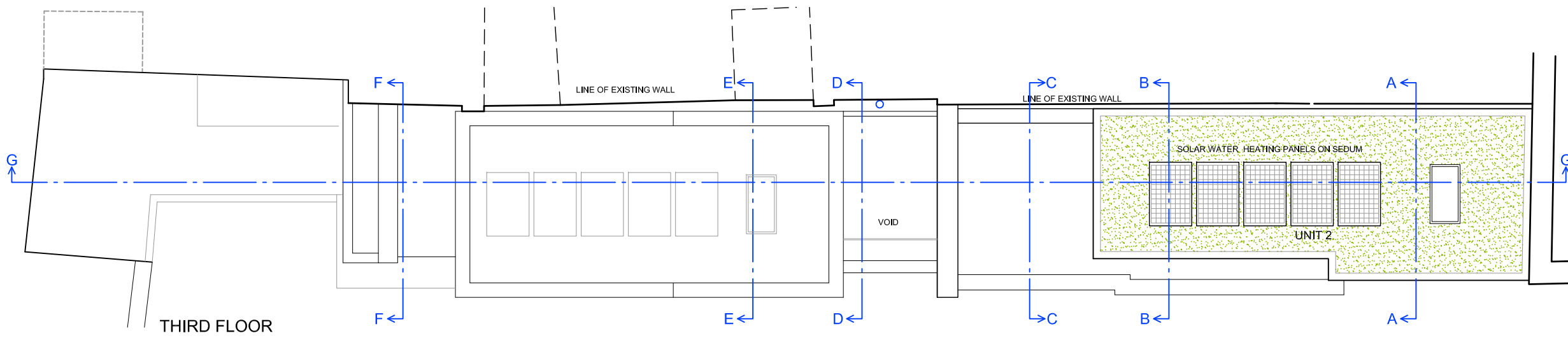
Project **Belgrave Hill, Clifton
Bristol**

Drawing Title **Existing Elevations**

Drawing No. **1506(L)02**

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1:200 DF 18/09/07 -

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ISSUED FOR PLANNING 12/05/14
ISSUED FOR PLANNING 10/10/11

REV	Note	Date
A	Revised following comments from LA and section references revised.	28/04/14

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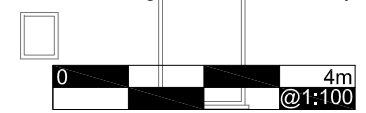
Project **Belgrave Hill, Clifton Bristol**

Drawing Title **Proposed Plans**

Drawing No. **1506(L)22**

Scale @A3 drawn by DF Date 24/06/11 Rev A

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MATERIALS

- Unit 1**
 Walls - Random Rubble Stone to match existing and Painted Render
 Windows - Natural Timber
 Doors - Natural Timber
 Courtyard - Marshalls Tegula Priora permeable paving. Colour: pennant
- Unit 2**
 Walls at street level - Random Rubble Stone to match existing
 Walls at upper levels - Painted Render and Natural Timber
 Windows - Natural Timber
 Doors - Natural Timber
 Terrace - Marshalls Firedstone Flame. Colour: dusk.
- All Roofs - Sedum on grey single ply membrane

ISSUED FOR PLANNING	12/05/14
ISSUED FOR PLANNING	10/10/11
B Existing ground line revised	07/08/18
A Revised following comments from LA and section references revised.	28/04/14
REV Note	Date

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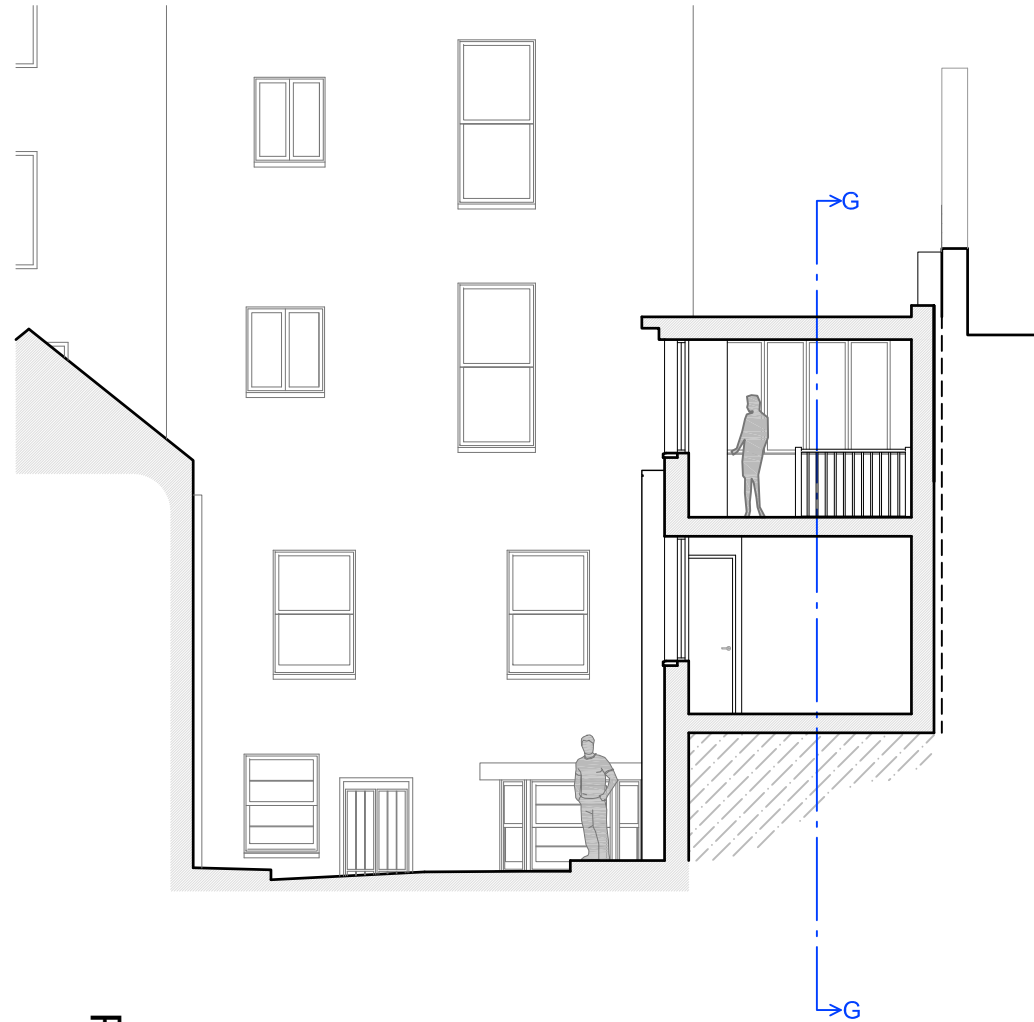
Project **Belgrave Hill, Clifton Bristol**

Drawing Title **Proposed Elevation**

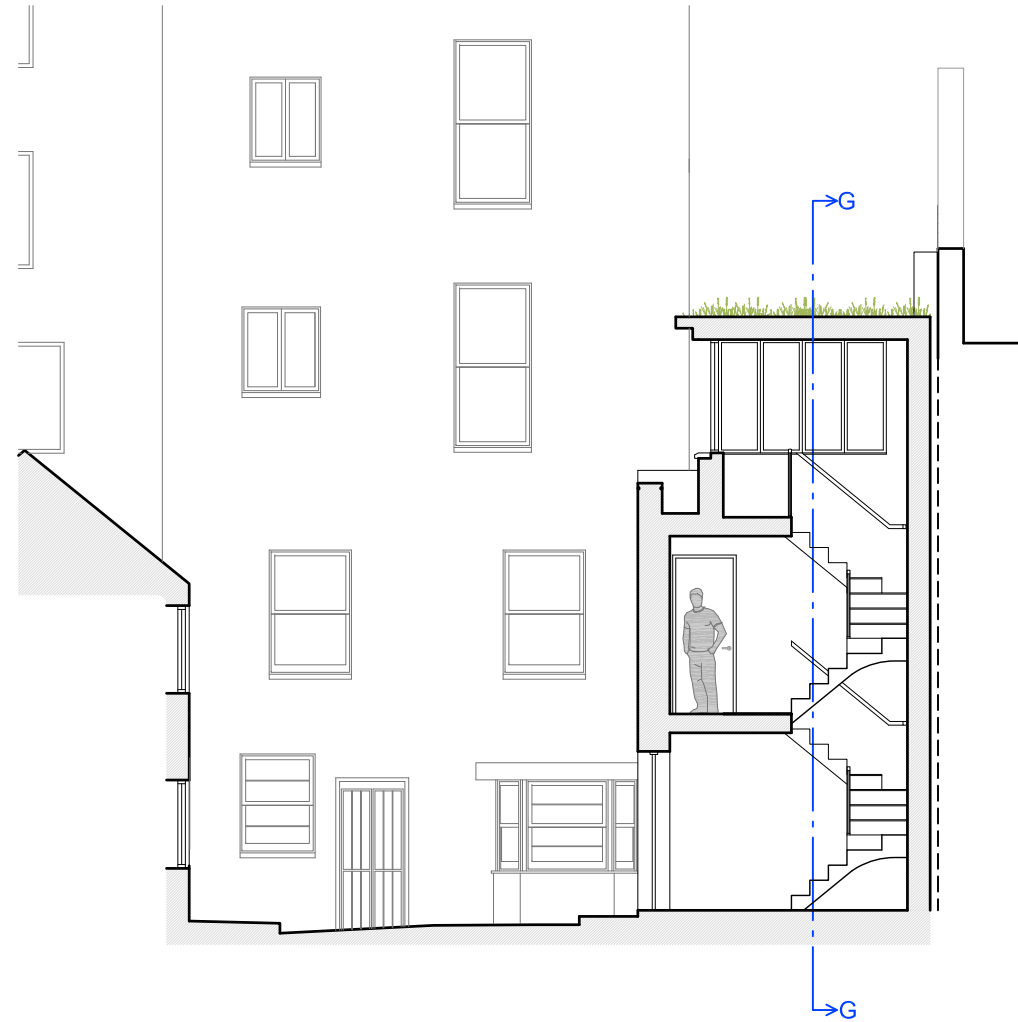
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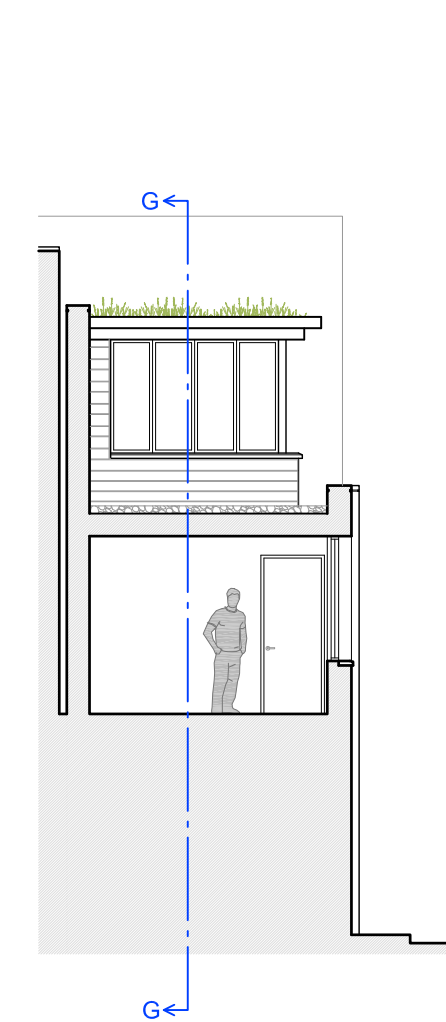
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SECTION A-A
(UNIT 2)

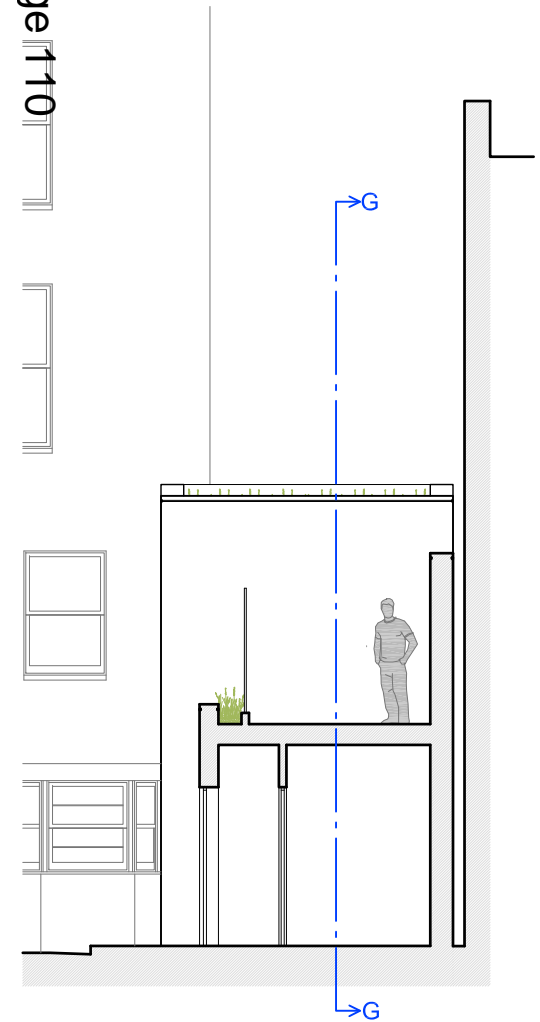


SECTION B-B
(UNIT 2)

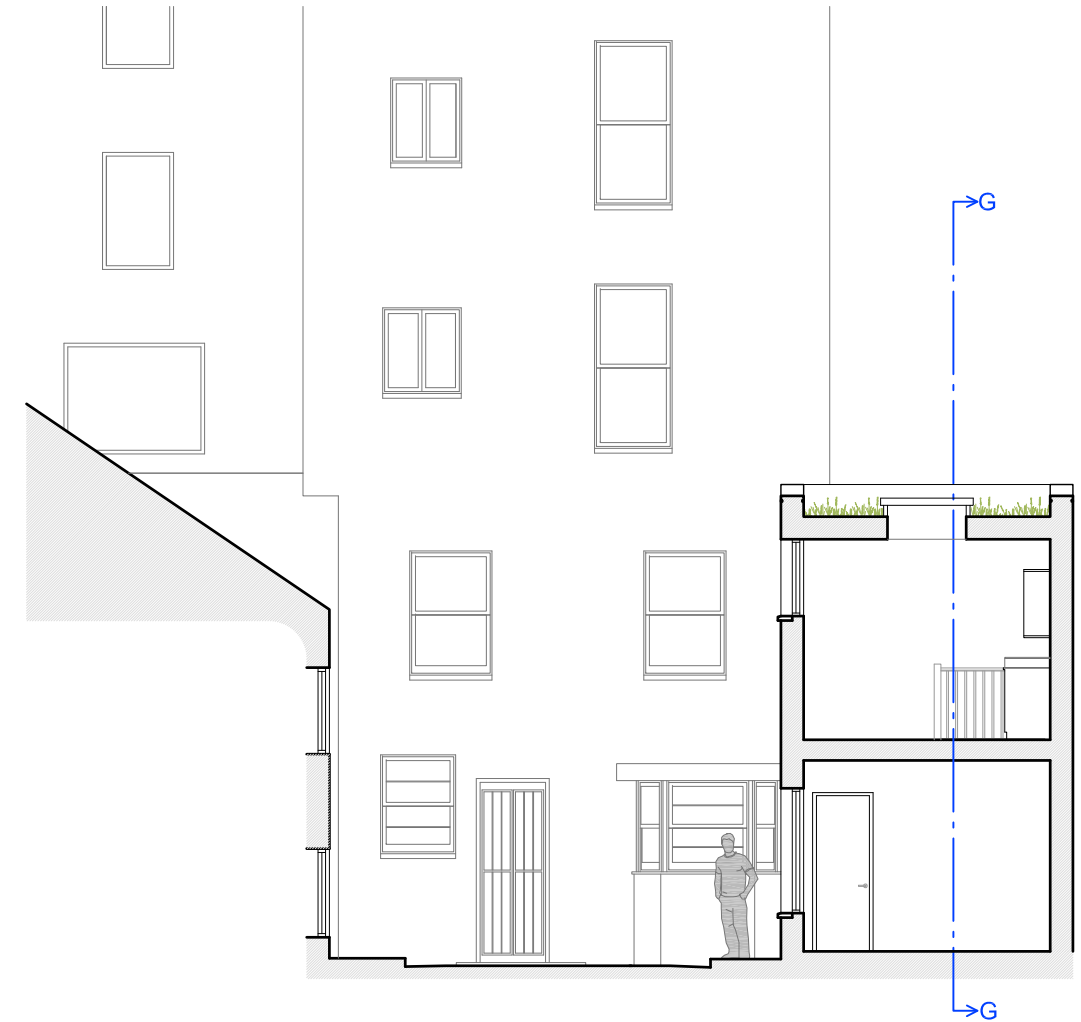


SECTION C-C
(UNIT 2)

