

Development Control A Committee Agenda



Date: Wednesday, 22 January 2020

Time: 6.00 pm

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

Distribution:

Councillors: Donald Alexander (Chair), Chris Windows (Vice-Chair), Clive Stevens, Mark Wright, Fabian Breckels, Paul Goggin, Stephen Clarke, Mike Davies, Margaret Hickman, Olly Mead, Afzal Shah and Steve Smith

Copies to: Gary Collins, Laurence Fallon and Norman Cornthwaite

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Date: Tuesday, 14 January 2020



Agenda

1. Welcome, Introductions and Safety Information

(Pages 4 - 6)

2. Apologies for Absence and Substitutions

3. Declarations of Interest

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

4. Minutes of the previous meeting

To agree the minutes of the last meeting as a correct record.

(Pages 7 - 10)

5. Appeals

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

(Pages 11 - 18)

6. Enforcement

To note recent enforcement notices.

(Page 19)



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 5 pm on Thursday 16th January 2020.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on Tuesday 21st January 2020.

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

- | | |
|--|--------------------------|
| | (Page 20) |
| a) 19/00682/F - 2 - 16 Clifton Down Road | (Pages 21 - 95) |
| b) 18/05310/F - St Catherine's Place Shopping Centre, East Street, Bedminster | (Pages 96 - 184) |
| c) 19/01892/F and 19/01893/LA - 31 - 32 Portland Square and Surrey Street Warehouse, Surrey Street | (Pages 185 - 240) |

9. Date of Next Meeting

4th March 2020 at 2.00 pm.



Public Forum

D C Committee A



1. Members of the Development Control Committee A

Councillors: Don Alexander, Chris Windows, Fabian Breckels, Stephen Clarke, Mike Davies, Paul Goggin, Margaret Hickman, Olly Mead (Job share), Afzal Shah (Job share), Steve Smith, Clive Stevens and Mark Wright;

2. Officers:

Zoe Willcox – Director, Development of Place; Gary Collins - Development Management, Laurence Fallon – Transport Development Management.

Statements/Petitions		
Statement	Name	Application
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Bristol City Council Minutes of the Development Control A Committee



20th November 2019 at 2.00 pm

Members Present:-

Councillors: Donald Alexander (Chair), Fabian Breckels, Stephen Clarke, Paul Goggin, Margaret Hickman, Gary Hopkins, Afzal Shah, Steve Smith, Clive Stevens, and Chris Windows (Vice-Chair),

Officers in Attendance:-

Gary Collins, Development Management; Laurence Fallon, Transport Development Management; Norman Cornthwaite, Democratic Services

1. Welcome, Introductions and Safety Information

The Chair welcomed those present, drew attention to the evacuation procedure and explained the process to be followed for the hearing of each application.

2. Apologies for Absence and Substitutions

Apologies were received from Councillors Mike Davies and Mark Wright, substitute Gary Hopkins.

3. Declarations of Interest

The following was noted:

Councillor Clarke – Application No. 18/05310/F St Catherine's Place is located in his Ward and he has had meetings with the developers and residents, but has not expressed an opinion on the application.

4. Minutes of the previous meeting

Referring to 85 Queens Road, the Head of Development Management explained that it had not been possible to bring this application before the Committee at this Meeting as the enforcement investigation on the usage of the premises has not been completed as the required information had not yet been provided by the applicants; a formal request has now been made for the information.



Resolved - that the minutes of the Meeting on 16th October 2019 be approved as a correct record and signed by the Chair.

5. Appeals

The Head of Development Management introduced the report providing an overview of the current appeals. He highlighted Item No. 33, 18c Merton Road, and explained that although Committee had refused this application on 27th February 2019, the Appeal had been allowed; costs were not applicable.

6. Enforcement

The Head of Development Management introduced the report.

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

9. 18/05310/F – St Catherine’s Place

The Head of Development Management and his representative gave a presentation and summarised the report for this item highlighting the following:

This is a full planning application for comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works. (Major).

The presentation included:

- Details of the application site, background, planning history and Bedminster Green Framework;
- Details of the application proposals, plans and visualisations;
- Details of the key Issues and assessment of the application;
- Details of the recommendation and reasons for refusal.

Answers for Clarification:



- High quality play space and public realm is important due to the increase in the local population that will be generated by this scheme
- The Strategic Transport Assessment has not been completed. This is an assessment of Bedminster Green (all development proposals) with the essential components being: cumulative impact of the developments in terms of multi modal movements and the completion of a General Arrangement drawing for the A38.
- The STA is to be agreed with developers and the Council what is required.
- The STA has not been agreed as matters concerning the A38 need to be resolved; an assessment of the whole of Bedminster Green is required; BCC cannot recommend approval until the whole of the assessment been made available and the package of transport mitigation measure is agreed
- In relation to the flood risk the Environment Agency are maintaining their objection and as a consultee their views have been taken into account by Officers.
- The applicant requested that the application be brought before the Committee at this Meeting; they could lodge an appeal for non-determination.
- Although permission was granted previously, this is a different scheme and there are concerns about a number of issues including height, scale, amenity and lack of public realm; the development would also not be acceptable in terms of transport and highways issues.
- Questions regarding the heights of different aspects of the scheme were clarified in response to some points made in the Public Forum.
- Clarification over the status of the Bedminster Green Framework was provided in that it is a material consideration, but it is not afforded as much weight as the adopted policies of the Core Strategy and the Urban Living SPD.
- Clarification was provided over the affordable housing provision and the outcome of the viability process that the proposed scheme is currently unable to provide any affordable housing to be secured via s.106 Agreement.
- With regards to densities, clarification was provided that the NPPF did not prescribe a typical or a prescribed density, it recommends optimising the density of development in city and town centres and other locations that are well served by public transport.

Debate

- There were mixed views from Members concerning the application
- The scheme was not perfect but a good one; a dense development is need and large buildings always bring issues concerning light, etc.
- There needs to be high rise developments due to the scarcity of land in the UK; redevelopment is vital for this area
- The area needs improvement
- Although the area is run down and needs redevelopment, the redevelopment should not be a poor scheme; the application has been brought before Committee prematurely – there are a lot of unresolved issues
- There is no agreement on the transport issues
- There are concerns about “over-ruling” the Environment Agency objection



- There are too many aspects about the scheme that are not liked

Councillor Goggin moved the Officers' Recommendation that the application be Refused. This was seconded by Councillor Hickman.

On being put to the Vote it was Lost (Voting 4 for, 5 against, 1 abstention).

Councillor Smith moved that the application be Approved. This was seconded by Councillor Windows.

The Head of Development Management advised that should this Motion be Carried, Officers would prepare a statement of reasons for approval and this would be circulated to the Committee Leads for agreement.

On being put to the Vote the Motion was Lost (Voting 3 for, 7 against, 0 abstentions).

Councillor Stevens moved that a decision on the application be deferred until a future Meeting of the Committee to allow time for transport and other minor issues to be resolved. This was seconded by Councillor Smith.

On being put to the Vote it was

Resolved – (Voting 6 for, 4 against, 0 abstentions) that a decision on the application be deferred until a future Meeting of the Committee to allow time for transport and other minor issues to be resolved.

10 Date of Next Meeting

22nd January 2020 at 6.00 pm.

Meeting ended at 4.35 pm.

CHAIR _____



DEVELOPMENT CONTROL COMMITTEE A

22nd January 2020

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE

LIST OF CURRENT APPEALS

Householder appeal

Item	Ward	Address, description and appeal type	Date lodged
1	Lockleaze	657 Muller Road Bristol BS5 6XS Proposed dropped kerb, removal of front wall and creation of parking area. Appeal against refusal Delegated decision	02/09/2019
2	Cotham	16 Clare Road Cotham Bristol BS6 5TB Demolition of existing rear extension and replacement with new rear and side extension, replacement of existing roof materials with natural slate and internal alterations to existing dwelling including addition of first floor bathroom window. Appeal against refusal Delegated decision	10/10/2019
3	Westbury-on-Trym & Henleaze	11 Reedley Road Bristol BS9 3SR Double storey and single storey rear extension and single storey front and side extensions. Resubmission. Appeal against refusal Delegated decision	04/11/2019
4	Avonmouth & Lawrence Weston	66 Portview Road Bristol BS11 9JU Erection of two storey and single storey side extension. Appeal against refusal Delegated decision	04/11/2019
5	Southville	28 Stackpool Road Bristol BS3 1NQ Loft conversion. Appeal against refusal Delegated decision	18/11/2019
6	Bishopsworth	6 Gardner Avenue Bristol BS13 8BG Two storey side and rear extension. Appeal against refusal Delegated decision	21/11/2019

7	Stockwood	690 Wells Road Hengrove Bristol BS14 9HX Proposed dropped kerb and creation of parking, with access onto Wells Road. Appeal against refusal Delegated decision	26/11/2019
8	Windmill Hill	26 Holmesdale Road Bristol BS3 4QN Single storey ground floor extension, to provide bathroom and storage with first floor decking/terrace. Appeal against refusal Delegated decision	10/12/2019
9	Henbury & Brentry	6 Greenlands Way Bristol BS10 7PR Proposed two storey side and single storey rear extension (demolition existing garage and rear conservatory). Appeal against refusal Delegated decision	10/12/2019

Informal hearing

Item	Ward	Address, description and appeal type	Date of hearing
10	Central	Trust Headquarters Marlborough Street City Centre Bristol BS2 8CC Outline planning application to consider Access and Scale (with Appearance, Landscaping and Layout reserved) for the demolition of all existing structures and the erection of a hospital transport hub, comprising a 400-space Cycle Centre, 820-space hospital-only car park, hospital bus drop-off point and associated works (Major). Appeal against refusal Committee	21/01/2020

Written representation

Item	Ward	Address, description and appeal type	Date lodged
11	St George West	Land To The Rear 324 Church Road, And Of Flats 1-3, 2 Beaconsfield Road St George Bristol BS5 8AJ Proposed residential unit. Appeal against refusal Delegated decision	27/08/2019

12	Ashley	Mary Seacole Court 110 Mina Road Bristol BS2 9TP Extension to existing block of flats: to erect two new storeys on top of existing two storeys split in to two levels (additional 9 units, 7 in a third storey & 2 in a fourth storey, set back from the edge of the building (Resubmission of application 18/05704/F). Appeal against refusal Delegated decision	11/10/2019
13	Hengrove & Whitchurch Park	22 Gilda Parade Bristol BS14 9HY Outline application for proposed block of two flats - Approval sought for Layout. Appeal against refusal Delegated decision	14/10/2019
14	Westbury-on-Trym & Henleaze	22 Devonshire Road Bristol BS6 7NJ Conversion of an existing HMO back to a single dwelling house plus a gate and shed to the garden. Appeal against refusal Delegated decision	14/10/2019
15	Stoke Bishop	22 Julian Road Bristol BS9 1LB Application for a Lawful Development Certificate for a Proposed use or development. Single storey rear extension. Appeal against refusal Delegated decision	22/10/2019
16	Clifton	7A Richmond Hill Avenue Bristol BS8 1BG Proposed demolition of existing side extension and replacement with a one and a half storey side extension, and various external alterations to the building new/altered openings. Appeal against refusal Delegated decision	23/10/2019
17	Clifton	7A Richmond Hill Avenue Bristol BS8 1BG Proposed demolition of existing side extension and replacement with a one and a half storey side extension, and various external alterations to the building new/altered openings. Appeal against refusal Delegated decision	23/10/2019
18	Filwood	3 St Whytes Road Bristol BS4 1RX New 2 bedroom dwelling with off street parking, bin store and cycle storage. Appeal against refusal Delegated decision	24/10/2019

19	Lawrence Hill	Land Rear Of Temple Trading Estate Cole Road Bristol Erection of a structure to support 2no. 12m wide x 3m high LED digital displays. Appeal against refusal Delegated decision	30/10/2019
20	Hillfields	30 Hillfields Avenue Bristol BS16 4JR Full Planning Permission (Re-submission) for the construction of a single two-bedroom house with vehicular parking, refuse store and cycle racks on land to the side of 30 Hillfields Avenue (Self Build) Appeal against refusal Delegated decision	01/11/2019
21	Clifton Down	34 Oakfield Grove Bristol BS8 2BL Proposed side arched extension, providing additional living space to the existing first/second floor maisonette. Appeal against refusal Delegated decision	05/11/2019
22	Windmill Hill	17 Shepton Walk Bristol BS3 5NU Proposed conversion of double garage to a one bed dwelling house. Appeal against refusal Delegated decision	05/11/2019
23	St George West	Land To The Rear Of 1A Clouds Hill Avenue Bristol BS5 7JD Erection of a single dwelling on the land to the rear of 1A Cloud Hill Avenue, following the removal of the existing garage and outbuilding. Reconfiguration of the external space shared by numbers 1 - 5 Clouds Hill Road. Appeal against refusal Delegated decision	14/11/2019
24	Bedminster	Advertising Next To 267 West Street Bedminster Bristol BS3 3PZ Appeal against discontinuance notice for a 48 sheet internally illuminated advertising display.	14/11/2019
25	St George Central	125 Two Mile Hill Road Bristol BS15 1BH To erect a two bedroom dwelling. Appeal against refusal Delegated decision	20/11/2019

26	Stoke Bishop	16 Hadrian Close Bristol BS9 1DZ Demolish the existing building (Use Class C3) and build a two-storey detached residential dwelling (Use Class C3) with secure bicycle store. (Self Build). Appeal against refusal Delegated decision	20/11/2019
27	Lawrence Hill	7 Kensington Park Bristol BS5 0NU Enforcement notice appeal for installation of a front dormer roof extension without planning permission. Appeal against an enforcement notice	26/11/2019
28	Clifton	Land Rear To 28 Ambrose Road Rosemont Terrace Bristol BS8 4RJ The erection of a terrace of 3no. houses with associated landscape works (re-submission of application ref. 18/01993/F). Appeal against refusal Delegated decision	04/12/2019
29	Southmead	Site At 6 Embleton Road & 2 Staveley Crescent Bristol BS10 6DS Erection of 1 no 2 bed Dwelling and 1 no 3 Bed Dwelling adjacent to existing dwellings. Appeal against refusal Delegated decision	04/12/2019
30	Avonmouth & Lawrence Weston	Advertising Right Near Smoke Lane Ironchurch Road Bristol BS11 9BP Replacement of an existing illuminated 96-sheet advertisement display with an illuminated 48-sheet digital advertisement display. Appeal against refusal Delegated decision	09/12/2019
31	Hartcliffe & Witherwood	49 Pigott Avenue Bristol BS13 9HR Erection of a 3 bedroom dwelling on land adjacent to 49 Pigott Avenue. Appeal against refusal Delegated decision	10/12/2019
32	Hillfields	262 Ridgeway Road Bristol BS16 3LE Erection of a new 2 bedroom (3 bed spaces) end of terrace house over 2 storeys, with associated external works. Appeal against refusal Delegated decision	12/12/2019

33	St George Central	18 Glen Park St George Bristol BS5 7ND Demolition of an existing garage at the rear of the garden and construction of a new self-contained dwelling unit with access from Brockhurst Gardens. Appeal against refusal Delegated decision	16/12/2019
34	Eastville	Advertising Next To 784 Muller Road Bristol BS5 6XA Removal of existing 48 sheet advert and replacement with an upgraded digital poster. Appeal against refusal Delegated decision	02/01/2020
35	Redland	19 Dundonald Road Bristol BS6 7LN Enforcement notice appeal for the erection of terrace/balcony without planning permission. Appeal against an enforcement notice	06/01/2020

List of appeal decisions

Item	Ward	Address, description and appeal type	Decision and date decided
36	Hengrove & Whitchurch Park	1 Swainswick Bristol BS14 0AH Proposed attached self-contained dwelling house. Appeal against refusal Delegated decision	Appeal dismissed 25/11/2019
37	Westbury-on-Trym & Henleaze	53 Fallodon Way Bristol BS9 4HT Proposed garage at side of house. Appeal against refusal Delegated decision	Appeal allowed 22/11/2019
38	Westbury-on-Trym & Henleaze	1 Whytes Close Bristol BS9 3HU Erection of 1 detached dwelling house. Appeal against refusal Delegated decision	Appeal dismissed 09/12/2019 Costs not awarded
39	Eastville	435 Fishponds Road Fishponds Bristol BS16 3AP Roof extension to existing garage to create gym and games room for household use. Appeal against non-determination	Appeal allowed 20/12/2019 Costs not awarded
40	Stockwood	12 Swane Road Bristol BS14 8NQ Proposed erection of 1 no 3 bedroom dwelling. Appeal against refusal Delegated decision	Appeal dismissed 21/11/2019

41	Southmead	533 Southmead Road Bristol BS10 5NG Erection of two storey building to provide a 1 bedroom dwelling unit. Appeal against refusal Delegated decision	Appeal dismissed 16/12/2019
42	Horfield	37 Wellington Hill Bristol BS7 8SP Two storey side and rear extension to create a new dwelling within the corner plot. Single storey rear extension to existing dwelling. The front garden to No.37 will be re modelled to provide a further off street parking space for the existing property (self build). Appeal against refusal Delegated decision	Appeal dismissed 04/12/2019
43	Ashley	First Floor Flat 17 Belmont Road Montpelier Bristol BS6 5AW Construction of a rear dormer roof extension, to provide a third bedroom and a en-suite for the first floor flat. Appeal against refusal Delegated decision	Appeal dismissed 05/12/2019
44	Central	35 - 37 Stokes Croft Bristol BS1 3PY Enforcement notice appeal for the installation of external roller shutters and associated shutter housing structures to the front of the property. Appeal against an enforcement notice	Appeal dismissed 05/12/2019
45	Eastville	140 Fishponds Road Eastville Bristol BS5 6PT Enforcement appeal for development to create and turn flat roofed rear extension to outdoor amenity area. Appeal against an enforcement notice	Appeal dismissed 09/12/2019
46	Lawrence Hill	16 Feeder Road Bristol BS2 0SB Replacement of existing 1no illuminated 96-sheet advertisement with 1no illuminated digital LED display. Appeal against refusal Delegated decision	Appeal dismissed 20/11/2019
47	Cotham	24 Cotham Grove Bristol BS6 6AN Traditional metal balcony, accessed from the new kitchen at ground floor level. Metal steps leading down to the back garden at basement level. Privacy screens to each end of the balcony. Alteration of ground floor rear window into French door to access balcony. Appeal against refusal Delegated decision	Appeal allowed 06/12/2019

48	Avonmouth & Lawrence Weston	13 Hallen Drive Bristol BS9 2NU Application for a two storey side extension. Appeal against refusal Delegated decision	Appeal dismissed 13/12/2019
49	Westbury-on-Trym & Henleaze	84 Falcondale Road Bristol BS9 3JZ Demolition of side garage and proposed two storey side and single storey rear extension including X5 front and rear roof lights. Appeal against refusal Delegated decision	Appeal dismissed 17/12/2019
50	Hengrove & Whitchurch Park	6 Greenacre Road Bristol BS14 0HL Single storey front extension. Appeal against refusal Delegated decision	Appeal dismissed 10/01/2020
51	Easton	191 Whitehall Road Bristol BS5 9BT Upgrade of existing 48 sheet advert to support digital poster. Appeal against refusal Delegated decision	Appeal dismissed 10/01/2020