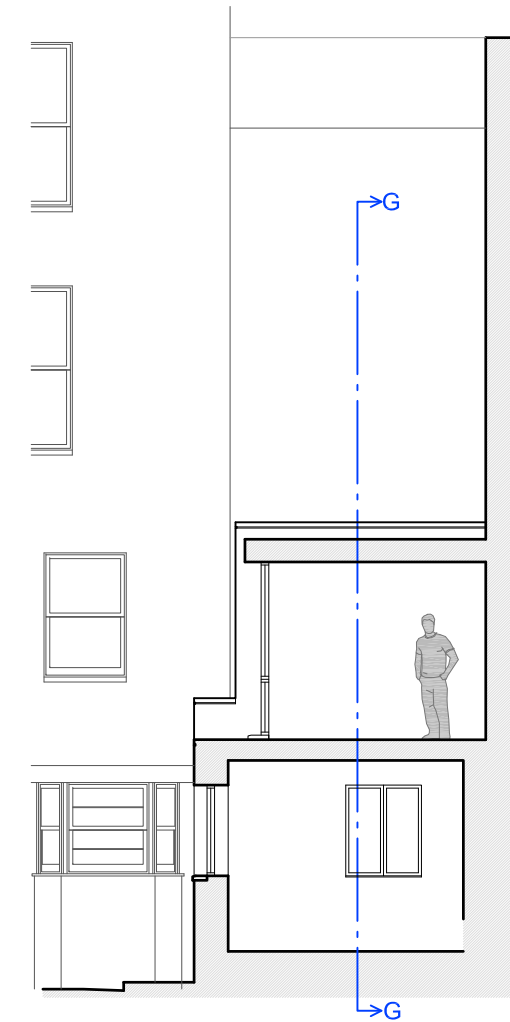
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SECTION D-D
(UNIT 2)



SECTION E-E
(UNIT 1)



SECTION F-F
(UNIT 1)

ISSUED FOR PLANNING 12/05/14
ISSUED FOR PLANNING 10/10/11

A Revised following comments from LA, section references revised, sections added. 28/04/14

REV Note Date

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Project **Belgrave Hill, Clifton
Bristol**

Drawing Title **Proposed Sections**

Drawing No. **1506(L)23**

Scale @A3 drawn by Date Rev
1:100 DF 24/06/11 A

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GROUND LEVEL BEHIND WALL

GROUND LEVEL BEHIND WALL

GROUND LEVEL BEHIND WALL

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SECTION G-G

Approx extg ground line

Extg kerb line

ISSUED FOR PLANNING 12/05/14
 ISSUED FOR PLANNING 10/10/11

B Existing ground line revised 07/08/18
 A Revised following comments from LA and section references revised. 28/04/14

REV	Note	Date
B	Existing ground line revised	07/08/18
A	Revised following comments from LA and section references revised.	28/04/14



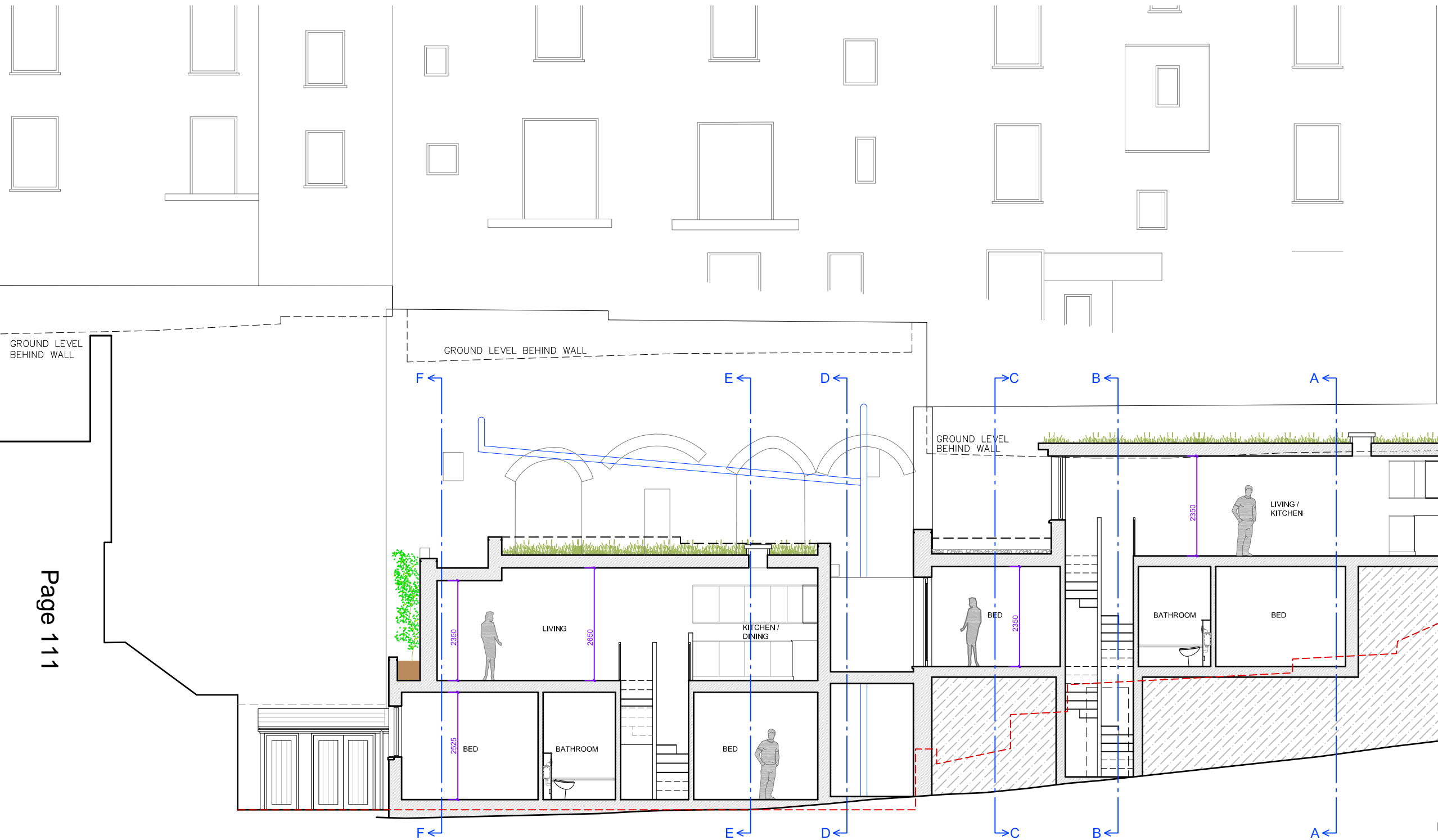
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Project **Belgrave Hill, Clifton
 Bristol**

Drawing Title **Proposed Section G-G**

Drawing No. **1506(L)24**

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Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

SUMMARY

The application site relates to the existing basement of 4-5 Dean Street, located opposite the junction of Dean Street with Chapter Street, St Pauls in the Ashley Ward.

4-5 Dean Street is an existing single storey building which currently operates as Roundway Garage vehicle repair and MOT centre in Use Class B2. The basement of the building is currently used for the storage of car parts and for sanitary facilities. The area surrounding the site comprises a city centre location with a mix of uses including residential, commercial and leisure facilities. The site is located within the Portland and Brunswick Square Conservation Area.

The application seeks full planning permission for the change of use of the existing basement storage area associated with the single storey garage at 4-5 Dean Street (Use Class B2) to a private hire venue (Use Class D2/Sui Generis).

The application proposes the use of the basement for a private hire venue that would operate independently to the garage above. The venue is not proposed as a nightclub but rather a private hire venue for events and parties. The change of use of the basement would not result in the loss of employment floor space or a reduction in the number of people employed at the site.

The change of use would have a minimal effect on the external appearance of the building, however a PPC aluminium basement mechanical ventilation grille would be added to the south elevation.

The application has received 23 objections from members of the public and this is why the application is being presented to committee.

Key issues in the Committee Report concern the principle of development, residential amenity, impact on the conservation area and transport.

As the principle of the change of use for the basement to a private hire venue was previously established through the grant of planning permission 15/02477/F, and the proposed development would not result in the net loss of employment floorspace, it is considered that the principle of development is acceptable.

In terms of residential amenity, in depth consultation with the Council's Environmental Health Officer (EHO) has been undertaken to determine whether the noise associated with the proposed change of use would be acceptable. Following the provision of a revised Noise Impact Assessment and Premise Management Plan, it is considered that with the proposed measures of control governed by the approved plans and conditions, the proposed development would not affect the residential amenity of surrounding occupiers.

Having carefully considered the technical information submitted in support of the application and the policy context, the application is recommended for approval subject to the conditions attached to this report.

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

SITE DESCRIPTION

The application site relates to the existing basement of 4-5 Dean Street, located opposite the junction of Dean Street with Chapter Street, St Pauls in the Ashley Ward.

4-5 Dean Street is an existing single storey building which currently operates as Roundway Garage vehicle repair and MOT centre in Use Class B2 as confirmed through Certificate of Lawfulness (16/03235/CE). The basement is currently used for the storage of car parts and for sanitary facilities.

The basement area covers the same footprint (156sqm) as the ground floor garage immediately above and is a concrete floored expansive space punctuated by concrete columns supporting the above unit.

The unit fronts onto Dean Street, an arterial road connecting with Wilder Street to the north and Portland Street to the south. Vehicular access to the existing unit is gained directly off Dean Street where a dropped curb allows access through the existing roller shutter doors. Pedestrian access is also gained off Dean Street both by the roller shutter doors and the stairwell to the basement at the unit's front eastern elevation.

The area surrounding the site comprises a city centre location with a mix of uses including residential, commercial and leisure facilities. The site is bound by Dean Street and Portland Heights to the west, an educational training centre, gym and recently commenced student accommodation to the north, Portland View to the south and surface car parking to the east.

The site is located within the Portland and Brunswick Square Conservation Area but is not subject to another other allocations or designations.

RELEVANT HISTORY

The site has a varied planning history but those applications of most relevance are outlined below:

15/02477/F - Change of use of commercial garage basement (Lawful use storage associated with B2) to private members club allied to garages use (Proposed lawful use A4/D2/Sui Generis). GRANTED subject to condition(s), 10 August 2015

15/06644/COND - Application to approved details in relation to condition 2 (noise Assessment) of permission 15/02477/F Change of use of commercial garage basement (Lawful use storage associated with B2) to private members club allied to garages use (Proposed lawful use A4/D2/Sui Generis). Condition application approved, 7 March 2016

16/03235/CE - Application for a Certificate of Existing Use as a vehicle repair garage and MOT testing station with ancillary office and storage (Use Class B2). Certificate of Lawfulness Issued, 3 August 2016

APPLICATION

The application seeks full planning permission for the change of use of the existing basement storage area associated with the single storey garage at 4-5 Dean Street (Use Class B2) to a private hire venue (Use Class D2/Sui Generis).

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

The application proposes the use of the basement for a private hire venue that would operate independently to the garage above. The venue is not proposed as a nightclub but rather a private hire venue for private events and parties. A nightclub would fall solely within a sui-generis use class.

The change of use of the basement would not result in the loss of employment floor space or a reduction in the number of people employed at the site. The basement is currently used for storage but its location downstairs means that it is used sparingly and its change of use would not detrimentally impact on the business above.

The change of use would have a minimal effect on the external appearance of the building, however a PPC aluminium basement mechanical ventilation grille would be added to the south elevation. The existing door and stairwell to the east of the front elevation would be used as a separate entrance to the proposed private hire venue in the basement. Access to the existing ground floor garage would be provided via the existing roller shutter door at the front elevation. Internally the venue would include a kitchen, food servery, bar, sanitary facilities and a small storage area.

The basement would be available for private functions to be booked in advance and the Applicant has indicated that typical events would include birthday parties, anniversaries, graduation parties and office events. The number of guests at the venue at one time would be approximately 40. The hours of operation would be 09:00-00:00 Sunday to Thursday and 09:00-01:00 Friday to Saturday. No regular weekly or monthly fixed events would be held at the venue, it would only be used as part of a pre-booked private hire space.

Access to the site would be achieved through the current arrangements and no on-site parking is proposed. Waste and recycling would be stored internally to be disposed of following each event by a private waste contractor. The existing ground floor garage has an allocated area to the rear for its bins and recycling which is collected weekly by a private waste contractor, any waste created by the proposed use would utilise the same area.

RESPONSE TO PUBLICITY AND CONSULTATION

Letters were sent to neighbouring properties and there were 23 replies. Of these all 23 were in objection.

IN OBJECTION

Comments were made in objection on the following grounds:

- Impact on residential amenity;
- Noise pollution;
- Traffic and parking pressure;
- Increased anti-social behaviour;
- Out of keeping with the surrounding area; and
- Increased litter.

INTERNAL CONSULTEES

Environmental Health – No objection

During the determination of the application there were a number of discussions between the Applicant and the Council's Environmental Health Officer (EHO). Given the sites location within a mixed use

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

area including residential development and the number of objections received from members of the public, it was deemed essential that a revised Noise Impact Assessment and Premise Management Plan were submitted prior to determination of the application.

The Applicant provided both these updated reports and following their submission to the Council the EHO raised no objection to the application subject to the imposition of a number conditions including compliance with the Premise Management Plan and restricted opening hours.

Transport Development Management – No objection

The Council's Transport Development Management team has raised no objection to the application given the site's location and the parking restrictions in place around the site the proposal does not raise any unacceptable transport and movement issues.

RELEVANT POLICIES

National Planning Policy Framework – July 2018

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

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

KEY ISSUES

A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

Policy BCS2 outlines that Bristol City Centre's role as a regional focus will be promoted and strengthened. Development will include mixed uses for offices, residential, retail, leisure, tourism, entertainment and arts and cultural facilities.

Policy BCS7 of the Bristol Core Strategy states that retail development, offices, leisure and entertainment uses, arts, culture and tourism uses will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol.

Policy BCS8 confirms that employment land outside Principal Industrial and Warehousing Areas will be retained where it makes a valuable contribution to the economy and employment.

Policy BCAP45 of the Bristol Central Area Plan outlines that within St Paul's Continued investment will be sought in small business space.

Policy BCAP19 further states that leisure and entertainment uses will be acceptable at other city centre locations where they accord with other relevant Local Plan policies.

The site is not allocated within the Local Plan for a particular use however has previously been granted full planning permission for the change of use of the commercial garage basement (Lawful use storage associated with B2) to a private members club allied to the previous Porsche garage use (Proposed lawful use A4/D2/Sui Generis). A use not dissimilar to the use proposed through this application.

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

Whilst the use of the basement has altered slightly between the previous application and this, the use would still be restricted via condition to ensure that it has no permitted development rights to change to a nightclub use. The venue would also be located within a city centre location where a mix of uses including offices, residential, retail, leisure, tourism, entertainment and arts and cultural facilities is encouraged.

Furthermore, the proposed development would result in no net loss of employment floorspace. The basement is currently used for ancillary storage for the ground floor garage, however given the current access arrangements to the basement, it is underutilised and therefore its proposed change of use would not affect the operation of the garage or the number of employees. In fact it would create jobs for a small number of employees within the private hire venue.