DEVELOPMENT CONTROL COMMITTEE A

22nd January 2020

REPORT OF THE DIRECTOR: DEVELOPMENT OF PLACE

LIST OF ENFORCEMENT NOTICES SERVED

No Enforcement Notices to report

Development Control Committee A 22 January 2020

Report of the Director: Development of Place

Index

Planning Applications

Item	Ward	Officer Recommendation	Application No/Address/Description
1	Clifton	Grant subject to Legal Agreement	19/00682/F - 2 - 16 Clifton Down Road Bristol BS8 4AF Demolition of existing building and erection of three storey (plus basement and additional plant roof top level) building containing 819.5 square metres in total (incl. shared changing area) retail (Use Class A1); 756 square metres in total (incl. terraces) cafe/restaurant (Use Class A3); and 842.5 square metres in total (incl. shared changing area & terraces) office (Use Class B1a), shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development. (Major Application).
2	Southville	Refuse	18/05310/F - St Catherines Place Shopping Centre East Street Bedminster Bristol BS3 4HG Full planning application for comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works. (Major).
3	Ashley	Grant subject to Legal Agreement Grant	19/01892/F - Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS Demolition of existing warehouse, partial demolition, conversion and restoration of nos. 31 and 32 Portland Square to form student apartments (sui generis) and development fronting Portland Square, Cave Street and Surrey Street with associated refuse and cycle storage. 19/01893/LA

WARD: Clifton

SITE ADDRESS: 2 - 16 Clifton Down Road Bristol BS8 4AF

APPLICATION NO: 19/00682/F Full Planning

DETERMINATION DEADLINE: 16 August 2019

Demolition of existing building and erection of three storey (plus basement and additional plant roof top level) building containing 819.5 square metres in total (incl. shared changing area) retail (Use Class A1); 756 square metres in total (incl. terraces) cafe/restaurant (Use Class A3); and 842.5 square metres in total (incl. shared changing area & terraces) office (Use Class B1a), shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development. (Major Application).

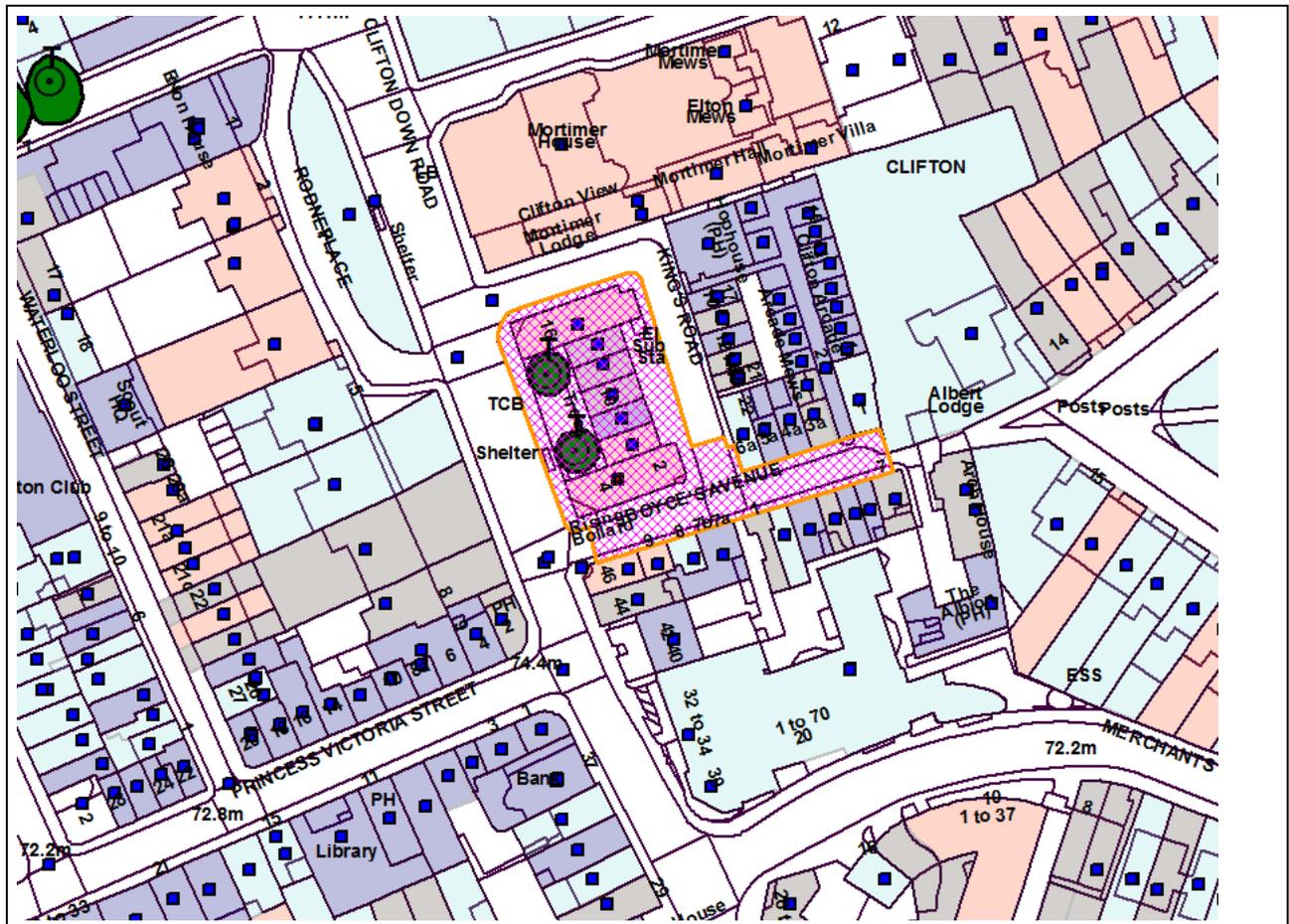
RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: Tetlow King Planning
Unit 2 Eclipse Office Park
20 High Street
Staple Hill
Bristol
BS16 5EL

APPLICANT: THAT Clifton Company Ltd
C/o Tetlow King Planning
Unit 2 Eclipse Office Park
High Street, Staple Hill
Bristol
BS16 5EL

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

LOCATION PLAN:



Development Control Committee A – 22 January 2020
Application No. 19/00682/F : 2 - 16 Clifton Down Road Bristol BS8 4AF

SUMMARY

This application has been brought to the Development Control (A) Committee due to the prominent and important nature of the site; the scale of the proposals; and the level of public interest in the application.

The application has also been called to Committee by Councillor Paula O'Rourke Ward Member for Clifton for the reason as follows:

"The history of applications for development of this site has been contentious. The public response to previous proposals has shown that this decision needs to be made in a public hearing, with members deciding. As a representative of the community, I feel it my duty to ensure that residents have an opportunity to speak to the decision-makers.

I am broadly in favour of the proposals, with some amendments which I think can be achieved, however, I would want to see the final approval is conditioned, especially, around zero-parking."

The application relates to the site on Clifton Down Road that formally constituted a number of retail units including WH Smith and a small raised piazza. Following the closure of these units the site was altered to accommodate a temporary ice rink. The site is currently vacant and in a considerable state of disrepair. The site is located within the Clifton and Hotwells Conservation Area and is in close proximity to a number of listed buildings.

Planning permission is sought for the demolition of the existing building and redevelopment of the site with a three storey (plus basement and additional plant roof top level) building containing 819.5 square metres in total (incl. shared changing area) retail (Use Class A1); 756 square metres in total (incl. terraces) cafe/restaurant (Use Class A3); and 842.5 square metres in total (incl. shared changing area & terraces) office (Use Class B1a), shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development.

The proposals have been subject to significant amount of scrutiny via 4 separate rounds of public consultation and have raised significant interest and comment (detailed below). In total 278 objections, 94 support and 9 neutral representations have been received. The main issues of comment have concerned the suitability of the scale, form, mass and design approach of the new building and the resultant impact on the Clifton Conservation Area; setting of surrounding Listed Buildings; and the general environment of surrounding roads and buildings. Other areas of comment have focused on highway impacts and the sustainability credentials of the development.

Historic England; the Civic Society; the Conservation Advisory Panel; the Clifton and Hotwells Improvement Society; and the Mall Garden's Residents Association all maintain objection to the application.

The applicant has undertaken detailed negotiations with officers to address concerns relating to design, highways and sustainability issues and it is considered by the Local Planning Authority that these matters have been suitably addressed.

For the reasons set out below, the recommendation to Members is to approve the application subject the conditions as set out below and to allowing officers the Delegated Authority to secure the required contributions via a relevant agreement under Section 106 of the Town and Country Planning Act 1990.

Development Control Committee A – 22 January 2020
Application No. 19/00682/F : 2 - 16 Clifton Down Road Bristol BS8 4AF

SITE DESCRIPTION

The application proposal relates to an island site in the centre of Clifton Village formerly occupied by a small parade of shops. The site is at the junction of Clifton Down, Boyce's Avenue and King's Road and is situated within the Clifton and Hotwells Conservation Area. Many of the buildings around the site are listed buildings. These are predominately mid to late Georgian in style including the adjacent Grade II* Listed Mortimer House to the north, and the Grade II Listed terrace of buildings to the east fronting King's Road and onto the Clifton Arcade, Nos. 7, 8 and 9 Boyce's Avenue, Nos. 40-46 Regent Street and Nos. 1-8 Rodney Place/ Clifton Down Road.