Given that the principle of change of use for the basement was previously established through planning permission 15/02477/F and the proposed development would not result in the net loss of employment floorspace it is considered that the principle of development is acceptable.

B) WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY?

Policy BCS21 sets out that new development should safeguard the amenity of existing development.

Policy BCS23 states that development should be sited and designed in a way as to avoid adversely impacting upon – environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land.

A number of objections have been received from the members of the public relating to the impact of the proposed use on their amenity, particularly in terms of noise.

Given the level of objection received and given that the site is located in close proximity to residential development to the south and west, in depth consultation with the Council's EHO has been undertaken to determine whether the noise associated with the proposed change of use would be acceptable.

The Applicant submitted a Noise Impact Assessment with the application, the report was reviewed by the Council's EHO and a number of requests for further information were made, including a request for an acoustic assessment of customers entering and leaving the venue and potentially congregating at the entrance and smoking area. A request was also made for a Premise Management Plan setting out details of opening times of the premises, including outside areas, how the premises would be supervised and how any noise issues or complaints would be dealt with.

Following the requests from the EHO, both an updated Noise Impact Assessment and Premise Management Plan were submitted to support the application. These revised documents now provide an assessment of guests entering and exiting the venue and utilising outdoor areas and a commitment to reduced opening hours, the installation of a noise limiter and measures to deal with complaints. The EHO has reviewed both revised plans and raised no objection to the application subject to a number of conditions.

In terms of other potential impacts on residential amenity, the proposed private hire venue would be located within the basement of an existing single storey unit and apart from the provision of a

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

mechanical ventilation grille no other external alterations would be made to the building. There would be no concerns in terms of overlooking or overbearing.

It is therefore considered that with the proposed measures of control governed by the approved plans and conditions, the proposed development would not affect the residential amenity of surrounding occupiers.

C) WOULD THE PROPOSED DEVELOPMENT HARM THE CONSERVATION AREA?

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight."

Policy BCS21 states that new development should be of high quality, and should contribute positively to an area's character and identity.

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

The proposed development would result in only very minimal external changes to the existing building. Whilst the development site is located within the Portland and Brunswick Square Conservation Area it is located at the edge of the designated area and the building is identified as a building of neutral value. The proposed development would retain the active use of the existing building and have no impact on its appearance. The proposed development would introduce an additional use in the basement however it is considered that this use would be in keeping with its mixed use/city centre location.

It is therefore considered that the proposed development would not harm the conservation area.

D) DOES THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS TRANSPORT, ACCESS AND MOVEMENT ISSUES?

Policy BSC10 requires that development should be designed and located to ensure that provision of safe streets. It outlines that development should create places and streets where traffic and other activities are integrated.

Policy DM23 states that development should not give rise to unacceptable traffic condition and proposals for parking, servicing and loading should make effective and efficient use of land.

The proposed change of use would utilise the existing entrance and waste collection area to the rear, through a private waste contractor. The site is located within a sustainable location, close to the city centre and public transport. Given the size of the private hire venue, the expected frequency of use and the parking restrictions in place around the site to ensure highway safety, the Council's Transport Development Management team have raised no objection and it is considered that the proposed change of use would not raise any transport, access and movement issues.

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

CONCLUSION

The proposed change of use of the basement to a private hire venue (Use Class D2/Sui Generis) was previously established through planning permission 15/02477/F. The design and alteration to the existing building would be minimal and would not adversely impact the surrounding conservation area. The implementation of the noise controls outlined in the approved plans and conditions would ensure that the residential amenity would be safeguarded. The sites sustainable location, nature of the use of the venue and the existing traffic controls surrounding the site raise no transport issues. It is recommended that planning permission is granted for this development subject to specific conditions.

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 GRANT subject to planning condition(s)

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 occupation condition

2. 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.

Post occupation management condition(s)

3. Use Restriction – General

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only

Development Control Committee A – 17 October 2018
Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

be used for the purposes specified in the application and for no other purpose (including a night club or any other purpose in Class D2 or Sui Generis on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location in the interests of residential amenity.

4. Hours of operation

The use of the private hire venue shall not be carried out outside the hours of 09:00 to 00:00 Sunday to Thursday, 09:00 to 01:00 Friday to Saturday.

Reason: To safeguard the amenity of nearby occupiers.

5. Hours open to members

No guest/patrons shall remain on the premises outside the hours of 09:00 to 00:00 Sunday to Thursday, 09:00 to 01:00 Friday to Saturday.

Reason: To safeguard the amenity of nearby occupiers.

6. Premises Management Plan

The premises shall be used in accordance with the Premise Management Plan submitted with the application. Any proposed amendments or revisions to the Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents and the area generally

7. Use of Refuse and Recycling facilities

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays. All refuse and recyclable materials associated with the development shall be stored within the building that forms the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement.

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

8. Noise from plant and equipment affecting residential

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

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

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Application No. 18/02650/F : 4-5 Dean Street St Pauls Bristol BS2 8SF

List of approved plans

9. List of approved plans

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.

155/03 Proposed Basement and Ground Floor Plan, received 17 May 2018

155/04 Existing and Proposed Elevations, received 17 May 2018

Premise Management Plan, received 11 September 2018

Ventilation and Extraction Statement, received 8 August 2018

Reason: For the avoidance of doubt

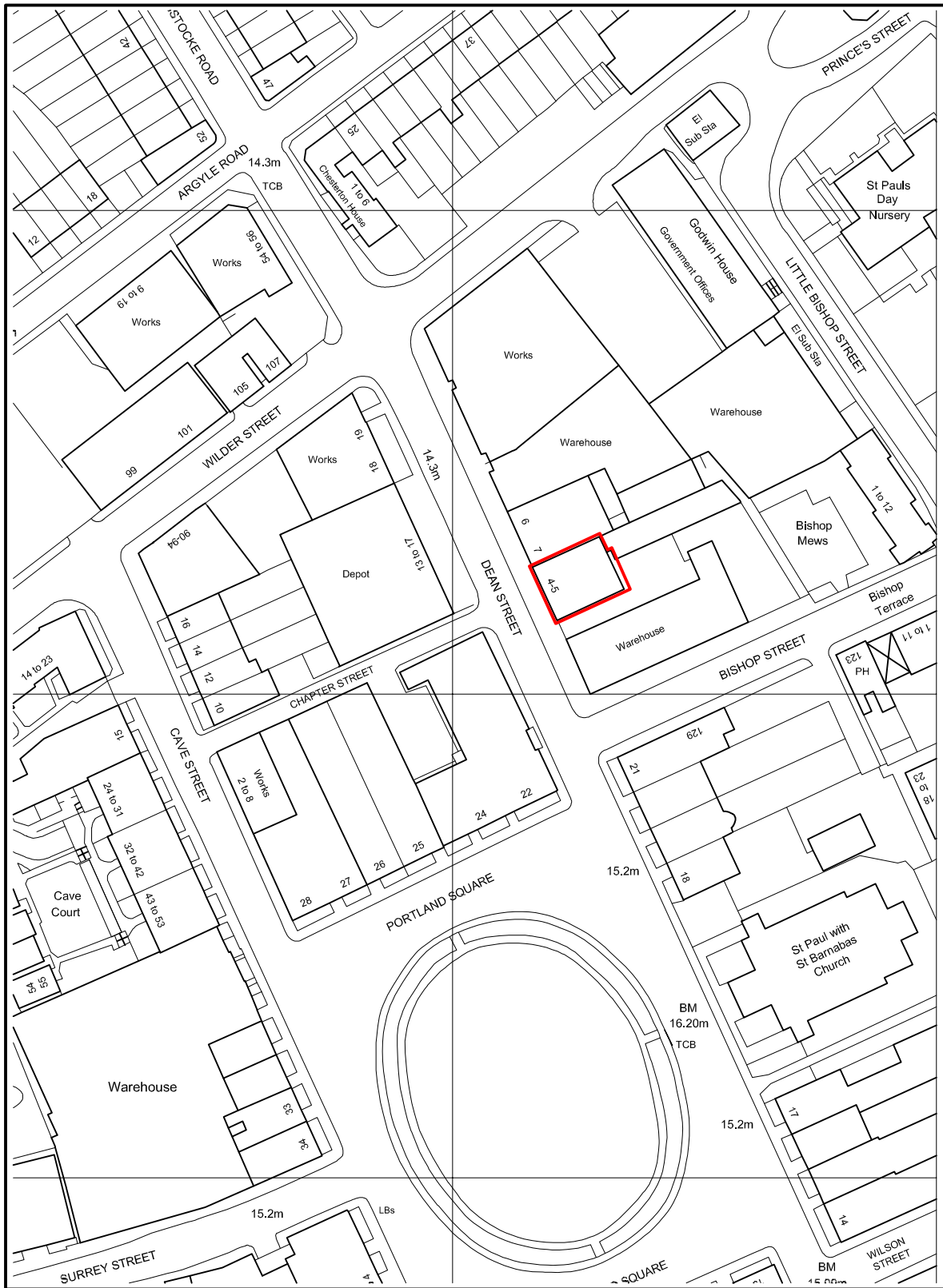
Advices

1. Application for Advertisement Consent Needed

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

Supporting Documents

- 3. 4-5 Dean Street, St Pauls, Bristol**
 1. Site location plan
 2. Proposed basement and ground floor plans
 3. Existing and proposed elevations



Ascent
ARCHITECTURE

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BRISTOL BS1 3RD
T: 0117 942 9515
E: info@ascentarchitecture.com
www.ascentarchitecture.com

Project

Proposed Basement Private Hire Venue
4-5 Dean Street, St Paul's, Bristol BS2 8SF

Client

Ms. S Malik

Drawing no.

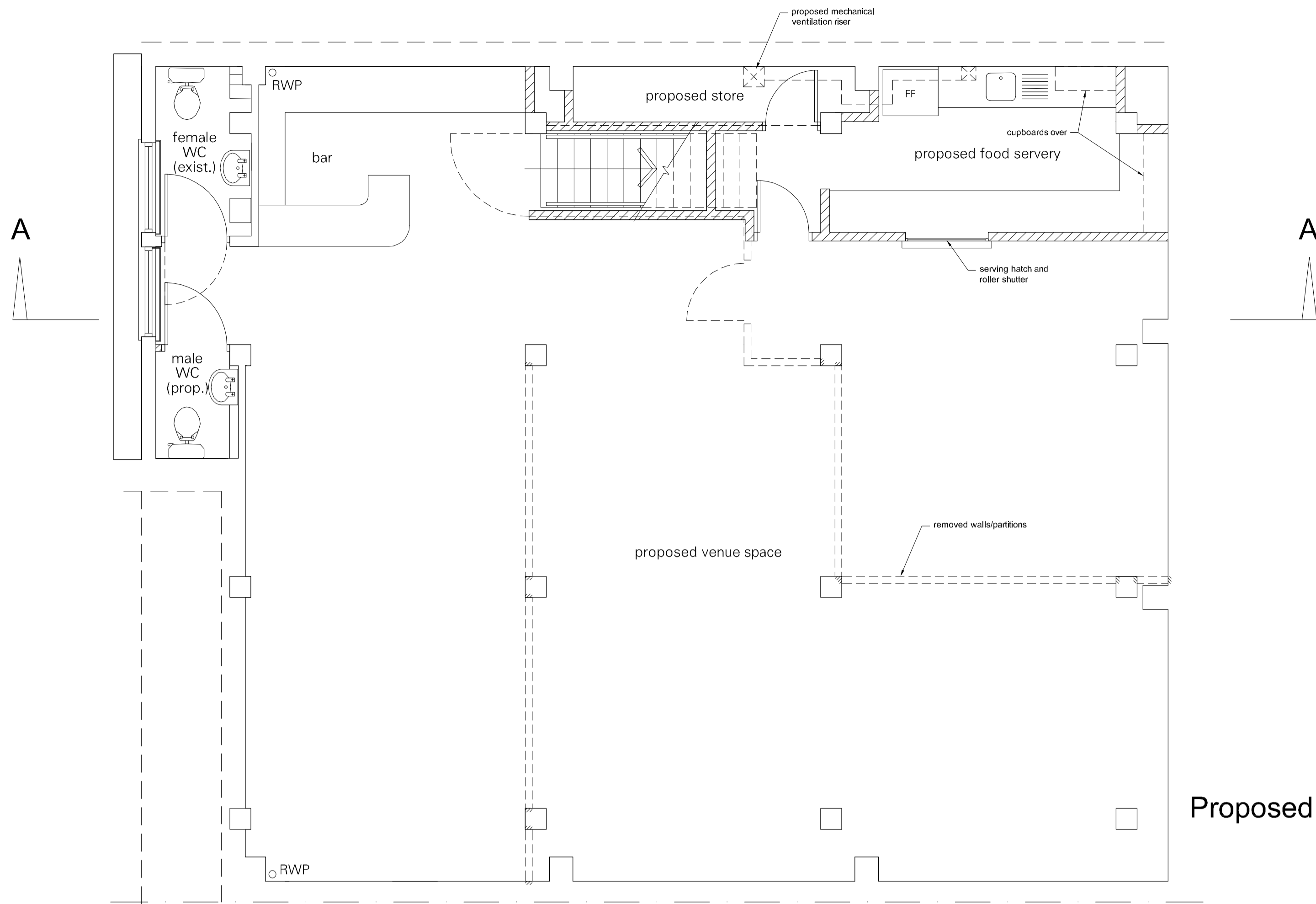
Page 123 of 123
Section Plan

Job no.

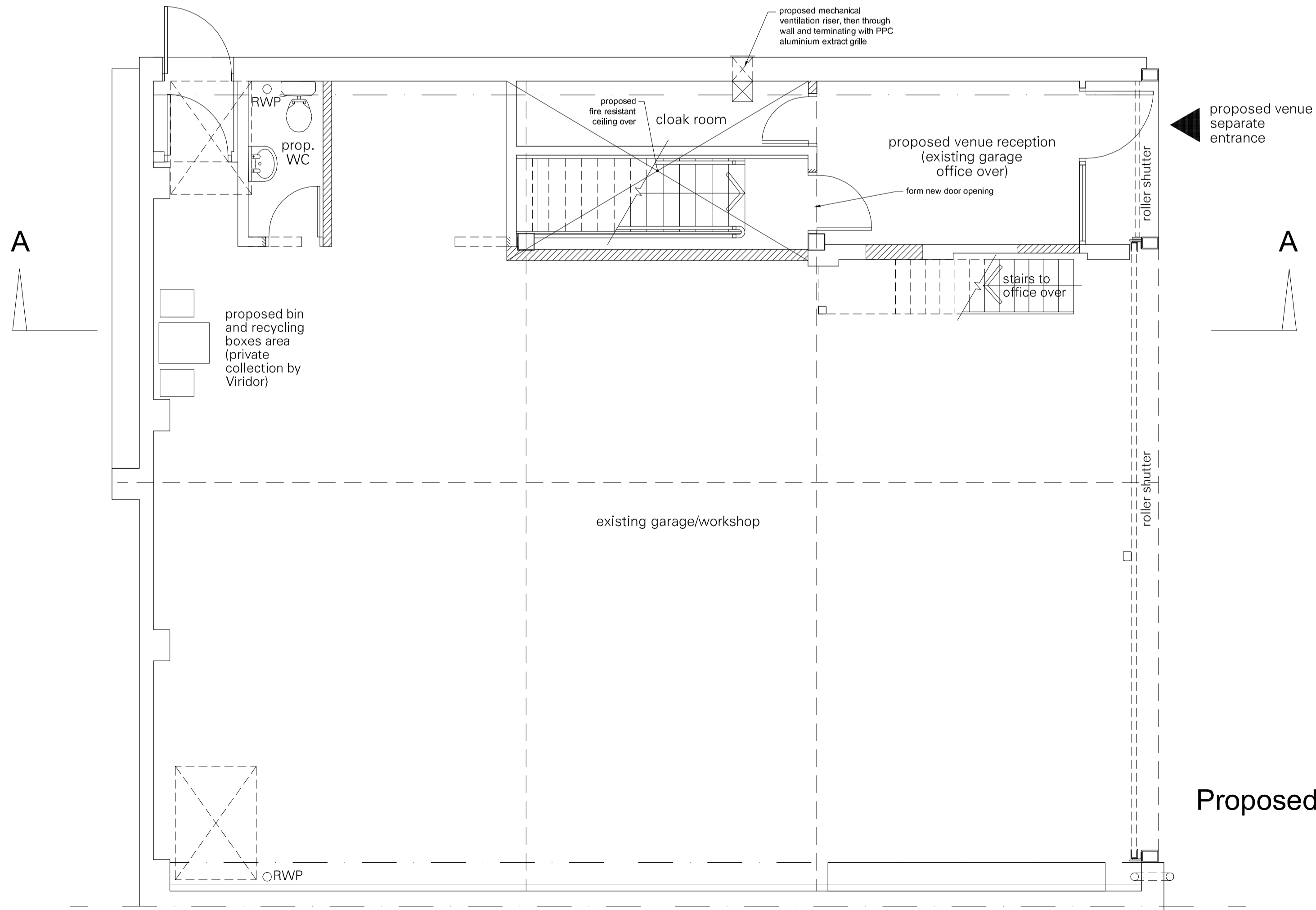
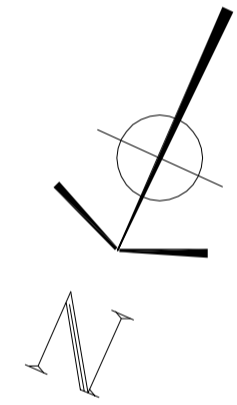
155