The site is also within the designated Clifton 'Town Centre' and within the designated primary shopping area within this Centre. Surrounding the site, the commercial units at 8-16 King's Road and within the Clifton Arcade are within the designated secondary shopping frontage (all designations referenced are by the Site Allocations and Development Management Policies Map).

The application site currently comprises a 1960's two storey flat roofed brick and concrete building, which previously contained 6 no. individual units at ground floor level with ancillary storage at first floor. The ground floor retail floorspace previously extended to approximately 650 square metres (gross external). An ancillary storage area is contained within the first floor to serve the ground floor units, which has a gross external floorspace of approximately 560 square metres. At the rear of the building is a servicing/parking area, which is occupied by parked cars during retail opening hours, refuse bins and an electricity substation. On street along Clifton Down Road to the front of the site is a bus stop and taxi rank.

The building was altered between November 2014 and January 2015 for use as a temporary ice rink with ancillary skate hire and bar facilities. This use has now ceased and the building is vacant.

The consent for the alteration and use of the building as a temporary ice rink did not allow for the total demolition of the remaining structure on the site following the closure and removal of the ice rink, although the principle of the demolition has already been accepted under previous planning permissions. Changes to the planning system since that consent was granted mean that separate consent is no longer required for demolition and thus the current planning application includes demolition.

The permission for the ice rink use (14/05253/X) included the removal of 2no. silver birch trees (covered by Tree Preservation Order 939) and a contribution was secured towards their replacement within the area and in the knowledge that any redevelopment scheme would also include landscaping to the Clifton Down Road frontage.

The Clifton Village Residents Parking Scheme is in operation surrounding the site and includes permit parking bays to Boyce's Avenue, 'No waiting' restrictions to King's Road and 'No waiting/ No loading' restrictions on Boyce's Avenue. Servicing of the application site and surrounding buildings takes place from the street.

RELEVANT HISTORY

14/05253/X: Variation of condition number(s): 1, 8, 10 for planning permission 14/03697/F - the remove reference to demolition, to alter the proposed hours of operation and list of approved plans condition. GRANTED on 26.11.2014

14/03697/F: Demolition of existing building and redevelopment of site comprising temporary ice rink and associated uses. GRANTED on 23.09.2014

14/04500/F: Demolition of existing building and redevelopment of site comprising retail floor space

Development Control Committee A – 22 January 2020**Application No. 19/00682/F : 2 - 16 Clifton Down Road Bristol BS8 4AF**

(A1 and A3), 14 residential apartments (C3) and ancillary uses. (Major application). REFUSED on 29.04.2015

13/00780/F & 13/00783/LC: Demolition of existing building and redevelopment of site comprising retail floor space (Use Classes A1, A2 and A3), 14 residential apartments (Use Class C3), open space, car parking, ancillary servicing and new access arrangements, together with alterations to the highway. (Major Application). GRANTED on 08.07.2013

10/01775/F & 10/01776/LC: Demolition of existing building and redevelopment of site comprising retail floorspace (Use Classes A1, A2, A3), office floorspace (Use Class B1), open space, car parking, ancillary servicing and new access arrangements together with alterations to the highway. GRANTED on 28.07.2010

05/02674/F & 05/02675/LC: Demolition of existing building and construction of new building comprising both retail ground floor and 22 no. residential flats on the first, second and third floors, with parking provided at basement level. REFUSED on 04.01.2006

EQUALITIES ASSESSMENT

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

APPLICATION

Planning permission is sought for the demolition of the existing building and erection of three storey (plus basement and additional plant roof top level) building containing 819.5 square metres in total (incl. shared changing area) retail (Use Class A1); 756 square metres in total (incl. terraces) cafe/restaurant (Use Class A3); and 842.5 square metres in total (incl. shared changing area & terraces) office (Use Class B1a), shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development.

STATEMENT OF COMMUNITY INVOLVEMENT*a) Process*

The pre-application consultation that took place in this case involved contact with local amenity groups, ward councillors and residents of the local area and those surrounding. The Applicant has engaged with the community through a range of methods including pre-application meetings, a series of public exhibitions, e-newsletters and email invites.

The applicant has provided their summary of the concerns raised as follows:

- Height, scale and mass of development still considered to be obtrusive/excessive
- Concern re height of building creating a wind-tunnel effect on surrounding streets
- Preference for a design more in keeping with/sympathetic to surrounding local
- Architecture

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- Preference for buildings with a set back and open space as in the original building
- Concern re impact on parking
- Concern re impact of servicing (e.g. deliveries, waste disposal)
- Concerns re removal of lighting and rubbish left on-site after partial demolition
- Existing site considered to be an eye-sore, criticism of the developer for leaving as such

b) Outcomes

The applicant has stated that as a result of the community consultation the following were the resultant outcomes:

- Ventilation louvres added
- Covered cycle racks provided in line with Bristol City Council's planning requirement
- Internal layout alterations
- Substation upgrade and reconfiguration required to facilitate the demolition and construction process
- Revised and extended the landscaping to the public realm
- More detailed proposals to the external materials palette
- Main roof parapet slightly raised to accommodate revised plant and inclusion of photovoltaics
- Plant penthouse slightly raised to accommodate photovoltaics and maintain simplicity of building silhouette

RESPONSE TO PUBLICITY AND CONSULTATION

Please note that the full versions of all representations received in respect to all consultation exercises concerning this application can be found on the BCC website.

Initial Consultation

The application was initially advertised via press and site notices, expiry date 03.04.2019. Neighbours were consulted via individual letters sent 05.03.2019.

Objections were received initially from 231 surrounding properties, which in summary focused on the following issues:

- The proposed development is too tall/big, which will appear out of keeping with surrounding properties and would harm the character and appearance of the conservation area.
- Any development in this area should contain some more greenery and public access open space with seating.
- The development would result in harmful levels of noise and disturbance, both once complete and during the construction period.
- The proposed development would impact negatively on the historic setting of nearby listed buildings.
- The introduction of a chain retail store would impact negatively on the vitality and viability of existing shops.
- The development would have a harmful overbearing and overshadowing impact on Boyce's Avenue.
- The design, fenestration and detailing of the proposal is poor quality and not in keeping with the conservation area.
- The development doesn't include a sufficient number of trees.
- There are already offices and shops to let nearby.
- The amount of glazing will not be energy efficient.
- The development would result in increased traffic, pollution and congestion.
- The proposed materials are not in keeping with the conservation area.
- The size of the pedestrianised area should be extended.
- Clifton needs small independent outlets not more high street chains.
- There is no additional parking planned and the Clifton Village RPZ is already at over-capacity.

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- The proposed development would result in light pollution.
- The proposed development would overshadow, and would have an overbearing impact on surrounding commercial and residential properties.
- The sustainability credentials of the development are inadequate.
- The refuse storage is inadequate.
- The development doesn't include any residential units.
- The landscaped area should be increased.
- The development should increase more cycle parking.
- The existing pavement and footway is inadequate to deal with the increase in footfall.
- The inclusion of cafes, bars and restaurants is not appropriate in the area, which is a Cumulative Impact Area prohibiting, for the wellbeing of residents, further licenses or significant extensions to current ones.
- There is not enough room for a bus stop.
- The cast iron lamp posts are not shown.
- The application is lacking detail.

Letters of support were received initially from 78 surrounding properties, which in summary stated that:

- The development is of a good design quality, which will enhance the character and appearance of the conservation area.
- The existing site is an eyesore and should be replaced as soon as possible.
- The building will complement rather than diminish the surroundings.
- Part of granting any planning permission should be that the existing building is demolished within 6 months.
- The mixed use with al fresco dining will enhance the Clifton Village setting.
- While there are locations in Clifton where development should be in a style to match existing buildings of the 18th or 19th century (for example where a historic grouping is to be restored) this site is not one of them.
- The often-tried attempt to recapture Georgian wall-to-window relationships while using modern materials would produce poor quality results.
- Although higher than the existing building, the proposed three-storey building will be the same height as, or less than, those of the adjacent Arcade building.
- There are five-storey buildings nearby.
- Any development at the site has to be commercially viable.
- The development will bring trade and footfall into Clifton Village, of benefit to the vitality and viability of the local centre.
- The streets will be greatly enhanced by the active frontages of the new development.
- The lack of parking is welcomed, as the location is reasonably accessible by public transport, and the many other businesses in the area all cope without having private parking.
- The lack of residential units is acceptable. Flats would have to have parking and an entrance into an underground carpark which would be of a poor design.

Neutral comments were received initially from 5 surrounding properties, which in summary stated that:

- The lack of parking is a concern.
- The service area should be carefully considered so it can cope with bins and delivery spaces.
- The plant level should be reduced in scale.
- The building work will be lengthy and disruptive. Effort should be made to ensure that local residents and businesses can continue to function during the construction period.
- The building site should be comprehensively boarded off to prevent the spread of dust and noise.
- Working hours should be restricted to 8am-5pm and there should be a strict prohibition of any work being undertaken at weekends or on Bank Holidays.
- Inadequate consultation has been undertaken.

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Second Consultation - July 2019

Following these comments and concerns raised by officers the applicant submitted revised plans and additional detail to seek to address the issues raised. As a result those who were originally consulted and those who already commented on the application were re-consulted via individual letters sent on 2nd July 2019.