Scale

1:1250 @ A4



Proposed Basement Plan



Proposed Ground Floor Plan

NOTES/KEY

GENERAL NOTES
 ► Work to figured dimensions only and check all dimensions on site. Please report any discrepancy to architect © ASCENT ARCHITECTURE

REVISIONS

A: 3/5/18 - Amendments and updates based on newly proposed scheme

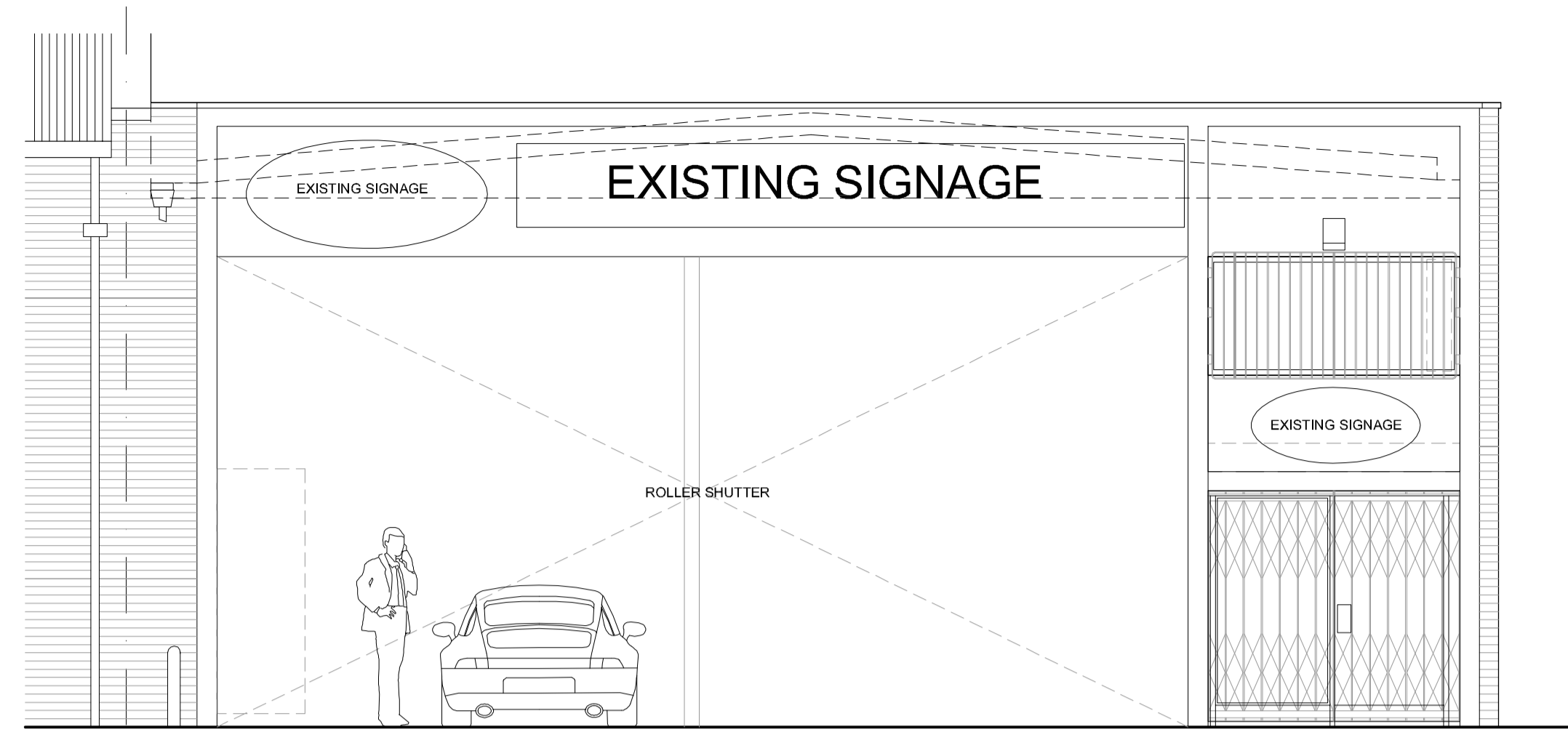


Project: Proposed Basement Private Hire Venue
 4-5 Dean Street, Bristol BS2 8SF

Client: Ms. S Malik

Detail: Proposed Basement & Ground Floor Plans

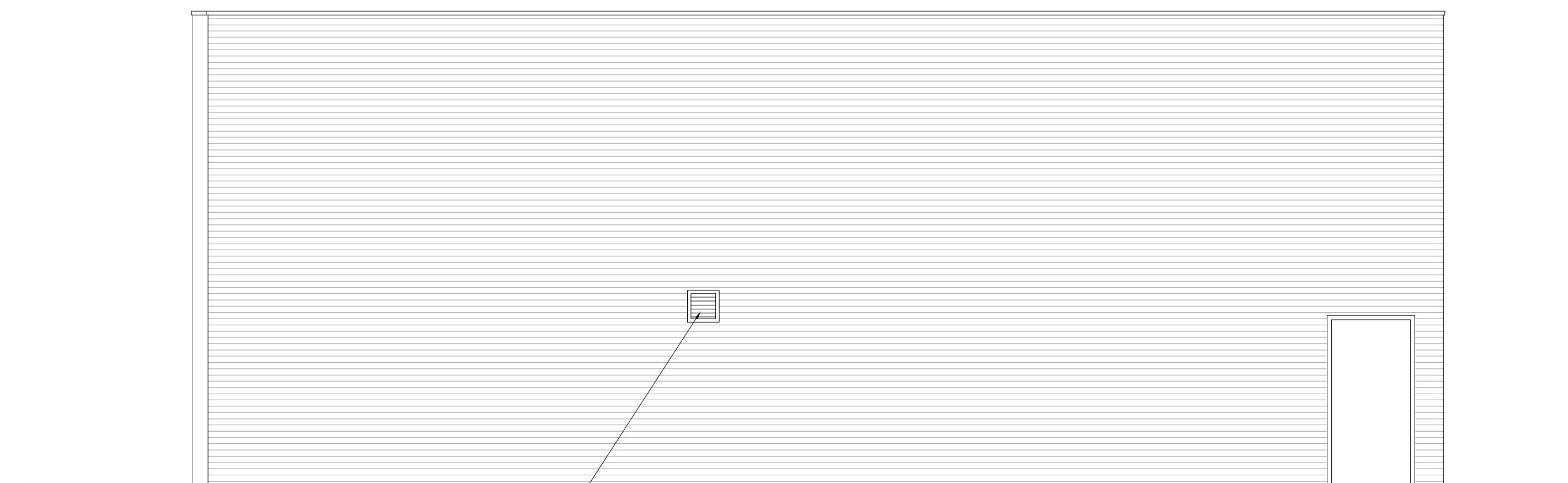
Drawing no.	Revision	Scale	Date	Drawn
155/03	A	1:50@A1	8/5/15	SGM



Existing & Proposed
Front/West Elevation
(i.e. unaffected by this proposal)



Existing Side/South Elevation



proposed PFC aluminium
basement mechanical
ventilation extract grille

Proposed Side/South Elevation

NOTES/KEY

GENERAL NOTES
► Work to figured dimensions only and check all dimensions on site. Please report any discrepancy to architect © ASCENT ARCHITECTURE

REVISIONS

A: 3/5/18 - Minor amendments and updates

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Project
Proposed Basement Private Hire Venue
4-5 Dean Street, Bristol BS2 8SF

Client
Ms. S Malik

Detail
Existing & Proposed Elevations

Drawing no.	Revision	Scale	Date	Drawn
155/04	A	1:50@A1	8/5/15	SGM

Development Control Committee A – 17 October 2018

ITEM NO. 4

WARD: Lawrence Hill

CONTACT OFFICER: David Grattan

SITE ADDRESS:

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ

APPLICATION NO: 17/04673/F

Full Planning

DETERMINATION DEADLINE: 25 March 2018

Erection of a 6- to 11-storey building comprising 120 no. (PRS - privately rented sector), residential units (1-, 2- and 3-bed), 524 sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level and associated development, including landscaping, public realm, bin storage, plant areas and cycle parking (Major application).

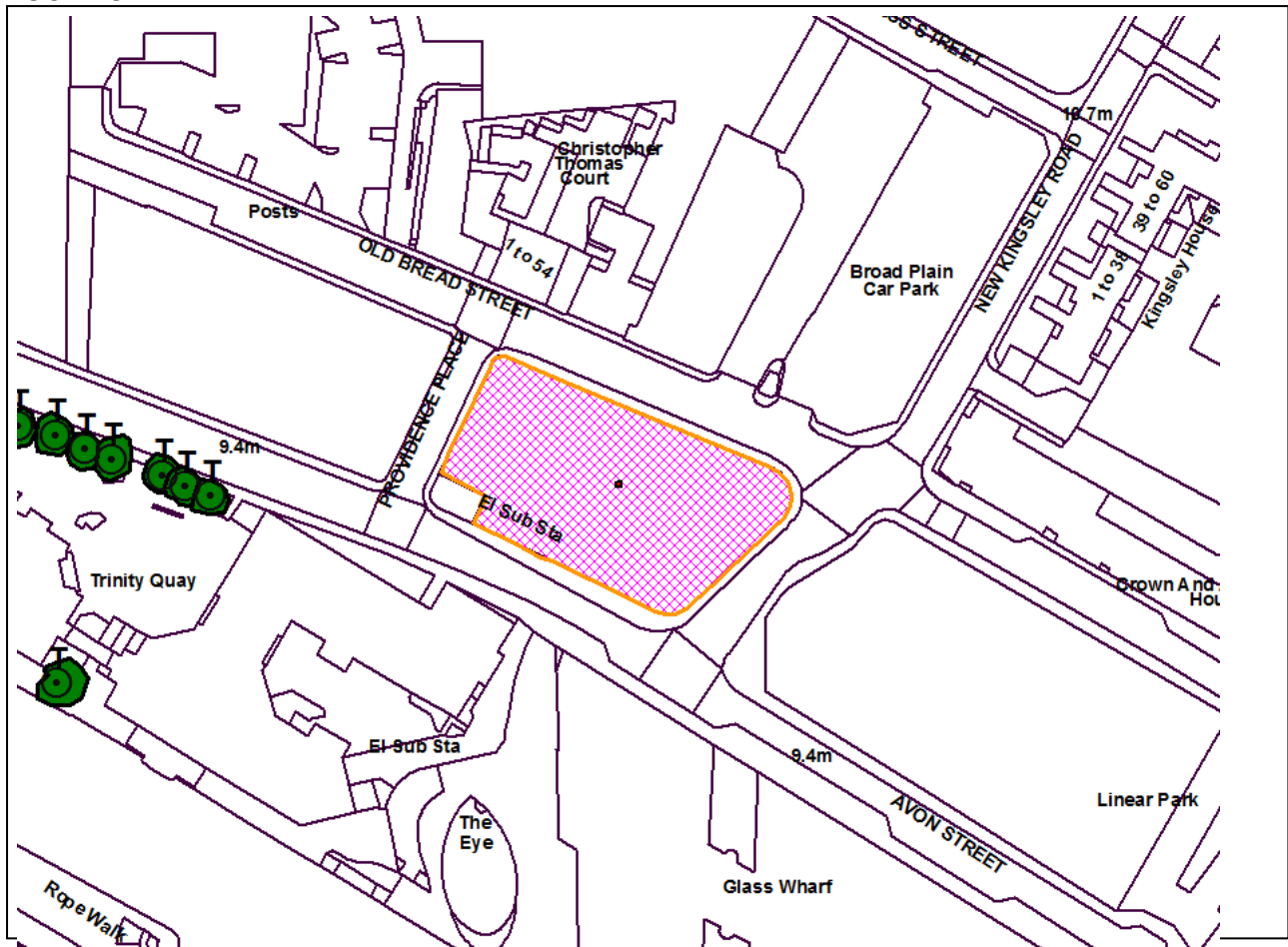
RECOMMENDATION: Other

AGENT: GVA
St Catherines Court
Berkeley Place
Bristol
BS8 1BQ

APPLICANT: Legal and General Property Ltd
c/o agent

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

LOCATION PLAN:



Development Control Committee A – 17 October 2018**Application No. 17/04673/F : Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ****Update Report****Background**

This application was considered by DC Committee A at their 21 June 2018 meeting. Committee considered the application to be acceptable in all areas other than the provision of affordable housing. The officer recommendation, based on the conclusions of the Council's viability consultants (DVS) was that 4 affordable dwellings for rent (capped at Local Housing Allowance (LHA) maximums) should be required. However, committee resolved to grant planning consent on the basis of the provision of 23 affordable dwellings for rent (capped at LHA maximums).

This resolution was based on Committee's opinion that Stamp Duty Land Tax (SDLT) should not be included as a cost in the viability appraisal, which was due to the following reasons:

1. The applicant had no intention of selling the development upon completion, meaning that SDLT would not be incurred
2. The applicant (Legal & General) did not include SDLT in their viability appraisal for the neighbouring site (ND7), which will be operated in the same way as ND6 and which includes facilities that will be shared with ND6
3. The RICS Guidance titled "Valuing residential property purpose built for renting", which suggests that SDLT should be included, was only issued in a draft form. There was no known date for the guidance to become full guidance, and no clarity as to whether any changes would be made from the draft version

SDLT on ND6 amounted to £1,896,301, and if this figure was excluded, the amount of affordable housing that could be provided increased from 4 to 23 affordable dwellings for rent (capped at LHA maximums).

Changes to Guidance and Policy since the 21 June 2018 Committee meeting

In the months since the committee meeting a number of changes to National Planning Policy and Guidance have taken place. The status of the draft RICS Guidance, referred to above has also changed. These changes are discussed below:

RICS Guidance - Valuing residential property purpose built for renting

The RICS Guidance Note was issued as full guidance in July 2018, and it is stated to be effective from October 2018. The guidance states the following in Para 5.4.3:

A further deduction should be made within the valuation for purchaser's costs, reflecting an investor's true net position, comprising acquisition fees – agent's and legal fees plus VAT – and stamp duty.