Objections were received from 57 surrounding properties following this re-consultation, which in summary stated that:

- The design is inappropriate for the setting.
- The scale is out of keeping with surrounding properties.
- The choice of materials is inappropriate for the conservation area.
- Clifton is a Cumulative Impact Area and therefore further late night uses shouldn't be allowed.
- The development doesn't include any public space.
- The development would result in noise and disturbance, to the detriment of surrounding properties.
- The development would overshadow surrounding buildings.
- There is no space for delivery vehicles.
- The development does not accord with surrounding building lines.
- The proposed roof terraces would result in noise and disturbance.
- The development will increase traffic, but the plans do not provide facilities for car parking; this will put a further strain on Clifton's already strained parking problems.
- The development would result in light pollution.
- The location of cycle racks is inappropriate.
- The development would result in congestion and pollution problems.
- The development would harmfully overlook surrounding properties.
- The location of the bin store is inappropriate.
- Clifton does not need more chain food outlets.
- There is no reassurance two Victorian cast iron lamp posts will be returned to King's Road.
- There is no provision of residential accommodation.
- The proposal appears weak on environmental issues.
- The provision of offices is not necessary in this area.

Letters of support were received from 19 surrounding properties following this re-consultation, which in summary stated that:

- The current building is an eyesore and the removal/replacement is welcomed.
- The development will ensure that the vibrancy of Clifton Village is maintained and will be of benefit to the local economy.
- The developers have been cooperative throughout and deserve to receive approval.
- The proposed scheme is commercially viable.
- The development will create a vibrant and desirable amenity for the local community - better shops, a bright, softer landscaping and more workers and visitors to feed the local businesses.

Third Consultation - October 2019

A third (14 day) public consultation exercise was undertaken on 18th October 2019 following the receipt of plans that showed more extensive highways works to the replacement bus stop and public realm proposals, and further design clarifications.

Objections were received from 73 surrounding properties, which in summary garnered comments on similar issues to the previous consultations. Again the detailed comments can be found on the BCC website:

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- The plans do not vary substantially from earlier submissions
- The design still does not respect the historic context and unique character of Clifton Village Conservation Area or surrounding buildings
- The scale and height are still overbearing.
- Boyce's Avenue and King's Road will be shaded and dwarfed by the height of the proposed building and much of their charm will be lost
- The horizontals will trap rainwater and result (as in so many ugly concrete facades) in black streaks of algal growth where the concrete remains wet for too long.
- The applicant's say that the plant room on the roof is now to have a reduced footprint and a panelised screen. It still will form a dominant fourth storey
- Impact on Air Quality caused by increase in vehicles in the area and tall building creating narrow streets
- No parking provided
- Cause more congestion
- Deliveries will impact on pedestrian area
- The scheme fails to achieve a BREEAM 'Excellent' rating. They argue to be allowed to use BREEAM 2014 rather than the current version BREEAM 2018
- It reduces carbon emissions from residual energy use by only 14% (20% required)
- Given the current climate emergency object to the lack of environmental focus of this development
- The current proposal's inclusion of bars, cafes and restaurants blatantly ignores the fact that Clifton is a designated Cumulative Impact Area,
- The developers have neither engaged any further with the public nor changed the plans more than superficially
- The whole eyesore should be demolished and replaced by a desperately needed grassy open space
- There is a shortage of living accommodation in the district, and therefore a need for homes
- Less A3 must be provided
- There would be a serious loss of privacy for those living in the surrounding residential buildings.
- The current design marginalises the bus stop which is a necessity and well used
- The plans don't provide any provisions or contributions for cyclist or bus transport link.
- A large office space - nothing in the proposal to indicate that this is needed or viable.

Letters of support were received from 23 surrounding properties following this re-consultation, which in summary stated that:

- Applaud the revised details especially those relating to the environment and transport.
- The site is in a sustainable locality and does not need additional parking spaces.
- The scheme will bring a visually acceptable scheme, modern and well designed in scale and keeping with the surrounding area.
- Failure to approve will just add to the risk that could cause Clifton Village to decline as an attractive and vibrant place to live.
- Consider that it will enhance both the appearance and amenities of the area.
- The current site is an embarrassing eyesore and has been for many years now.
- The architects have addressed many of the concerns of residents and it needs to be built immediately
- Project will help transform Boyce's Avenue and reaffirm Clifton as the shopping and eating centre of Bristol.
- It will be a relief to see a new multi-use building in Clifton Village
- Will provide resources for the local community in an attractive setting.
- The site needs to be developed with additional restaurant and cafe choices and the proposals will bring employment opportunities as well.
- The comments for a green space on the site are ridiculous when The Downs are a few metres up the road)
- What is proposed is certainly better than the Contemporis apartment building that is adjacent to the site and which totally dominates the area and which nobody now seems to complain about.

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Final Consultation - December 2019

A final (14 day) public consultation exercise was undertaken on 12 December 2019 following the receipt of plans that showed more information regarding shadowing and daylight/ sunlight impacts.

Objections were received from 24 surrounding properties, which essentially in the majority reiterated objections already set out above (these again can be found in full on the BCC website). Those that did comment on the new overshadowing and daylight/sunlight information in summary stated that:

- It is so high and uniform (essentially a '60s 'brutalist' block with massive expanses of glass, no historic architectural features and no Bath stone) that it will overwhelm the old buildings in the surrounding area. King's Road and Boyces Avenue will become dark alleyways
- The light study confirms that this over massive building will cast King's Road shops and amenities into shadow from 1 pm onwards in both midsummer and midwinter. This is an opportunity to improve this currently grubby, bin ridden back street, and not add to its gloom. This scheme detracts from the amount of daylight reaching this overshadowed street.
- The effect of being 3 floors high with no stepping back is oppressive with respect to street life in Boyce's Avenue and King's Road

Support comments were received from 12 surrounding properties again essentially re-iterating issues already set out above.

OTHER COMMENTS

The Clifton and Hotwells Improvement Society has commented as follows:-

Initial Consultation

'It is imperative that this prominent site in the heart of Clifton be developed in such a way as to preserve and enhance the conservation area. These plans fail spectacularly to deliver the high quality of design, the layout and the sort of user that the site demands.

Any new building here, whether modern or facsimile, must be one of excellence. Historic England considers that this building would 'not be out of place around Temple Meads but inappropriate in a Clifton context'. The Society wholeheartedly agrees.

The former building was low and had a pleasant public open space.

This is tall (four storeys) with a huge footprint that will cover the whole of the site. The unsightly, shed-like top storey, housing the air conditioning plant, will be a highly visible blot on the Clifton skyline (not apparent from the developers' visuals).

The design, scale and massing will cause significant harm to the settings of surrounding listed buildings, notably Grade II* Mortimer House next door. The building will be over dominant and fail to blend or accord with its historic surroundings. It does not pick up in any way the architectural language of surrounding buildings.

Commercial and residential properties in King's Road and Boyce's Avenue will be deprived of light and this enormous block will impart a feeling of enclosure to all around it, including the pavement cafés in Boyce's Avenue.

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The Mayor has expressed his vision for 10 dwellings on this site. This scheme has none. The chain cafés and retail businesses planned are inappropriate in an area characterised by small independent shops. Indeed, some existing businesses are likely to fail as a result of competition from multi-nationals such as M&S and Ted Baker clothes outlets.

There appears to be no provision for the huge delivery vehicles which will be needed to service these businesses. There is nowhere for shop and office staff to park in an area where parking is already extremely difficult for visitors and residents. It would not be difficult to provide underground parking as it seems probable that there were originally cellars beneath the 19th century houses formerly on this site.

There appear to be as many as 4 licensed premises planned in this building despite its being situated in a Cumulative Impact Area where no further licences will be granted unless what is being offered is different from what already exists.

The proposed building has an enormous area of glass which will lead to harmful emissions and is, in general, much lacking in 'green' credentials.

This whole scheme is extremely disappointing. For many years the Society has pressed for a building that would blend with its surroundings and contain facilities and amenities that residents and visitors want and which would complement existing businesses. Our constructive suggestions have been ignored and proposals of public focus groups rejected. The developers have held presentations but have never actually consulted with local residents and groups.

Many of those who support this scheme do so simply because they are keen to be rid of the existing eyesore. Nevertheless, the need to develop, however pressing, should not be at the expense of harm to the character of the Clifton Conservation Area. This bland, unimaginative and immensely damaging scheme should be refused.'

Second Consultation - July 2019

The Clifton and Hotwells Improvement Society further commented on the revised plans as follows:-

'Historic England has commented that these '...proposals lack the finesse that is required of this prestigious location.' and go on to describe the building as having 'a corporate appearance....inappropriate in a Clifton context.' These comments are so damning that a mere revision of the plans was never going to render them acceptable. This has proved to be so.

The revised plans in no way address the issues raised by Historic England and by the numerous other objectors. The revisions are so slight as to be insignificant.

In summary those issues are:

- a. The building's shocking failure to be carbon neutral.
- b. Its size and over dominance, matters which the misleading visuals seek to conceal.
- c. The lack of any public space.
- d. The entitlement to at least 34 parking permits for the building's staff.
- e. The uninspired and inappropriate design.
- f. The lack of proper provision for deliveries.

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- g. The lack of homes.
- h. The provision of yet more cafés and licensed premises.
- i. The provision of unwanted offices.

It would seem that the developers have deliberately left this site in a derelict and deplorable state for over four years in order to gain support from near residents who, understandably, are now so desperate for the removal of this eyesore that they are prepared to accept an undistinguished and mediocre development.

It is likely that the Green councillors representing this ward are so tired of residents demanding action on this site that they too are ready to support a scheme lacking in Green credentials and likely to give rise to yet more parking problems in this locality.

It is hoped that planning officers and planning committee members will not ignore all the issues enumerated above and the blatant failure of this scheme to deliver what Clifton needs, both in terms of beauty and usefulness.'