Development Control Committee A – 17 October 2018

Application No. 17/04673/F : Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ

The guidance includes a table that defines the status of RICS documents, and this is reproduced below:

Type of document	Definition
RICS Rules of Conduct for Members and RICS Rules of Conduct for Firms	These Rules set out the standards of professional conduct and practice expected of members and firms registered for regulation by RICS.
International standard	High-level standard developed in collaboration with other relevant bodies.
RICS professional statement (PS)	Mandatory requirements for RICS members and regulated firms.
RICS guidance note (GN)	A document that provides users with recommendations or an approach for accepted good practice as followed by competent and conscientious practitioners.
RICS code of practice (CoP)	A document developed in collaboration with other professional bodies and stakeholders that will have the status of a professional statement or guidance note.
RICS jurisdiction guide	This provides relevant local market information associated with an RICS international standard or RICS professional statement. This will include local legislation, associations and professional bodies as well as any other useful information that will help a user understand the local requirements connected with the standard or statement. This is not guidance or best practice material, but rather information to support adoption and implementation of the standard or statement locally.

From this, it is clear that the full guidance considers that SDLT would be expected to be included as a cost in the assessment of the viability of a Private Rental Sector scheme. Following the guidance is not a mandatory requirement for RICS Members, but it is considered as accepted good practice, and therefore represents an approach likely to be followed by competent and conscientious practitioners.

Whilst the Committee as decision makers are required to take account of National Planning Guidance and Policy, they are not required to take account of RICS guidance in the same way. However, committee does need to be mindful that a RICS member would be unlikely to act in a way that is contrary to guidance issued by RICS.

Development Control Committee A – 17 October 2018**Application No. 17/04673/F : Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ****National Planning Policy Framework (NPPF)**

Revisions to the NPPF took effect in July 2018. The revised NPPF states the following in Paragraph 57:

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case..

This would suggest that in the case of ND6, it is appropriate to consider the relationship with ND7. Both schemes are owned by Legal and General. It is understood that they are intended to be built under a single build contract by Galliford Try. When complete they will include shared facilities.

Consequently, it would be reasonable to expect that a consistent approach would be taken to the inclusion of SDLT, and that given that the viability appraisal submitted in respect of ND7 did not include SDLT, the same would be expected to apply to ND6.

The applicant has been asked on a number of occasions to explain the reason behind the exclusion of SDLT in respect of ND7 and the inclusion of SDLT in respect of ND6. However, no reasons have been provided to substantiate this difference in approach.

It is considered, therefore, that as the revised NPPF allows for the decision maker to have regard to all the circumstances in the case; committee could reasonably have regard to the fact that the applicant has not included SDLT on the adjacent site, which is to be developed in conjunction with the application site, will share facilities with the application site, and will be operated as a Private Rental Scheme, just like the application site.

Based on this, committee could consider how much weight they wished to give to the ND6 viability appraisal, particularly given the inconsistent approach taken to SDLT, and the lack of an explanation to justify this.

Planning Practice Guidance – Build to Rent

On 13 September 2018, government issued Planning Practice Guidance on planning for Build to Rent schemes and on the approach taken to secure affordable housing from such schemes. The guidance does not impact on the general approach in respect of ND6, as it does not go into the detail of individual elements of a viability appraisal.

Appeal against non-determination of application 17/04673/F

Legal and General declined to enter into a Section 106 Agreement based on the committee resolution of 21 June 2018, and have submitted an appeal to the Planning Inspectorate, against the non-determination of the application. They have requested that the appeal be dealt with by written representations, and they have also sought a full award of costs.

This appeal means that committee will need to determine whether it would have resolved to approve the application based on the officer recommendation of 4 affordable dwellings (which was the offer on the table), or whether it would have resolved to refuse it. If committee determines that it would have approved the application, then the appeal will not be defended, however, if committee resolves that it

Development Control Committee A – 17 October 2018**Application No. 17/04673/F : Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street Bristol BS2 0ZZ**

would have refused the application then the appeal will be defended as robustly as possible. In making its determination, committee will need to take account of the following matters:

1. The fact that the RICS Guidance on Valuing residential property purpose built for renting has now been issued as full guidance
2. The fact that the NPPF now allows for the decision maker to have regard to all the circumstances of the case (i.e. moving away from the hypothetical developer approach previously used)
3. The fact that the applicant has not taken a consistent approach to the application of Stamp Duty in respect of ND6 and ND7.
4. The evidence from the two Private Rental Sector schemes granted a consent in Bristol (i.e. ND7 and the Ambulance Station) which do not support the inclusion of SDLT at anything other than a minimal rate

Conclusion

Committee will need to consider what weight they wish to give to the above matters in considering whether they would have resolved to refuse or approve the application.

Officers advise that whilst the outcome of any planning appeal is uncertain, should committee resolve that they would have refused the application, the appeal could be defended. Officers also do not consider that the Council has acted unreasonably, given the inconsistent approach taken by the applicant in respect of the viability for ND6 and ND7, and that the claim for costs could be defended.

If committee resolve that they would have refused the application, the suggested reason for refusal would be as follows:

The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

Development Control Committee A – 21 June 2018

Application No. 17/04673/F

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ

SITE DESCRIPTION

The application site (known as 'ND6') is located within the Temple Quarter Enterprise Zone (TQEZ), to the east of Bristol City Centre, in the ward of Lawrence Hill. The site is bound by Old Bread Street to the north, New Kingsley Road to the east, Avon Street to the south and Providence Place to the west.

The site currently comprises an undeveloped plot of brownfield land, surrounded by hoardings.

Recent development within the surrounding area has comprised of modern mixed use development, including residential, offices and retail as part of the regeneration of the TQEZ. Land adjacent to the east of the site was granted planning permission for a residential led development in 2017 (ref: 16/04561/F) and construction work relating to this scheme has recently commenced (known as 'ND7').

The area to the north of Old Bread Street is comprised of existing residential development. The site is not within a Conservation Area. The nearest Listed Building is the Grade II Gardiner's Warehouse, former soap works, which is approximately 60m to the north west of the site.

The site is located just outside the boundary of the Old Market Quarter neighbourhood planning area.

RELEVANT HISTORY

17/02171/PREAPP – pre-application enquiry for a mixed-use residential-led scheme and new public realm along New Kingsley Road.

Pre-application advice issued: 04/08/2017

16/01122/P – Outline planning application for development of a single building consisting of up to 9,800 sqm of gross internal office (Use Class B1 (a)) floor space across up to seven storeys, plus a basement level car park. 'Scale' and 'Layout' to be considered only with other matters (access, appearance and landscaping) reserved. (Major Application)

GRANTED – 29/09/2016

13/02010/M – Reserved matters approval in respect of Application No. 01/01606/P as varied by App No. 12/02482/C – a 5/7 storey building comprising 78 flats (12 No. three bedroom, 34 No. two bedrooms and 32 No. one bedroom), retail unit (440 sqm), cycle parking, plant room and associated public realm (Major Application)

GRANTED – 21/04/2016

Applications on the adjacent 'ND7' site:

16/04561/F - Erection of an 8-11 storey building comprising 255 no. residential units, 536 sqm of flexible commercial / community floor space (Use Classes A1, A2, A3, A4, B1a, D1 or D2) at ground floor level, basement car park and associated development, including access,

Development Control Committee A – 21 June 2018

Application No. 17/04673/F

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ

landscaping, bin storage and cycle parking. (Amendment to planning permission 14/03133/F) (Major Application)
GRANTED – 01/02/2018

APPLICATION

The application submitted by Legal and General Property Ltd seeks full planning permission for the erection of 6-11 storey building comprised 120 no. Private Rented Sector (PRS) residential units (1, 2 and 3 bedroom units), 524 sqm of flexible commercial floor space at ground floor level and associated development, including landscaping, public realm, bin storage, plant area and cycle parking.

The scheme proposes the delivery of 4 affordable residential dwellings.

Storey 2 – 6 of the building would provide 15no. apartments per floor, and storeys 7 – 11 would provide 9no. apartments per floor.

The façade of the building is proposed to appear as three separate buildings (known as 'Building A', 'Building B' and 'Building C') each demarked by a different height, form and material palette.

Building A would be the tallest component of the scheme (11-storeys), located on the eastern boundary of the site and fronting New Kingsley Road and the ND7 site. The material palette would comprise of red brick, red concrete with deep red metal balconies.

Building B would be 10-storeys, comprising the centre of the scheme with frontages onto Old Bread Street and Avon Street. The material palette would comprise of light grey brick, grey feature bricks and grey metal balconies.

Building C would be 6-storeys in height, located on the western boundary of the site fronting onto Providence Place. The material palette would comprise of dark grey brick, grey concrete and grey metal balconies.

The primary access to the building would be from the 'front of house' area on the south-east corner of the building, fronting onto New Kingsley Road and Avon Street.

The majority of other internal space at ground floor level would comprise a 524 sqm commercial space, for which a flexible permission is sought (Uses A1, A2, A3, A4, B1a D1 or D2).

A dedicated residents cycle storage area would front the western elevation of the building fronting onto New Kingsley Road, to be accessed from New Kingsley Road or from inside the building.

The scheme proposes an area of hard and soft landscaped public realm fronting Avon Street and New Kingsley Road. A café terrace space is proposed to spill out from the commercial use fronting onto Avon Street. Amenity space would also be provided for future occupiers of

Development Control Committee A – 21 June 2018

Application No. 17/04673/F

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ

the proposed development on the roof of Building A / Building B (11-storey) and Building C (6-storey).

It is proposed that the building would connect to the district heating network currently under construction in the TQEZ area. It is proposed that the building would achieve a BREEAM 'Excellent' rating. Renewable energy solar PV panels are proposed on the roof of the building.

RESPONSE TO PUBLICITY AND CONSULTATION

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

GENERAL RESPONSE FROM THE PUBLIC

A total of 8 replies from neighbours have been received, all of which were in objection to the planning application.

IN OBJECTION

Comments were made in objection on the following grounds:

- Objection to residential use rather than office use.
- Proposed building would be too tall and impact upon surrounding development.
- No parking provision would create parking congestion around the site.
- Dislike for the design of the building and proposed public realm.
- Impact upon Glassfields development including: queries regarding provision for cycling and cycle parking, concern that refuse and deliveries will take place on Old Bread Street.

The Bristol Walking Alliance submitted an objection to the proposed development on the following grounds:

- Insufficient walking widths proposed for footways around the building.
- Impact upon desire line for pedestrians from Avon Street to Providence Place.
- Request for highway improvements at Old Bread Street / Providence Place / Avon Street.

COMMENTS FROM CONSULTEES

Transport Development Management – No objection

Further to previous observations dated 13th October 2017 TDM raised a number of points that would need to be addressed. These are set out below for your information:

- Further clarification on the proposed multimodal trips;
- Provision of disabled parking; and

Development Control Committee A – 21 June 2018**Application No. 17/04673/F****Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ**

- Additional information required in regards to the proposed loading and servicing bay on Old Bread Street.

Since TDM submitted our initial comments we have been in discussions with the applicant about overcoming the points set out above.

With regards to multimodal trips we have been in dialogue with the applicant over this point. They have stated that the figures proposed in the originally submitted Transport Assessment were based on the assumption the development would generate zero car trips. We are of the opinion that other travel modes would be higher but we do accept that these would be lower than the previously consented scheme from 2016. As a consequence, we are satisfied that this point has been addressed.

Turning to the provision of disabled parking this issue has been discussed with the applicant whereby an interim solution was agreed. This would result in disabled parking being located on Old Bread Street. However, this was subject to agreement with Parking Services. This is still to be formally agreed with Parking Services whilst it would also require a Temporary Traffic Regulation Order (TRO) to be put in place.

Finally, in regards to the proposed loading bay located on Old Bread Street TDM has worked with the applicant to find a solution which has culminated with the layby being incorporated into the proposed works on New Kingsley Road.

It is noted that in TDM's previous response we were awaiting comments from the Travel Plan Coordinator these are set out below for your information.

A Framework Travel Plan (TPF) has been submitted for the above planning application for 120 residential dwellings Use Class C3 and 524sqm of flexible commercial floor space.

The TPF will be required to become a Full Travel Plan which must be submitted to the council within 3 months of occupation once the owners/occupiers are known with an Action Plan and a Travel Plan Co-ordinator identified.

There are two options available to account for the costs of travel plan management, audit and implementation.

A Travel Plan Management and Audit Fee in the sum of £3,500 is required on commencement of development. The fees are to be secured through a Section 106 Agreement (s.106 Agreement) or Unilateral Undertaking and condition payable on commencement of the development.

The Travel Plan Management and Audit Fee has been calculated on the basis of the Council officer time required, together with the provision and maintenance of supporting systems, to:

1. Set up and update the database to ensure monitoring takes place at appropriate times.
2. Attend the development Travel Plan Steering Group meetings to monitor progress and to support the delivery and success of the Travel Plan.
3. Provide training to developer Travel Plan Co-ordinators.
4. Audit and review biennial monitoring over the 5-year period of the Travel Plan.
5. Review Travel Plan progress in light of monitoring results.
6. Discuss the results and future measures with the site Travel Plan Co-ordinator.

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Application No. 17/04673/F

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ

A dedicated Travel Plan Co-ordinator will be required to manage a Steering Group of all the development uses, hold regular meetings with other key transport stakeholders and deliver the Action Plan.

The nominated Travel Plan Co-ordinator (TPC) will arrange Steering Group Meetings, the first one 3 months prior to occupation and then quarterly for the first year and at least once a year for years 2-5. Steering Group members to include:

1. TPC
2. Developer (if not the TPC)
3. Management Company (if not the TPC)
4. Occupiers
5. Social Housing representative (if one)
6. Community Group representative (once established)
7. BCC Travel Plan Officer

All the measures outlined within the TPF, should be included in the Action Plan for review at Full Travel Plan stage. The Action Plan should be tabulated to include all measures and monitoring together with budgets and implementation dates with details of who is responsible for delivery.

Travel patterns will need to be monitored through regular travel surveys and reported to the Council, with targets and measures amended based upon actual travel behaviour, as the development progresses.

Alternatively, Bristol City Council will undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £16,200 (£135 per dwelling). The sum is to be paid prior to commencement of development by s.106 Agreement or through a Unilateral Undertaking/condition. By paying the Travel Plan Implementation Fee the developer will be released from travel planning obligations over a 5-year period.

In reference to specific points of the Travel Plan

Regarding specific measures on the Travel Plan, the following measures should be included in this TPF regardless of the eventual occupier and should be included in a revised version of this Travel Plan if the developer decides to implement it themselves:

A budget must be allocated for each of the measures indicated in the action plan. The minimum budget to be allocated to the Travel Plan Co-ordinator to deliver the Action Plan and to fully implement the Travel Plan measures should be detailed.

In the Targets section of the travel plan, there are no target modal share percentages identified. This should be rectified, targets identified, and the travel plan updated. These targets should be based on trip generation analysis consistent with the transport impact assessment.

The Initiatives, Measures and Marketing section should include bike maintenance sessions for residents and staff, to be held on a regular basis.

The targets, monitoring and review process will need to be agreed once occupiers are known.

Development Control Committee A – 21 June 2018

Application No. 17/04673/F

Site ND6 Temple Quay Land Bounded By Providence Place, Old Bread Street & Avon Street, Bristol BS2 0ZZ

The Travel Plan should account for the impact of visitors to the development, including visitor cycle parking.

All changes to the document should be track changed or highlighted.

Therefore, to conclude although TDM does not agree with assumptions with the multimodal trips it is accepted that these would be lower than the previously submitted scheme. As a consequence, this point has been addressed. The location on the interim disable parking solution has been agreed in principle but will need to be formally agreed with my colleagues in Parking Services. Finally, in terms of the loading bay TDM are satisfied with the loading bay being relocated onto New Kingsley Road.

Consequently, taking the above information into account TDM are satisfied that the outstanding points have now been addressed and therefore we raise no objection to this proposal and if permission were to be granted we would require the following to be secured by a s.106 Agreement:

- Travel Plan fee of £3,500 (if applicant to implement) or £16,500 (if BCC are to implement).
- TRO fees of £5,395 for proposed loading bay and temporary parking restrictions on Old Bread Street.
- Public transport contributions of £32,214 to upgrade stops plus a commuted sum of £500 per annum for the next three years for their on-going maintenance.
- Plus, a further contribution of £10,000 for the installation of 12 line Real Time Information displays.

City Design Group – No objection

City Design Group has commented as follows:

Essentially this is a scheme where there has been some movement towards our concerns that have improved the scheme, notably the brick detailing and public realm. The natural light to the common internal areas has been improved but perhaps not to the extent that I would have like to have seen, however I think that refusal on this matter given the changes that have been made would only frustrate what is on balance a good scheme.

Likewise, the use of the roof terraces is a balance. The proposed amendments focus on biodiversity and renewables, but do not take the advantage of the potential to create private outdoor space. Again this is part of a balance and it is clear that all of the desired objectives cannot be achieved in all cases particularly on taller building proposals where roof space is limited.

The calming of the public realm design and use of materials is welcomed.

To summarise I feel that the scheme has progressed to a position where we do not have any fundamental design objections.

Pollution Control – No objection

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

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I would confirm that I am happy with the acoustic reports submitted with the application and the recommendations made in order to ensure that future residents are suitably protected against existing noise in the area.

As the report makes recommendations with regards to sound insulation to existing noise, I would need to ensure by condition that these recommendations are carried out.

The development also includes a commercial use, possibly A3, A4, D1 or D2 on the ground floor and I would also need to ensure by condition that noise or cooking odours from this A3 or A4 use does not affect the residential uses of this development along with further acoustic information regarding any A3, A4, D1 or D2 use.

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

- Construction Management Plan
- Sound insulation of residential properties from external noise
- Noise from A3, A4, D1 or D2 uses.
- Details of Extraction/Ventilation System (A3/A4 Use).
- Odour Management Plan (A3/A4 Use)
- Noise from plant & equipment affecting residential use
- Use of refuse and Recycling facilities (ground floor commercial use only)
- Delivery hours (ground floor commercial use only)
- Opening hours (A3 use only).

Air Quality – No objection

The Air Quality Officer has commented as follows:

In the air quality assessment reference is made to the IAQM/EPUK significance of impact criteria in Table 3, however, results of the dispersion modelling at receptor locations are not reported against these criteria. An update to the air quality assessment is therefore required, with a table showing the predicted pollutant increases at relevant receptor locations which includes the impact descriptors in accordance with EPUK/AQQM guidance.

Relevant receptor locations are identified as offices to the South of the Development site and a school to the north, however, no reference is made to the residential receptor locations directly to the north of the development site. Predicted impacts should be reported for those residential locations closest to the development site.

Can the applicant confirm that the statement on page 22 of the air quality assessment has been made in error:

“This together with an assumed background concentration 28 µg/m³ suggests that the annual mean objective is likely to be exceeded at all the floors of the ND6 development”

Following these comments, the Applicant submitted a revised Air Quality Assessment to address the points above.

The Air Quality Officer has made no objection to the revised Air Quality Assessment, on the basis that the scheme would connect to the District Heat Network (and no longer proposes an internal combustion plant as an option that was previously considered).

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Sustainable Cities

Sustainable Cities has commented as follows:

Good energy efficiency measures are proposed in accordance with BCS14 (requirement to follow the energy hierarchy), which is welcomed by Sustainable Cities.

Proposal to connect to DH network in accordance with BCS14 (heat hierarchy requirement) is supported. It is suggested that this is secured by standard condition. The Applicant would need to engage with the Energy Services Team to ensure correct provisions are made for connection in line with their requirements.

On the basis of the proposals originally submitted:

Renewable energy in the form of PV is proposed. This would reduce CO2 emissions on the proposed building by 10% below residual emissions, which is short of the 20% requirement. At present PV is not proposed over plant enclosures or on the biodiverse roof. The Energy Statement suggests that the biodiverse roof is reserved for amenity, however the Design and Access Statement states that this area is not accessible. It is not clear why PV cannot be installed over plant enclosures or combined with the biodiverse roof. In order to satisfy the requirements of BCS14 (20% reduction in CO2 emissions below residual emissions using renewable energy wherever feasible), the Applicant should submit a revised PV proposal demonstrating that PV will be installed in these areas.

In response to the comment above, the applicant has revised the proposals. PV is proposed on more sections of the roof. This will achieve a 12% reduction in CO2 emissions.

Please see Key Issue F.

BREEAM excellent will be achieved, this will be secured by planning condition.

Nature Conservation – No objection

The Council's Ecologist has commented as follows:

Nature Conservation make no objection to the planning application, subject to agreement of the planning conditions contained in this response to consultation and a consideration of matters raised relating to up-lighting of trees.

There were Buddleia shrubs on site which were cleared some time ago. The ecological appraisal dated January 2016 assessed these shrubs as having potential to support nesting birds. As at a site visit September 2017, the Buddleia shrubs have now re-grown. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged.

The following planning condition is therefore recommended.

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

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qualified ecological consultant are required they shall be undertaken no more than 48 hours prior to the removal of vegetation or the demolition of, or works to buildings.

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

The proposed building has the potential to provide habitat for swifts, the following condition is recommended:

Condition: Prior to occupation of the development details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority providing the specification, orientation, height and location for eight swift boxes.

Guidance: Internal nest trays or boxes are particularly recommended for swifts. Swift bricks are best provided in pairs or groups (e.g. at least two or three on a building, avoiding windows). This is because they are usually colonial nesters. Swift boxes/bricks are best located on north or east facing walls, at least 5 metres high, so that there is a clear distance (drop) below the swift boxes/bricks of 5 metres or more so that there is space for the swifts to easily fly in and out of the boxes. Locating swift boxes under the eaves (where present) is desirable. One of the best designs is those by Schwegler because they are very durable.

Reason: To help conserve legally protected birds.

It is recommended that a landscaping condition is applied. Opportunities to provide green infrastructure such as trees, green walls, rain gardens and shrub planting beds should be explored for their biodiversity benefits as well as living roofs which have already been highlighted in my comments above. A green wall is shown on the Ground Floor General Arrangements Plan.

The Ground Floor General Arrangements Plan shows the proposed up-lighting of trees and the green wall. The up-lighting of trees and green walls is not recommended because of its potential impact on nocturnal wildlife, particularly bats. According to paragraph 125 (page 29) of the National Planning Policy Framework (2012), 'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

The Ground Floor General Arrangements Plan also shows the use of 4 metre high column lighting. The use of this external lighting should be minimised for similar reasons as those given above.

Contaminated Land Environmental Protection – No objection

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

We have reviewed the following report submitted with the application: AECOM. 21 July 2016. Preliminary Ground Conditions Risk Assessment. Plot ND6, Bristol. 60539303. Revision 0

Overall we concur with the findings of the Risk Assessment. We have tried to ascertain the land use of the site between 1918 and 1945 but have not been able to identify any entries in the Kelly's Trade Directories.

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The report concludes that intrusive investigation is required and to that end we recommend standard conditions B12 B13 and C1 are applied to any future planning consent. An amended version of the B11 condition is also recommended as follows:

Site Characterisation Intrusive Site Investigation

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 following report submitted with the application, AECOM. 21 July 2016. Preliminary Ground Conditions Risk Assessment. Plot ND6, Bristol. 60539303. Revision 0.

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:

The outline drainage strategy provided is based on a surface water discharge to the existing surface water sewer limited to 39l/s, which is a reduction on existing rates in accordance with minimum requirements. While we would normally expect a development of this scale to provide a significantly larger reduction, given the site's proximity to the floating harbour which is a water body capable of accepting high flows we have no objection to the proposals in this instance. However, this is conditional on Wessex Water providing confirmation that the existing sewer connecting the site to the harbour has capacity to accept the proposed flow.

We have no further comment at this stage, but should planning permission be granted we request that our standard pre-commencement condition is applied to require approval of the detailed drainage design prior to commencement of the development.

Wessex Water – No objection

Wessex Water can confirm that capacity is available for the proposed flow rates with a connection to 375mm diameter SW sewer located in Anvil Street at MH 5972-7810.

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Planning Practice Guidance****Bristol Core Strategy (Adopted June 2011)**

BCS2	Bristol City Centre
BCS5	Housing Provision
BCS7	Centres and Retailing
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
BCS17	Affordable Housing
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 (Adopted July 2014)

DM1	Presumption in favour of sustainable development
DM4	Wheelchair Accessible Housing
DM15	Green Infrastructure Provision
DM16	Open Space for Recreation
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
BCAP5	Development and flood risk
BCAP13	Strategy for retail development in Bristol City Centre
BCAP14	Location of larger retail development in Bristol City Centre
BCAP20	Sustainable design standards
BCAP21	Connection to heat networks
BCAP25	Green infrastructure in city centre developments
BCAP29	Car and cycle parking
BCAP30	Pedestrian routes
BCAP33	Key city spaces

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BCAP34 Coordinating major development in Bristol City Centre
 BCAP35 Bristol Temple Quarter

Bristol City Council Planning Obligations SPD (2012)

KEY ISSUES**A) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?**

The application site is allocated for development by Policy BCAP35 (Bristol Temple Quarter) of the Bristol Central Area Plan. The policy establishes that sites within Bristol Temple Quarter will be developed for a wide range of uses as part of the growth and regeneration of the area as an employment-led, mixed-use quarter of the city centre.

Policy BCAP35 sets out that the specific developments allowed for in TQEZ will include:

- A major indoor arena and complementary leisure uses;
- At least 10,000 sqm of net additional high quality office and flexible workspace;
- Up to 2,200 new homes including live/work space;
- Hotel and conference facilities;
- Complementary retail and leisure uses, particular within and adjacent to Bristol Temple Meads station;
- New walking and cycle routes to connect the development to the rest of the city centre and surrounding neighbourhoods; and
- Green infrastructure and public realm enhancements, including a continuous and accessible Quayside Walkway and the improvement of open space to serve new development.

The application site currently benefits from an existing planning permission (13/02010/M – Reserved matters approval in respect of Application No. 01/01606/P) for a residential led, mixed-use development with ground floor retail space (440 sqm). The application site also benefits from an outline planning permission (16/01122/P) for the development of a single building consisting of office floor space (9,800 sqm of gross internal floor space).

The Spatial Framework states that the site should be a mixed use plot, with residential accounting for up to 60% of the floor space. The proposed development would exceed 60% residential floor space. However, the Spatial Framework is intended to be a 'living' document which provides guidance and direction for development. Whilst the scheme would provide a greater proportion of residential development, it is considered that the proportion of residential development is supported. This is evidenced in comments received from the City Design Group.

The 120 residential units proposed would contribute to meeting the total residential units proposed for TQEZ. Whilst the scheme proposes solely rented apartments, this would still fall within Use Class C3 and would be acceptable.

The ground floor use of the proposed development includes for commercial / retail development for which a flexible consent is sought. Policy BCAP13 and BCAP35 in combination, support the principle of retail development in the TQEZ where such development would complement other types of new development (e.g. residential development).

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The proposed development therefore comprises residential led mixed-use scheme and all of the proposed uses fall within the list of development set out in BCAP35 above. Therefore, the principle of the land use proposed in the proposed development is acceptable.

Housing mix:

Policy BCS18 requires development to contribute to a mix of housing tenures, types and sizes in the area.

The scheme proposes a mix of: 20 studio apartments (17%); 65 one bed apartments (54%); 30 two bed apartments (25%) and 5 three bed apartments (4%). The size of each apartment is in accordance with the Government's Technical housing standards – nationally described space standards (2015).

The Central Area Plan recognises that there are specific issues with delivering family sized accommodation within the City Centre, and Policy BCAP3 specifically requires new development within the area to include a significant proportion of family sized homes (defined as houses with two or more bedrooms, or flats with three or more bedrooms).

Whilst the site provides mainly one and two bed apartments there is a small proportion of three bed apartments which provides some family sized homes and is deemed to meet the requirements of BCS18 and BCAP3.

Summary:

The Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicated otherwise. The principle of the scheme and the uses proposed are firmly supported by the Development Plan, specifically Bristol Central Area Plan Policy BCAP35. The planning application therefore reflects up to date policy.

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

The proposed development falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. It comprises 120 dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which requires the provision of up to 40% affordable housing (48 affordable dwellings) subject to scheme viability.

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

Where affordable housing contributions are being sought, obligations should not prevent development from going forward. (Para 004 Reference ID: 23b-004-20140306)

In simple terms, a development is considered to be viable if the Residual Land Value (RLV) of the development is greater than the Site Value.

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

As the proposed development is a Private Rental Sector (PRS) scheme, the viability is assessed in a different way to an open market residential scheme, where the dwellings would be for sale. In general, PRS schemes would be expected to be slightly less viable than open market schemes as the values would be lower and the management costs higher. This would be somewhat offset by the fact that the profit would be lower as the development carries less risk.

The viability process relating to this application has been unique, in that during the process, the applicant dispensed with the services of their original viability consultant (Alder King), and appointed a new viability consultant (GVA).

Alder King had originally submitted a Viability Report claiming that the proposed scheme was unable to provide any affordable housing whilst remaining viable. Officers appointed DVS (the viability arm of the Valuation Office Agency) to assess the Alder King Report. DVS reported that they disagreed with a number of the Alder King inputs and that they considered that the scheme could provide 20% affordable housing (25 affordable dwellings).

At this point the applicant appointed GVA to produce a new Viability Report, which was received in March 2018. Like the Alder King Report, GVA also concluded that the scheme was not viable. In fact, in their assessment of the GVA Viability Report, DVS considered that GVA had shown that the scheme was not only unviable, but it was actually undeliverable. This was on the basis that the scheme resulted in such a significant deficit that no prudent developer would proceed with it. However, although the appraisal showed a significant deficit, the applicant was offering to provide 10% affordable housing (12 affordable dwellings) provided that this was set at 80% of open market rent.

Neither officers nor DVS were able to reconcile this, and following discussions between DVS and GVA, it was anticipated that the applicant would reconsider their Viability Report. However, in April 2018, a virtually identical Viability Report was submitted, which repeated the 10% affordable housing offer.

There followed a meeting between officers and the applicant, at which the applicant was informed that the application could not be progressed on the basis of a Viability Report that showed the scheme to be undeliverable, whilst at the same time the applicant was making a 10% affordable housing offer.

Finally, in May 2018, GVA submitted a further Viability Report, which claimed that the scheme was viable with 10% affordable housing (provided that the affordable housing was based on a level of 80% of open market rent).

It should be noted that the Affordable Housing Team do not consider that affordable housing at 80% of open market rent assists with meeting the Council's affordable housing need. They would require that the rents were capped at Local Housing Allowance (LHA) levels and that service charges were included within this figure. The GVA Report claimed that at LHA rates, only 3% (4 affordable dwellings) could be provided.

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It should also be noted that all the Viability Reports submitted on behalf of the applicant would have been approved by the applicant. It is therefore somewhat concerning that inputs that would have been expected to have been clarified and justified up front, with no need for amendment, have been changed significantly during the viability process (see table below).

Input	Alder King Report	GVA March Report	GVA May Report
Profit Margin	18% of Value	15% of Value	12% of Value
Management Costs	10% of Rental	24% of Rental	21% of Rental

DVS are now at a point where the inputs of the GVA May 2018 Viability are broadly agreed, although DVS conclude that the scheme is slightly less viable than GVA. DVS conclude that when the applicant's offer of 10% affordable housing (12 affordable dwellings) set at 80% of open market rent or 3% affordable housing (4 affordable dwellings) set at LHA maximum rent, is factored into the appraisal, the proposed scheme is only marginally viable.

There is one area of the appraisals that provides officers with significant concern, and this is the input relating to Stamp Duty Land Tax (SDLT) on the residential element of the scheme. This concern was also initially identified by DVS.

Given that the applicant has stated that they have no intention of selling the scheme and that it is being built as a long term investment, it does not seem appropriate that SDLT should be included.

However, emerging RICS Guidance titled "Valuing residential property purposefully built for renting" states the following:

A further deduction should be made within the valuation for purchaser's costs, reflecting an investor's true net position, comprising acquisition fees -agent's and legal fees plus VAT- and stamp duty

Officers are concerned that this does not necessarily reflect the reality of most PRS developments, which is that the developers are not going to sell the scheme and that they are going to retain it as a long term investment. In the case of ND6, the Residential SDLT amounts to £1,784,961 (80% Market Rent scheme) or £1,896,301 (LHA scheme), which is a cost that is highly unlikely to be incurred. If SDLT costs were not included in the Viability Report, it would significantly increase the sum available for affordable housing and result in a much higher affordable percentage being achieved.