Third Consultation - October 2019

The Clifton and Hotwells Improvement Society commented on the third re-consultation revised plans as follows:

"The Society considers that the revisions to these plans are of a very minor nature and contain no significant improvements.

The important issues all remain. They are: size & dominance, failure to blend with surrounding architecture, lack of homes, lack of public space, lack of parking, lack of trees and, notably, lack of sustainability.

It is of grave concern that this huge issue of sustainability is being ignored by the planners. It is hard to comprehend why they accept that the building will be assessed against the sustainability regulations in force when the scheme was designed in 2014. The building does not even achieve 2018 standards and will fall far short of new January 2020 regulations.

The scheme's main energy source is electricity from the National Grid, 65% of which is currently generated from carbon sources. The measures to reduce carbon emissions in this building are the absolute minimum necessary to comply with building regulations.

Clifton deserves a building of excellence, both of design and sustainability. This proposal fails utterly to achieve either."

The Clifton and Hotwells Improvement Society and Mall Garden's Residents Association have commented as follows:

In addition to CHIS's comments above, 3 separate appraisals of the proposals were also submitted, which state that they are on behalf of the Clifton and Hotwells Improvement Society and Mall Garden's Residents Association. These appraisals are significant documents and cover the topics of Sustainability, Design and Daylight. These documents can be found in full on the BCC website. In summary the matters of objection raised in these documents cover:

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Sustainability

- The scheme fails to achieve a BREEAM 'Excellent' rating (BCS 13). The report actually states that they are unable to do so with this design. They argue to be allowed to use BREEAM 2014 rather than the current version BREEAM 2018 (as the design is in effect obsolete).
- The scheme reduces carbon emissions from residual energy use by only 14% (20% required BCS 14). Only token renewable energy generation is proposed. The main energy source is electricity from the National Grid which is currently generated 65% from carbon sources (Gas and Coal fired power stations with massive transmission losses).
- Measures to substantially reduce carbon emissions from energy use are the absolute minimum necessary to comply with Part L of the Building Regulations. Passivhaus standards would necessitate thermal insulation U values approximately 1000% higher.
- The proposal makes no provisions or contribution for public transport, bicycles or electric vehicles. Massive additional parking would be inflicted on Clifton Village and on the local neighbourhoods especially at weekends when residents parking permits are not required.
- The proposals make no meaningful contributions to biodiversity and does not create place/s with trees for people as the alternative community proposal.
- Sustainability has clearly not informed the design and construction of the design

Daylighting

- The most serious and significant omission in the report concerns daylighting and sunlighting to the properties in Kings Road due to the four storey building which is proposed to be built on the back of pavement. The evidence would suggest, as the proposed building presents a continuous skyline, is that good daylighting would not be preserved neither to the shop windows on Kings Road nor to the assumed residential accommodation above
- There are no sunpath diagrams. Such diagrams are of fundamental importance to understand the impact of the proposals on the external environment. It is clear that the additional storey height will shield sunlight from the buildings on Kings Road, especially in winter when sun angles are low.
- For the basement of Mortimer House, the report tabulates VSC daylight measurements of 19.6, 17.3, and 21. 1 in the basement and 24.0 and 24.1 on the ground floor. Significant VSC daylight losses of up to 6.5% are reported for no less than 11 windows having a sub standard VSC of less than 27%.

Design

- The proposals fails to enhance the positive features of this part of the Clifton Conservation Area and would therefore harm its special character and appearance
- The outlook and the settings of the 8 Listed Buildings on Rodney Place, together with the settings of a very large number of other Grade II* and Grade II Listed Buildings would be dominated and substantially damaged by the proposed development.
- There are no outdoor places in the proposal that the local community would be able to use and enjoy, unlike the popular piazza in the WH Smith development

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- The proposed building siting, scale, form, mass and overall design including materials are not appropriate for the locality
- The amount, proportions and design of the glazing is also inappropriate to the area and uses proposed

Bristol Civic Society has commented as follows:-

'The Society's response to the planning application 19/00682/F to demolish the existing building and erect a three storey (plus basement and additional plant roof top level) building containing retail (Use Class A1), cafe, restaurant (A3) and office (B1) uses, shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development.

1 The site

The proposal relates to an island site in the centre of Clifton Village formerly occupied by a small parade of now empty shops. The site is a designated primary shopping area within the Clifton Conservation Area. Surrounding the site are several buildings whose style is predominately mid to late Georgian and, in King's Road, later 19th century commercial units.

Summary

2.1 The Society supports the site's long delayed redevelopment. We anticipate that the Council will consider the unbuilt consent 13/00780/F to be a material consideration in this application that is relevant to the demolition of the current buildings, the height and mass of the replacement building and to an extent the proposed uses.

2.2 The Society notes the response of Historic England and the lengthy submission of the Clifton and Hotwells Improvement Society who object on the grounds that the proposal fails to achieve the design standard that BCS21 demands. Against the background of the unbuilt permission, if the Council decides to permit the overall mass and height of the proposal the Society suggests improvements to the design.

3 Demolition, change of use, mass and height of the replacement building

The Society supports demolition of the current building which is a negative feature in the conservation area.

4 Change of use

We accept the applicant's evidence that there is a local demand for the proposed uses.

Building design

5.1 The Society offers comments with a positive intention to improve the scheme. We believe that our suggestions would be resource neutral, they would not adversely affect the cost of construction or the rental return. Local policy states that development is expected to deliver high quality urban design and to contribute positively to an area's character and identity, creating and reinforcing local distinctiveness. The character of the Clifton and Hotwells Conservation Area is varied in this area. The local Georgian buildings present an attractive architectural approach whose proportion and scale creates a distinctive local character. In Boyes Avenue and the King's Road development is denser, the individual buildings are narrower and have a vertical emphasis and hierarchy.

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5.2 The principal, Clifton Down Road elevation

The difficulty that faces the designer of this island site is that the full depth and bulk of the buildings can be seen which increases the risk that the elevation will appear as an unbroken mass of building. Furthermore, the elevation would be viewed in the context of the surrounding terraced buildings which emphasise the continuous bulk of the elevation. The continuous parapet above the second floor and the unbroken roofline accentuate the building mass. One approach to relieve the building mass could be to set the first floor further back. An alternative approach to mitigate the monolithic appearance of this elevation could be to articulate the first and second floors. The double height projecting block is 11 bays wide between King's Road and the Boyce's Avenue set back. These bays could be articulated in a 3 - 5 - 3 rhythm either by a vertical architectural feature or by a set-back/forward. The Society would slightly prefer a projection which need not exceed say 300mm which the structural frame could accommodate.

5.3 The detailing around the opening of the vertical structural elements is an attractive feature. The Society is unconvinced by the glazing of the bays on the ground and first floors with a single pane. The effect of the first-floor openings contrasts unfavourably with the fenestration pattern of the Boyce's Avenue and King's Road elevations. The single pane glazing of the first and second floors weakens the vertical emphasis that the upper floor fenestration creates. The vertical accent ceases to be prominent and the elevation becomes blander and less distinctive with large 'anywhere' glazed areas. The Society suggests that the introduction of a vertical element in the glazing of the first and second floor bays would enhance the vertical character of the elevation and reflect the local character. Vertical glazing elements would also help to disperse the internal clutter when the building is occupied. An alternative approach, if the developer is committed to a single glazed ground floor bays would be to use a darker material to frame the ground floor. The effect of a darker material would be to add weight to the lower floor and cause the building to be read as two floors; the darker ground floor and the lighter upper floors. The Society supports the diminishing window bays on the upper floors on all elevations and a change in the window to wall ratio.

The Society infers that the setback on King's Road end of the elevation is to reduce the impact of the development on the setting of the Grade II* listed Mortimer House. Unfortunately, the CGIs do not enable the Society to assess whether the design achieves that purpose. This aspect must remain for the Council to assess.

5.4 The other elevations

The Society supports the detail of the subsidiary elevations and the long King's Avenue façade. Unlike the principal façade, on these elevations a mullion divides the windows on the middle floor.

5.5 The roof

The roof level plant enclosure would be to the detriment of the development's appearance and should be reconsidered. In this sensitive area all plant should be contained within the building.

6 Materials

The Society supports the proposed colour of the building, subject to the suggestion of a darker tone to reinforce the ground floor. Bath Stone was chosen for the earlier, withdrawn proposal. The Society assumes that the surface material would be cladding over a steel frame and that the planning permission would condition the final choice of material.

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7 Public realm

The Society welcomes the set-back of the building from Clifton Down Road. It would be attractive to introduce a line of planters to mark the division of the public realm from the private spill-out space. We infer that this scheme, will include the funding for public realm improvements to Boyce's Avenue as did its predecessor. We also assume that there will be discussion with the Council about the improvement of the pavements and road space of King's Avenue, which construction will damage.'

Historic England has commented as follows:-

'This application proposes construction of a three-storey development containing a mixture of leisure and commercial uses. The site has been vacant for some years, and its derelict condition detracts from the character and appearance of the Clifton Conservation Area, and the setting of Mortimer House, the adjacent Grade II* Listed Building.

Historic England supports the principle of redevelopment at this location. However, we have concerns that the architecture of the proposed development will fail to preserve or enhance the character or appearance of the Clifton Conservation Area, potentially placing the proposals at odds with the statutory duty to do so established by Section 72 of the 1990 Planning Act.

Clifton Conservation Area is characterised by handsome Georgian villas and terraced townhouses, many of which are formally arranged in grand streets and squares. The repetitious nature of the architecture is enlivened by the inherent craftsmanship and detailing of its buildings. The majority of buildings are classically proportioned, with a diminishing hierarchy to their floors; their floor-to-ceiling heights decreasing as the buildings rise. Many are enriched with architectural detail such as rustication to the ground floor or ornate cast-iron balconies to the principal rooms above.

These proposals envisage a contemporary form of architecture with large areas of glazing and an expressed structural frame. Historic England supports the principle of a modern architectural approach, but regrets that the present proposals lack the finesse that is required of this prestigious location. The proposed building's identical floor-to-ceiling heights, its large expanses of glazing, and its lack of relief conspire to give the proposed development a corporate appearance that may not be out of place around Temple Meads but is inappropriate in a Clifton context. Its east and west elevations are unremitting, and potentially monolithic. The proposals appear to be of an appropriate scale, and it is therefore regrettable that they are let down by the quality of the elevations.

In support of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas that is set out by the 1990 Act, the NPPF requires local authorities under paragraph 200 to look for opportunities for new development within conservation areas to enhance their significance. We suggest that neither aim is achieved by the current proposals.

The proposals will harm the significance of Clifton Conservation Area. NPPF Paragraph 194 states that any harm to a designated heritage asset should require clear and convincing justification. In the case of these proposals, any wider public benefits offered by the proposals could also be delivered by a scheme with an elevational treatment that better responds to its historic context. In other words, the justification is not clear or convincing.'

Historic England were re-consulted in respect of the revised proposals and commented as follows:

"We wrote to you previously in regards to these proposals in a letter dated 11 March 2019. In that letter we expressed our concern at the proposals and questioned whether they would rest comfortably in their conservation area context.

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We stated that Historic England supports the principle of a modern architectural approach, but regretted that the previous proposals lacked the finesse that is required of this prestigious location. The proposed building's identical floor-to-ceiling heights, its large expanses of glazing, and its lack of relief conspired to give the proposed development a corporate appearance that may not be out of place around Temple Meads but is inappropriate in a Clifton context. Its east and west elevations are unremitting, and potentially monolithic. The proposals appear to be of an appropriate scale, and it is therefore regrettable that they are let down by the quality of the elevations.

In response to these comments and those of others the applicant has submitted amendments, including a new proposal to rusticate the ground floor of the building with texture. However, based on the submitted supporting information, it is very difficult to ascertain a difference between the previously-submitted plans and the new amended scheme.

We remain unconvinced that the proposals, despite amendment, fail to respect, build upon, or restore the local pattern and grain of development as required by policy DM26 of your own local plan. This is frustrating, as the proposed scale and massing of the development appears appropriate to the historic context; the proposals are simply let down by their detailing.

In our previous letter we described the architectural character of the Clifton Conservation Area. To add to that narrative, perhaps what is missing from these proposals is reference to the strong bay rhythms of Clifton's Georgian terraces, which results in an overtly horizontal emphasis to the proportions of the building. We suggest giving greater weight to the pilasters and setting the string courses behind them could assist in this regard.

We also made reference in our previous analysis of Clifton's architectural character to the diminishing hierarchy to the floors of existing buildings; their floor-to-ceiling heights decreasing as the buildings rise. Here, we still feel the top floor of the proposed building is unnecessarily assertive, particularly on the west-facing elevation. Steps should be taken to reduce its visual dominance; a greater sense of a bay rhythm would also help.

The amendments do not address our previously-expressed concerns. This being the case I repeat the conclusions of our previous letter, that the proposals will harm the significance of Clifton Conservation Area. NPPF Paragraph 194 states that any harm to a designated heritage asset should require clear and convincing justification. In the case of these proposals, any wider public benefits offered by the proposals could also be delivered by a scheme with an elevational treatment that better responds to its historic context. In other words, the justification is not clear or convincing.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194 and 200] of the NPPF.

In determining this application you should bear in mind the statutory duty of section 72(1) 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 conservation areas and the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise."

The Conservation Advisory Panel has commented as follows:-

'The proposals were far too bulky and massive on this prominent site. The previous public open space was lost and the building filled the entire site to Clifton Down Road and Kings Road apart from a narrow strip at the front for the cafe. The building did not refer in any way to the building lines created by Mortimer House and Boyce's Buildings.

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The extensive plant space on the top floor in effect created a 4 storey building. The cladding with metal louvres was completely unacceptable as this would be clearly visible from a distance and would adversely affect the skyline and the Conservation Area. The building would have a particularly adverse effect on the setting of the Grade II* listed Mortimer House. The bulk of the building would severely overshadow Kings Road and Boyce's Avenue.

The unrelenting grid of the facade with enormous areas of glazing is not environmentally sustainable and does not have the level of detail and the hierarchy which is a characteristic of this Conservation Area.'

BCC City Design Group has commented as follows:

Final comments from CDG on the planning application.

The comments include consideration from urban design, conservation and landscape perspectives.

The design of the scheme has evolved to address the issues that were raised earlier. The key amendments worth highlighting are;

- Review of the reconstituted stone finish.
- Confirmation of the profile of proposed fins.
- Introducing shot blasted finish for the ground floor.
- Review and confirmation of the balustrade and planter section.
- Reduction in size of rooftop plant and refinement of the design of the enclosure.
- Review of the public realm works and landscaping.

The changes have brought about subtle but meaningful improvements to the design of the scheme, its response to the context and feedback received.

Assessment of the current proposal;

The site forms part of Clifton and Hotwells Conservation Area and surrounded by listed buildings thus forming part of their setting. The site is set within Clifton Spa Terraces character area and abuts Clifton Park character area, both housing groupings of Georgian, Regency and Victorian terraces as part of its character.

The existing building on the site is identified as a negative building in the conservation area having unsightly presence along the four edges of the Island site facing public realm. The proposal presents an opportunity of a bringing back into use of the site and removal of this negative feature in the Conservation Area.

The proposal will have an impact on the heritage assets and their settings and it needs to be weighed with reference to the planning history, the special interest of the heritage assets and the quality of the design proposal.

The site benefits from earlier consents which set the precedent and framework for design and development of the site.

The proposal broadly matches the line of the existing building and the scale of proposal matches the buildings surrounding the site. It should be noted the scale of the proposal is lower than the schemes consented earlier.

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Further, character and appearance of the surroundings terraces with formal continuous facades with regimented openings is a notable feature of the conservation area. The uniform appearance and materiality of terraces often coalesce into a larger formally composed elevation confidently addressing its settings as can be seen in various terraces noted in the Conservation Area Appraisal. The proposal seeks to follow a uniform architectural approach and design with regimented rhythm of bays defined by projecting fins. There is a rationale for such design approach for a smallish Island site surrounded by public realm on all its edges. The design approach and arrangement is considered to be in keeping with the special interest and character of the heritage assets.

The surrounding context shows rhythm of opening either as a largely glazed shopfronts with slender mullions; or classically proportioned windows set within stone facades. The proposal closely follows the former design arrangement with rhythm large glazed frontages framed by projecting fins. The horizontal and vertical subdivision of the façade presents a contemporary response to the characteristics of the buildings forming the settings. While the floor heights remain consistent, the diminishing dimensions of the glazed bays offers contemporary response to the diminishing proportions of openings of the historic buildings forming the surrounding context. There are several precedents for such approach in Bristol, images of examples is attached for reference. Further, the subtle changes to the finish on the ground floor, the stringer courses defining the floors and step-back on top floor in certain areas help to convey hierarchy in façade arrangement. CDG is of a view that given the above consideration the proposal presents a contemporary yet appropriate response to the surrounding context and is in keeping with the character and settings of the heritage assets.

The profile of the fins present refinement and shadows that will be of interest and the sample of reconstituted material is of high quality and responds well to the colour and appearance of stone buildings surrounding the site. Further confirmation of the details and materials need to be sought via planning conditions as outlined below. The design intent statement confirms many of the key design features in principle and forms the basis for assessing details and materials at a later stage.

The concerns about the architectural style is noted, however CDG would like to clarify the policy and guidance consider whether the proposal preserves or enhances the character and appearance of heritage assets which in this case related to the character and settings of conservation area and listed building in the vicinity of the site. Policies DM26 and DM31 are the relevant policies for consideration and both the policies seek the proposal to present appropriate response to the design and character of the settings. The assessment does not consider a judgement on design style or taste but focuses on the quality and appropriateness of the design within the given context. Therefore while acknowledging the preference relating to this aspect, CDG recommends against making architectural style/taste part of formal planning decision making process.

The proposal maximised the active frontage with shops and doors addressing primary frontages along Clifton Down Road and Boyce's Avenue. The entrances have been designed along Kings Road and services are carefully designed to minimise any negative impact. Further the public realm works being proposed will help to enhance the settings and pedestrian environment.

There are clear public benefits that can be considered in balancing against harm even when great weight is placed in the conservation of the Conservation Area and setting of listed assets. Part of the public benefit is the design and material quality is of a suitable and exemplary standard to ensure the qualities of the Conservation Area are protected. Further, bringing back the site into use, removal of this negative feature in the Conservation Area and enhancement to the public realm form a part of design consideration and balance. CDG considers the preserve or enhance test set on NPPF and DM policies are met by the proposed development of the site in relation to the special character of the Conservation Area and settings of the listed building. CDG therefore supports the proposed development on the site.

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Further, CDG recommends planning conditions seeking details of shopfront/glazing, fins, string course, balustrade with planters, canopy, rooftop plant, canopy/awnings including the junction between the elements and with pavement with a view to ensure the quality of design and detail is realised. CDG also seeks a planning condition requiring all external materials to be approved for similar reason.