Because of the emerging RICS Guidance, Officers reluctantly consider that an affordable housing provision of 3% (4 affordable dwellings) rented at no more than LHA maximum rents which is to include service charges, is an acceptable level of affordable provision.

Consequently, officers recommend that the provision of 4 affordable dwellings rented at no more than LHA maximum rents which is to include service charges is secured through a s. 106 Agreement, along with the requirement for a viability review undertaken on completion of the development using the same principles as that agreed for the neighbouring plot (ND7).

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

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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.

The requirements for cycle parking would be

- Studio or 1 bedroom dwellings: 1 space per dwelling
- 2 or 3 bedroom dwellings: 2 spaces per dwelling

The requirements for visitor cycle parking would be:

- 1 space per 10 units

This mix of residential units would generate the need for

- 85 cycle parking spaces for the 85 studios / one bedroom apartments
- 70 cycle parking spaces for the 35 two / three bedroom apartments
- 12 cycle parking spaces for visitor

In addition, the commercial floor space would require a minimum of 2 spaces.

The proposed development is providing 170 cycle parking spaces, which would meet the minimum requirement of 169 spaces as outlined above. In terms of cycle parking, the proposed development includes a policy compliant amount of secure spaces for both residents and visitors in line with the requirements of BCS10 and DM23.

The applicant has proposed that this application will be predominately car free. This proposal has taken into account the proximity of the site to Temple Meads and also high frequency bus services and the cycle network. As it has been established that the site is a 'highly accessible' site, this will therefore place additional pressure on the use of the public transport modes.

The applicant will be making a number of contributions to transport improvements:

- Public transport contributions of £32,214 to upgrade bus stops on New Kingsley Road and Avon Street plus a commuted sum of £500 per annum for the next three years for their on-going maintenance.
- A contribution of £10,000 for the installation of 12 line Real Time Information displays.
- A Travel Plan Management and Audit Fee in the sum of £3,500 or Bristol City Council to undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £16,200 (£135 per dwelling).
- TRO fees of £5,395 for proposed loading bay and temporary parking restrictions on Old Bread Street.

These measures will be secured within the s.106 agreement and the contributions will be made prior to the start of construction.

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In addition to the above, a number of highways works are being proposed:

- Resurfacing of Providence Place carriageway immediately adjacent to the application site.
- Resurfacing of Old Bread Street carriageway immediately adjacent to the application site.
- Installation of a raised table with bitumen finish on Old Bread Street/ New Kingsley Road junction and Anvil Street/ New Kingsley Road junction with new tactile paving on each arm of the crossroad on the footway.
- Provision of a loading bay on New Kingsley Road.
- Resurfacing of the footways immediately surrounding the application site with paving slabs.

The measures above have been provided in a plan '1703-46 SK07 Rev B Layout drawing'. A condition has been added to ensure that the road works associated with the proposed development are planned and are undertaken to a standard approved by the Local Planning Authority and before occupation of the building.

Based on the obligations for the s.106 Agreement and the 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.

Massing:

The massing of the scheme has been carefully considered by City Design Group and it has been concluded by Officers that an 11-storey building, which steps down to 6-storeys, is appropriate to the context of the site. This preserves the key viewpoints towards the Grade II Listed Gardiner building to the north of the site and acknowledges existing site lines from this building to surrounding development across Valentine's Bridge towards the clock tower on Temple Meads (Grade 1 listed).

Issues relating to daylight and sunlight resulting from the massing of the building are considered under Key Issue E of this report.

Elevation Design

From the proposals originally submitted there has been improvements to the proposed elevational treatments, notably the brick detailing. A brick palette has been chosen to respond to the Bristol red and grey brick vernacular, common in buildings like the Gardner

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Haskins building to the north and Temple Meads to the south. The natural light provided to the internal common areas has also been improved.

Street level relationship / public realm

Active frontages are proposed onto New Kingsley Road and Avon Street, set within an area of high quality soft and hard landscaping. The landscaping area fronting onto New Kingsley Road has been designed to create a linking space between the ND6 site and ND7 site, and a form of new public realm destination.

This aspect of the scheme is considered high quality and is supported, providing outdoor spaces for residents of the building as well as potential spill out space from the commercial use. Street trees are proposed (21 new trees) within the landscaping space which are supported as a means to soften the landscape of the surrounding public realm.

In conclusion, it is considered that the proposed development is a high quality design, 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 AND FOR FUTURE OCCUPIERS OF THE DEVELOPMENT?

Policy BCS21 of the Core Strategy states that high quality design should consider the amenity of both existing and future development including privacy and availability of natural light. Policy BCS23 states that development should be sited and designed in a way to avoid adverse impacts on environmental amenity by reason of pollution including: noise, vibration and air quality. Policy DM27 seeks development that enables existing and proposed development to achieve appropriate levels of privacy and daylight.

Daylight / Sunlight / Privacy

As referred to above (Key Issue D), 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 and residential.

A Daylight & Sunlight Amenity Assessment was prepared and submitted with the application to consider effects of the proposed development on the surroundings.

The analysis shows that the daylight effect of the proposed development is very similar to that of the previously approved scheme. Where any changes in daylight potential occur to primary windows, these are typically within a margin (of less than 2.5% VSC), but in the vast majority of cases the changes are smaller than this margin. The analysis also shows there are generally only small changes in the areas of working plane in each room receiving sky view. Therefore, the daylight effect of the proposed development is considered to be minor and commensurate with this city centre location.

The sunlight analysis shows that the vast majority of rooms relevant for assessment around the site will retain annual levels in excess of the recommended thresholds in the BRE guidelines. The very few exceptions still retain reasonably high sunlight potential for this centre location. Winter sunlight penetration is more limited in respect of Christopher Thomas Court, but this is quite a common effect in dense urban locations of this type. Given the

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strong levels of annual sunlight retention the sunlight effect is considered to be minor and commensurate.

Noise

This aspect of the scheme has been considered by the Council's Environmental Health Officer, given perceptions that residential development can lead to noise nuisance.

The planning application is accompanied by an Acoustic Report which assesses noise nuisance arising from the proposed development. The Environmental Health Officer has the Acoustic Report is satisfactory and the measures recommended with regards to protecting the amenity of surrounding development and future residents of the scheme. Conditions are included to ensure that amenity is protected as per the recommendations of the Acoustic Report.

Hours for deliveries to the building would be controlled by planning condition to ensure no adverse impact upon amenity.

In terms of construction processes, the Environmental Health Officer has requested a planning condition for a site specific Construction Environmental Management Plan (CEMP). The CEMP would include measures to minimise noise nuisance arising from construction including construction hours, and the requirement to adhere to established guidance. Construction of the proposed development would be required to be undertaken in accordance with the approved CEMP and other legislation prescribed by the Environmental Protection Act.

Air Quality / Odour

The site is located within an Air Quality Management Area (AQMA). The Council's Air Quality Officer has reviewed the application and provided comments to the Applicant.

The Air Quality Officer has made no objection to the revised Air Quality Assessment, on the basis that the scheme would connect to the District Heat Network (and no longer proposes an internal combustion plant as an option that was previously considered). A condition to secure a connection to the district heat network has been added.

The Environmental Health Officer has requested that if planning permission is granted, a planning condition is included to prevent commencement of the ground floor commercial space for the cooking of food until details of a ventilation system for the extraction of cooking odours has been submitted to and approved by the Local Planning Authority. An Odour Management Plan would also be required to propose mitigation measures should an odour nuisance be established.

In terms of construction processes, the Applicant would be required to set out measures in the CEMP to minimise dust / air quality issues arising.

Summary

Overall the proposed development is considered to be designed in a way to avoid adverse impacts of residential and environmental amenity in line with Policy BCS21, BCS23 and DM27. On the basis of the above, and given the imposition of relevant planning conditions

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and controls within other legislation, the proposed development is considered acceptable in terms of amenity.

F) 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%.

In combination with Policy BCS14, Policy BCAP21 states that proposals for development that would require heating will be expected to demonstrate that account has been taken of potential opportunities to source heat from adjoining development or nearby heating networks.

The Applicant has submitted an Energy Strategy and Sustainability - BREEAM Report with the planning application and this has been discussed in detail with the Council's Sustainable Cities team.

A Pre-assessment of the proposed development under the BREEAM New Construction 2014 scheme has been undertaken. This has found that an 'Excellent' rating would be achievable. This is in accordance with adopted policy within the Core Strategy. A planning condition would be used to ensure that the building meets an 'Excellent' rating.

In accordance with Policy BCS14 and Policy BCAP21, the proposed development would be designed to utilise the local district heat network for heating and hot water requirements which is supported. Renewable energy solar PV panels are proposed on the roof of the proposed development.

In response to comments from the Sustainable Cities Team, the applicant has revised the proposals. PV is proposed on both sections of the roof. This will achieve 12% reduction in CO2 emissions.

Whilst this is less than the 20% policy requirement. There are a number of considerations in this matter. The energy strategy has been developed to prioritise passive design and energy efficiency measures in the first instance prior to the consideration of renewable energy technologies.

The area of biodiverse roof identified on the top roof level provides an ecological benefit to the scheme. The applicant has preserved it for this use rather than use for siting additional PV panels. Providing PV over the plant to the north of the building 'core' on the top roof level would likely to require a structural frame to position any PV above the plant enclosures, that could lead to the PV panels protruding above the parapet which has been designed to shield the plant enclosures. PV in this location may therefore be detrimental to the visual amenity of the which has been carefully considered in relation to sightlines to the north and south.

In relation to Policy BCS16, the Applicant's strategy for sustainable drainage has been assessed by the Council's Flood Risk Manager. No objection has been raised by the Flood Risk Manager and the submitted information is considered to be acceptable A planning

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condition would be required if planning permission is granted, requiring the Applicant to provide a detailed scheme of sustainable urban drainage for the site.

The design of the building has worked hard to balance efficient fabric / services and a connection to the district heat network with the provision of renewable energy technologies. And whilst this is less than the 20% requirement, the other ecological benefits of the biodiverse roof, the connection to the district heat network and commitment to BREEAM excellent, it is considered that on balance, the combination of sustainability measures relating to climate change, construction and renewable energy which on balance is considered to be in accordance with adopted policy.

CONCLUSION

Paragraph 14 of the National Planning Policy Framework sets a presumption in favour of sustainable development. Specifically, for decision-making this means that development proposals that accord with an up-to-date development plan should be approved without delay, unless other material considerations indicate otherwise.

The site is allocated by policy in the Development Plan for uses including residential development and commercial / retail space.

The scheme is considered to be a quality design, and includes a material palette which would enhance the appearance of this part of the Enterprise Zone. Whilst a large scale is proposed for the site, higher densities in the City Centre are supported where considered appropriate. In this instance, City Design Group have raised no objection to the height of the building with similar scales of development being approved on adjoining plots. The scheme has been designed to step down so to retain sight lines to the Gardiner Grade 2 Listed Building and other views within the area.

Having carefully considered the information submitted with the application and consideration of the policy context, weighed against comments received from members of the public and other groups, it is concluded by Officers that the proposed development is acceptable.

The application is recommended for approval subject to conditions attached to this report, and a s.106 Agreement to secure the following:

- The provision of 4 affordable dwellings rented at no more than LHA maximum rents which is to include service charges.
- The requirement for a viability review undertaken on completion of the development using the same principles as that agreed for the neighbouring plot (ND7).
- Public transport contributions of £32,214 to upgrade bus stops on New Kingsley Road and Avon Street plus a commuted sum of £500 per annum for the next three years for their on-going maintenance.
- A contribution of £10,000 for the installation of 12 line Real Time Information displays.
- A Travel Plan Management and Audit Fee in the sum of £3,500 or Bristol City Council to undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £16,200 (£135 per dwelling).
- Traffic Regulation Order fees of £5,395 for proposed loading bay and temporary parking restrictions on Old Bread Street.

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The development is liable for CIL. The CIL rate for this type of development, as set out in the CIL Charging Schedule is: Community (use class D1) £0; Commercial (use class B1, B2 and B8) £0; Retail £120; and Residential £50.

The CIL payable for the residential element (discounting affordable floor space) is £880,896.25. The CIL payable for the retail element of the proposal is £99,336.43. The total CIL payable is £980,232.68.

RECOMMENDED GRANTED subject to Planning Agreement

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. 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.

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- 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.

3. Highway works

No development shall take place until a general arrangement plan showing the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:

- Resurfacing of Providence Place Carriageway immediately adjacent to the application site.
- Resurfacing of Old Bread Street carriageway immediately adjacent to the application site.
- Installation of a raised table with bitumen finish on Old Bread Street/ New Kingsley Road junction and Anvil Street/ New Kingsley Road junction with new tactile paving on each arm of the X-road on the footway.
- New build outs on Old Bread Street/New Kingsley Road junction and Anvil Street/New Kingsley Road junction the kerbing will have a 25mm upstand transition between the footway and raised carriageway.
- Provision of a loading bay on New Kingsley Road.
- Resurfacing of the footways immediately surrounding the application site with paving slabs.

The provision of these is to be in general accordance with plan 1703-46 SK07 Rev B 'Layout drawing' unless varied by subsequent approval of details under section 278 of the Highways Act 1980 or otherwise agreed in writing by the local planning authority.

The development hereby permitted shall not be occupied nor use commenced until the highway works have been completed in accordance with technically agreed engineering details.

Reason: 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 Undertaking works in the highway will require a legal agreement with the Highway Authority and contact should be made with the Local Highway Authority at least 6 months in advance of commencing the works so that an agreement is completed prior to starting any works on the highway.

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4. Highway Condition Survey

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

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

5. Cycle and waste storage

Prior to the commencement of the development hereby approved details of the cycle stores and the recycling and waste store will be submitted to and approved in writing by the local planning authority.

The approved details shall be implemented within the development and maintained thereafter. The stores will be kept free of obstruction and used solely for their designed purposes for the lifetime of the development.

Reason: to ensure adequate facilities are provided for these elements of the scheme

6. 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.

7. Site Characterisation Intrusive Site Investigation

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 following report submitted with the application, AECOM. 21 July 2016. Preliminary Ground Conditions Risk Assessment. Plot ND6, Bristol. 60539303. Revision 0.

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

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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.

8. Sample Panels before specified elements started

Sample panels of the all external materials to the building 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.

9. BREEAM

No development shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating Excellent has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.

Reason: To ensure that the development achieves BREEAM rating level Excellent (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

10. Heat Networks - connection prior to occupation

Prior to commencement of development, full details demonstrating how the development will connect to the district heat network for the provision of all space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation, the development shall connect to the district heat network in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The connection shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate change), BCS14 (Sustainable energy) and BCAP21 (Connection to heat networks).

11. Public Art Plan

Prior to the commencement of development, or as otherwise agreed in writing by the Local Planning Authority, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the specific commissions developed and programme illustrating how the public art commission for the development would accord with the City Council's Public Art Policy and Strategy. The Public Art Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. The delivery of public art shall then be carried out in full accordance with the agreed Public Art Plan.

Reason: In order to secure public art as part of the development in the interests of the amenity of the area.

12. Vegetation clearance

No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority. The authority will require evidence provided by a suitably qualified ecological consultant that no breeding birds would be adversely affected before giving any approval under this condition. Where checks for nesting birds by a qualified ecological consultant are required they shall be undertaken no more than 48 hours prior to the removal of vegetation or the demolition of, or works to buildings.

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

Pre occupation

13. Submission and Approval of Landscaping Scheme

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

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

14. Swift boxes

Prior to occupation of the development details provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority providing the specification, orientation, height and location for eight swift boxes.

Guidance: Internal nest trays or boxes are particularly recommended for swifts. Swift bricks are best provided in pairs or groups (e.g. at least two or three on a building, avoiding windows). This is because they are usually colonial nesters. Swift boxes/bricks are best located on north or east facing walls, at least 5 metres high, so that there is a clear distance (drop) below the swift boxes/bricks of 5 metres or more so that there is space for the swifts to easily fly in and out of the boxes. Locating swift boxes under the eaves (where present) is desirable. One of the best designs is those by Schwegler because they are very durable.

See below for some websites with examples of swift boxes:

http://www.nhbs.com/schwegler_swift_box_16_tefno_173237.html

<http://swift-conservation.org/Shopping!.htm>

Further guidance is available at:

<http://www.swift-conservation.org/InternalNestTrays.htm>

Reason: To help conserve legally protected birds.

15. Sound insulation of residential properties from external noise

All recommendation detailed in the Noise Assessment submitted with the application with regards to sound insulation and ventilation of residential properties shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason: In order to safeguard the amenities of future occupiers.

16. Noise from A3, A4, D1 or D2 uses

No commencement of each use of any commercial use within Use Classes A3, A4, D1 or D2 shall take place until an assessment on the potential for noise from the development affecting residential properties as part of this development and existing residential properties in the area has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall include noise from:

- (a) Music;
- (b) Customers (including customers in any outside area);
- (c) Ventilation, refrigeration and air conditioning plant or equipment;

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(d) Servicing (deliveries and refuse collections).

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of each unit within Use Classes A3, A4, D1 or D2

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order to safeguard the amenities of nearby occupiers.

17. Details of Extraction/Ventilation System (A3/A4 use)

No commencement of the A3 use shall take place until details of ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control, noise levels and noise attenuation measures has been submitted to and approved in writing by the Council. The details provided shall be in accordance with Annex B of the 'Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System'. Published electronically by Department for Environment, Food and Rural Affairs.

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

Reason: In order to safeguard the amenities of nearby occupiers.

18. Odour Management Plan (A3/A4 use)

No use of the development shall take place until there has been submitted to and approved in writing, by the Council, an Odour Management Plan. The plan shall set out odour monitoring, extraction system cleaning and maintenance, filter replacement policies and mitigation measures to be taken should an odour nuisance be established.

Reason: In order to safeguard the amenities of nearby occupiers.

Post occupation

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

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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. Noise from plant & equipment affecting residential

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 at any time at any residential premises.

Any assessments to be carried out and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order to safeguard the amenities of nearby occupiers.

21. Use of Refuse and Recycling facilities (ground floor commercial uses only)

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday.

Reason: In order to safeguard the amenities of nearby occupiers.

22. Deliveries (ground floor commercial uses only)

Activities relating to deliveries shall only take place between 08.00 and 20.00.

Reason: In order to safeguard the amenities of nearby occupiers.

23. Opening hours (A3 use only)

No customer shall remain on any A3 Use premises outside the hours of 08.00 to 23.00.

Reason: In order to safeguard the amenities of nearby occupiers.

List of approved plans and drawings

24. 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.

A2796 102 R1 Proposed Site Plan

A2796 200 R3 Proposed Ground Floor Plan

A2796 201 R3 Proposed First Floor Plan

A2796 202 R3 Proposed Second Floor Plan

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A2796 203 R3 Proposed Third Floor Plan
A2796 204 R3 Proposed Fourth Floor Plan
A2796 205 R3 Proposed Fifth Floor Plan
A2796 206 R3 Proposed Sixth Floor Plan
A2796 207 R3 Proposed Seventh Floor Plan
A2796 208 R3 Proposed Eighth Floor Plan
A2796 209 R3 Proposed Ninth Floor Plan
A2796 210 R3 Proposed Tenth Floor Plan
A2796 211 R3 Proposed Eleventh Floor Plan
A2796 300 R3 Section AA
A2796 301 R3 Section BB
A2796 350 R1 Ladder Section 1
A2796 351 R1 Ladder Section 2
A2796 352 R1 Ladder Section 3
A2796 400 R3 Proposed South & East Elevation
A2796 401 R3 Proposed North & West Elevation
A2796 402 R3 Proposed Long East Elevation
A2796 501 P1 Type 1
A2796 502 P1 Type 2
A2796 503 P1 Type 3
A2796 504 P1 Type 4
A2796 505 P1 Type 5
A2796 506 P1 Type 6
A2796 507 P1 Type 7
A2796 508 P1 Type 8
A2796 509 P1 Type 9
A2796 510 P1 Type 10
A2796 511 P1 Type 11
A2796 512 P1 Type 12
A2796 513-A P1 Type 13 (Adapted)

Reason: For the avoidance of doubt.

Advices:

1. Traffic Regulation Order (TRO) Advice

In order to comply with the requirements of the highway works 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 and the highway design has been technically approved by the Highway Authority.

Highway Works Advice for Section 278

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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 Transport Development Management: TransportDM@bristol.gov.uk or telephone 0117 903 6846, allowing sufficient time for the preparation and signing of the Agreement which can take several months to complete. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Highway Engineer's specification and terms for the phasing of the development, in accordance with section 38 (Adoption of highway by agreement) or section 219 (the Advance Payments code) of the Highways Act 1980. You must also contact the Engineering Design and Main Drainage Design section of City Transport to discuss the requirements for adopted roads or sewers and in due course submit a separate application in respect of these works. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Telephone 0117 9222100.

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, Public Right of Way, or carriageway closures or temporary parking restrictions. Please call 0117 9031212 or email 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

4. Site ND6 Temple Quay

1. CFI views & layouts



CGI view along Avon Street looking up Providence Place and towards the new piazza space. Existing sub-station is shown ghosted in foreground.

4.1 Introduction

The key aim for this site is to design a contextually sensitive, high quality, sustainable development. This will be achieved with a mix of innovative new rental homes and expansive retail space at ground. A variety of public realm improvements will also be provided for public and residents to enjoy.

The proposal is:

Erection of an 11 storey building comprising of 120 residential units (Use Class C3), 524 sqm of ground floor flexible commercial space and 129sqm of residents entrance foyer. Ground floor will also accommodate dedicated secure cycle storage, refuse and plant areas.

Total residential units: 120

Studios	20 (17%)
1 Beds	65 (54%)
2 beds	30 (25%)
3 Beds	5 (4%)

Total habitable rooms: 260

Density: 1313 (habitable rooms per hectare)
606 (dwellings per hectare)

Cycle parking spaces: 170

Internal:

Residential long stay: 155
(67 bikes allocated within ND7)

External:

Residential short stay:	11
Commercial short stay:	2
Commercial staff:	2



CGI view from Avon Street looking up New Kingsley Road at the new colonnade and entrance to ND6.

4.2 Use

4.2.1 Ground floor

The ground floor is occupied by a large flexible commercial unit, Build to Rent front of house entrance lobby, secure cycle storage and back of house plant and refuse spaces. It is important to maximise the amount of active frontage at ground floor, to achieve the highest quality environment at street level. It is also essential in Build to Rent schemes, to provide easily accessible front of house and back of house areas.

All refuse and plant space will be located towards the north part of the ground floor, with external frontage to provide adequate ventilation and direct service access. Service lay-bys are incorporated into the highway design along Old Bread Street and Providence Place, to further assist the service strategy for the building and offer drop-off points for new residents.



4.3 Amount

4.3.1 Mix

In total, 120 Build to Rent homes are provided within the proposed ND6 development and this includes a mix of studios, one, two and three bedroom apartments. The range and mix of dwellings is considered appropriate for the location of the site. The residential apartments are all single level, and spread across levels 1 to 11. There are no residential apartments at ground.

Residential Summary

Units		Mix				HR
Floor	Unit Type	Studio	1B2P	2B4P	3B6P	Hab Room
TOTALS	120	20	65	30	5	260
		17%	54%	25%	4%	



CGI view down New Kingsley Road and Old Bread Street to the west.

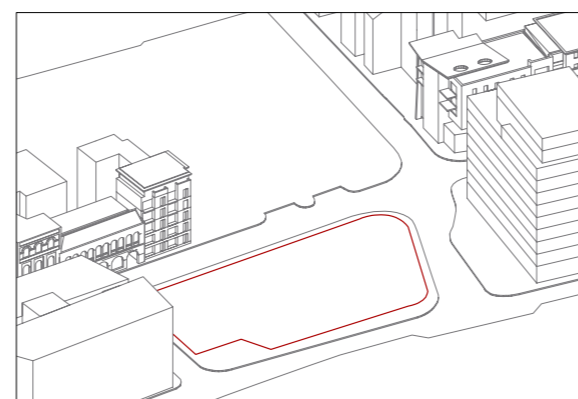
4.6 Scale and massing

The scale and massing of ND6 has been informed by sensitivities of surrounding buildings and key sightlines within the city, to ensure it positively contributes to the local urban grain.

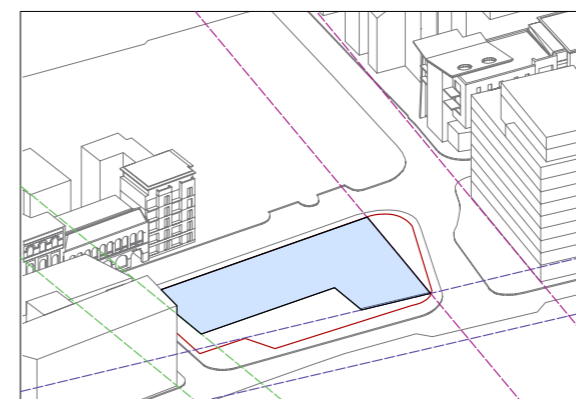
The east portion of building mass is 10 storeys above ground, which relates to the consented ND7 scheme adjacent. This mass has been considerably cut-away at its north-east corner, to respond to a key sightline towards the Gardiner Haskins building to the north. This helps to reduce dominance of the massing and improve the architecture, which will work to create a legible landmark as you approach south down New Kingsley Road. The west portion of building mass is 5 storeys above ground, which relates to the Christopher Thomas Court buildings to the north. It was the of the utmost importance to safeguard a view of the Gardiner Haskins turret, when looking north from Valentine Bridge to the south. These proposed heights allow the scheme to be of a density that achieves the 'net operating efficiencies', which is required by the Build to Rent operator.

The building mass covers only 61% of the site area, which allows for generous public realm space around all perimeters. This 'breathing space' in front of the building at ground floor, is vitally important to create quality street level environments for pedestrians, cyclists and everyone who uses or passes by the scheme. A covered colonnade walkway along the south-east portion of massing, also helps to achieve a quality user experience at street level and promote permeability through the site and create a visual connection to the ND7 scheme opposite. The massing at ground floor will be carved and sculpted, to create a more human scale architectural response.

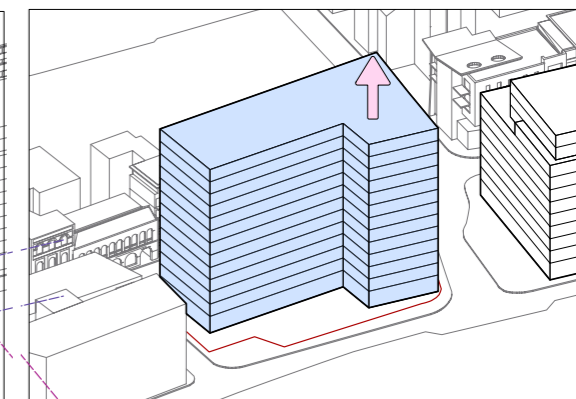
High quality, robust and resilient materials will be used to clad the massing. Details of such will follow in section 4.8 of this document.



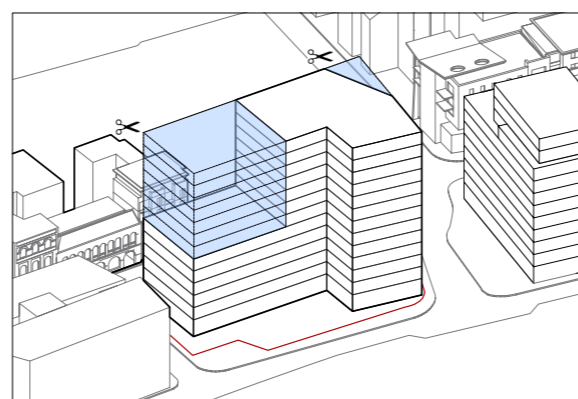
1. Existing Site



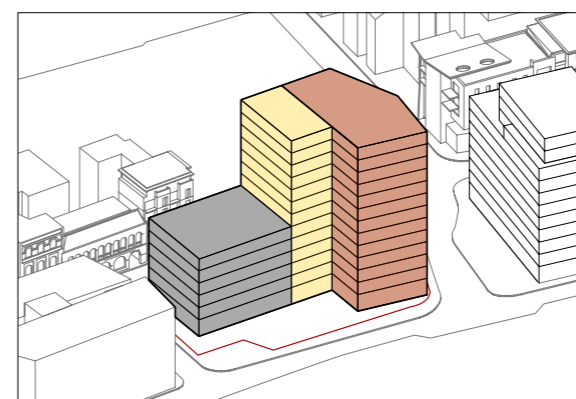
2. Respond to Existing Geometries



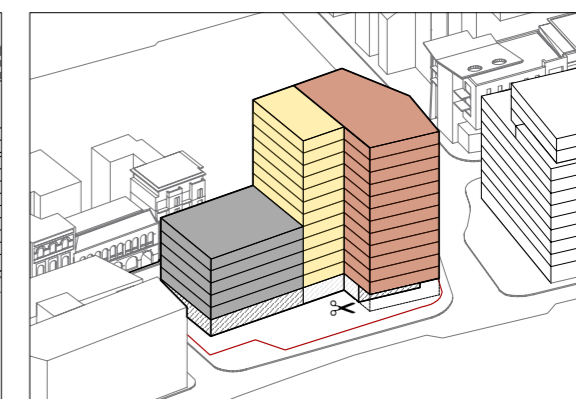
3. Respond to ND7



4. Retain Protected Views



5. Respond to the Vernacular



6. Activate Frontage/Create Feature Entrance



Context Elevation

4.8 Appearance

4.8.1 Introduction

The appearance of the proposed development has been designed to be sympathetic to its context. A brick palette has been chosen to respond to the Bristol red and grey brick vernacular, common in buildings like the Gardner Haskins building to the north and Temple Meads to the south. The design of the ground floor has also been developed to pick up surrounding influences, such as the arches of Christopher Thomas court on Old Bread Street, which have been interpreted along the new Betterfood shop fronts on the proposed scheme.

Issues of buildability, maintenance, functionality and resilience have also been considered when choosing the façade material palette, as we want to create a building that will stand the test of time and continue to serve its intended use long into the future. All materials will be of the highest quality in order to achieve this.

The following pages set out the façade strategies and explain how the elevations have been articulated and designed.



CGI view towards the new piazza space on Avon Street. Existing sub-station is shown ghosted in foreground.



ND6 and ND7 link

The residents and visitors of ND6 and ND7 developments share facilities – below ground car parking, gymnasium, eateries and commercial units. It is critical to the two schemes for the public realm treatment to acknowledge this relationship. All of New Kingsley Road adjacent to the ND6 is to be a shared surface, extending to the public landscaped areas of ND7

A formal pedestrian link cuts across the New Kingsley Road, connecting the two entrances along a single axis. A continuation of the high quality surface treatment of Avon Street Terrace forms a strong visual connection to adjacent key areas



Roof - Levels 6, and 11

The two separate roof areas are not proposed to be accessible to residents and will act as a safe haven for wildlife to increase biodiversity. The principles of Objective 2 of Chapter 5 Bristol Habitat Action Plan 'Open Mosaic Habitats on Previously Developed Land' is adopted for the non-accessible roof terraces using extensive brown and green roof systems to balance removal of existing open mosaic habitat in the future construction of this development.

For Brown Roof systems, substrate are to be of crushed local substrate (rubble/gravel/ spoils from existing site) which will include fauna and flora from existing site, re-establishing the existing plant and animal communities, enhancing them where possible.

For the green roof systems, a wide variety of species will be planted to mimic a range of habitats. Final details of these roof areas can be developed further in consultation with the LPA and the ecologist through development of the BREEAM assessment for the scheme.

Circulation and access: 1350mm wide maintenance access to perimeter behind parapet and up to access doors.
Material: recycled interlocking plastic grid with lightweight gravel infill of sufficient aggregate size to prevent removal by seagulls or other birds who may seek to use gravel to open shells when feeding.