Avon and Somerset Constabulary Crime Prevention Design Advisor has commented as follows:

'I have attended a few consultation meetings regarding this site after looking through the DAS Statement and including the daylight and sunlight assessment I have no concerns regarding this proposed and therefore support this application fully for the following reasons:-

The application proposes retail, café and office uses within the designated town centre of Clifton. Core Strategy policy BCS7 supports retail, leisure and office development within centres. Policy BCS7 states specifically that: "Mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land." The application proposals are for mixed use development in a highly-accessible centre on what is clearly derelict and under-used land. The proposal will create more A1 retail than the existing building and the scheme permitted in 2013.

This proposal will maintain and enhance the vitality and viability of Clifton by providing active frontages on all four sides of this 'island' site.

The existing building is identified in the Conservation Area Appraisal as a negative building and defined as "buildings that detract from the special character of the Conservation area, and which offer a potential for beneficial change."

The previous reason for refusal related solely to the impact on the Conservation Area. The applicants have responded to this by reducing the scale and mass of the proposal and improving its design and materials. The proposals would provide a contemporary interpretation of the surrounding heritage assets.

The proposal would also result in public realm benefits, in particular by provision of shared surfacing for 60m of Boyce's Avenue east from its junction with Clifton Down Road. The proposal is acceptable in other respects including transport, energy use, residential amenity and all other technical matters. It would comply with the relevant policies of the Development Plan, national planning policy, and all relevant material considerations.

Lastly when reading through the DAS statement there was very little on security measures /standards that will be designed in therefore I recommend the following:- Approved Document Q of schedule 1 of the building regulations 2010 that came into force on October 1st 2015, creates security requirements in relation to windows and doors including those that are easily accessible. Windows and doors must reach the required PAS 24:12 certification and standards as set out in this document.'

Bristol City Council Pollution Control has commented as follows:-

'I've had a look at this application and the acoustic report submitted with it and would comment as follows:

My main concerns with such an application will be with; the potential for noise from any ventilation, heating, refrigeration or air conditioning plant; the potential for odour from any extract systems for the A3 uses; and the potential for noise from any outside areas (both A3 and B1 uses).

The acoustic report submitted with the application gives plant noise limits but as the actual plant to be used at the development is not yet know I will need to see further information regarding this to be provided by condition. Likewise the ventilation statement gives general details as to the ventilation for

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the A3 uses at the development but as the actual ventilation plant will be selected and installed as a part of the tenant fit out I will also require this information to be submitted by condition.

The development proposes outdoor terraces on the first and second floors for A3 and B1 uses and I assume that the A3 uses facing onto Clifton Down Road will also utilise the space there for outside dining. The external dining areas and terraces are located a sufficient distance away from surrounding residential properties to ensure that no harmful impact would occur with regards to noise and disturbance, particularly given the busy location in a local centre, surrounded by other commercial uses and adjacent a main road. However, in order to minimise noise disturbance from these outside areas the use of these areas should be restricted via condition to end at 22:00. Similarly, the opening hours for the restaurants/cafes (Use Class A3) should be restricted via condition between the hours of 06:30 and 23:00. This should be sufficient to ensure that surrounding residential properties will not be harmfully impacted upon by virtue of noise and disturbance. However, in order to ensure that any evening uses or outside areas are managed sensitively to protect the amenity of surrounding residential properties I would advise that a management plan is secured via condition.

I do not object to the application on the basis of noise from construction works, noise from construction vehicles and the potential for dust and mud on roads for construction activities. As with any redevelopment scheme the construction works are likely to result in some disturbance to local occupiers. To reduce the effects of noise, vibration, dust and site lighting during the construction period however I would advise that a Construction Environmental Management Plan is secured via condition.'

Bristol City Council Transport Development Management has commented as follows:

Please refer to Key Issue D below:

Bristol City Council Sustainability Team has commented as follows:

Please refer to Key Issue E below:

BCC Air Quality has commented as follows:-

'I do not have concerns related to air quality impacts from the proposed development in terms of traffic generation or the existing air quality at the site.

The applicant should however submit a strategy for minimising emissions of dust from the proposed demolition and construction activities due to the proximity of sensitive locations around the development site. This can be submitted for approval as part of a Construction Environmental Management Plan, secured via condition.'

BCC Arboricultural Team has commented as follows:-

Verbal comments: 'previous planning permissions at the site for a temporary ice rink use (14/05253/X) included the removal of 2.no silver birch trees from the site (covered by Tree Preservation Order 939) and a financial contribution was secured towards their replacement within the area and in the knowledge that any future redevelopment scheme would also include landscaping to the Clifton Down Road frontage.

Accordingly, 3.no native semi-mature trees (as previously agreed through previous consents) are proposed within the public realm to the front of the development along Clifton Down Road. This is considered acceptable.'

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BCC Contaminated Land Environmental Protection has commented as follows:-

'We have reviewed the 2014 report by Intégrale, which was created for a previous design. The report was limited due to access issues, only two boreholes were undertaken on the edges of the site. It would be prudent therefore to undertake further assessment of the site conditions following demolition, particularly due to the presence of the infilled basement on site which will require removal as part of the development (this material will have to be tested prior to removal).

As such conditions are recommended to be applied to any future planning consent to secure further site assessment, the submission of a remediation scheme and validation prior to occupation.'

BCC Nature Conservation Officer has commented as follows:-

'Two old birds' nests were recorded on the western side of the building during the bat and bird scoping and bat activity survey report. No clearance of vegetation or structures suitable for nesting birds should take place between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority. This should be secured via condition.

The proposed provision of the living roofs is welcomed. However, the details of the design and maintenance of the roof have not been fully specified and so should be conditioned - for example the use of Sedum which is mentioned should be avoided.'

BCC Economic Development has commented as follows:-

'Economic Development support this application, which will considerably enhance the local centre.'

BCC Flood Risk Manager has commented as follows:-

'In principle the sustainable drainage strategy provided is suitable, however further details are required:

- Detailed drainage plan showing all elements of the system; the one included within the report is missing some details.
- Detailed design of the attenuation tank should be provided, including: evidence that additional loading from the building/foundations are not being applied to the attenuation tank and details showing the interaction between the basement level/top of the tank and the base of the tank/sewers being connected to.
- Maintenance and Management plan for the site
- Approval from Wessex Water that the applicant can connect into their foul system
- Clarification that soakaways are not being used in this location, Drawing number 1807/-P-1001-P4 indicates that a soakaway/tank system will be installed.

This can be secured via condition.'

Bristol Waste Company has commented as follows:-

'No comment as the application does not include residential development.'

RELEVANT POLICIES

Clifton & Hotwells Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

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National Planning Policy Framework – February 2019
Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

KEY ISSUES

(A) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN LAND USE TERMS?

The site is located within the designated Clifton Town Centre and is within a designated primary area as identified within the Bristol Core Strategy (2011) and Site Allocations and Development Management Policies (2014).

Paragraph 85 of the NPPF (2019) states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries.

Bristol Core Strategy (2011) Policy BCS7 states that retail development and offices will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol. Development will be of a scale and intensity appropriate to the position of the centre in the hierarchy and to the character of the centre. Where proposed developments would be significantly larger in scale than existing uses, it should be clearly demonstrated that the catchment the development will serve is in keeping with the role of the centre. This policy also states that uses which contribute to maintaining the vitality, viability and diversity of centres will be encouraged. Active ground floor uses will be maintained and enhanced throughout the centres.

Policy BCS7 also states that retail shop uses should predominate in the designated primary shopping areas of the City and Town Centres, supported by a wider range of appropriate uses in the other parts of these centres. Developments in all centres should include provision for a mix of units including opportunities for small shops and independent traders. Policy BCS7 further states that mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land.

Site Allocations and Development Management (2014) Policy DM7 identifies centres as the primary locations for retail development, offices, leisure and entertainment uses, arts, culture and tourism uses, defined by the National Planning Policy Framework as the 'main town centre uses'. This policy also requires that development be of a scale and intensity appropriate to the position of the centre in the identified hierarchy. This policy deals with the location of new main town centre uses. Bristol's centres provide a range of opportunities for such development whether through change of use, redevelopment or more efficient use of land. Policy DM7 states that retail and other main town centre uses should be located within the centres identified on the Policies Map.

Site Allocations and Development Management (2014) Policy DM8 aims to support vitality and viability and promote diversity within the centres by maintaining a healthy mix of uses within a variety of unit sizes capable of accommodating a range of retailers and associated uses. Primary Shopping Areas are defined where there will be a high proportion of Use Class A1 retail shopping uses. DM8 states that within Primary Shopping Areas identified on the Policies Map development will be expected to maintain or provide active ground floor uses.

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Site Allocations and Development Management (2014) Policy DM9 states that within Local Centres shown on the Policies Map development will be expected:

- i. To generate a reasonable level of footfall and be of general public interest or service; and
- ii. To maintain an appropriate balance of uses in the Local Centre; and
- iii. To help maintain or enhance the function of the centre and its ability to meet day-to-day shopping needs; and
- iv. Not to harmfully dominate or fragment the centre's retail frontages; and
- v. To be compatible with a shopping area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street.

This policy also states that development in Local Centre frontages will be expected to maintain or provide active ground floor uses.

Proposed Uses (Use Classes A1 (retail), A3 (café/restaurant) and B1(a) (offices))

The proposal is for a mix of A1 (retail), A3 (café/restaurant) and B1(a) (offices) uses within the Clifton Town Centre and primary shopping area. All of these proposed uses are main town centre uses as defined by the National Planning Policy Framework (2019). As such, the principle of the uses proposed is considered acceptable in this location and in accordance with the NPPF and Policy BCS7 which states that retail development and offices will be primarily located within or, where appropriate, adjoining the centres in the identified network and hierarchy serving Bristol, as well as Policy DM7 which states that retail and other main town centre uses should be located within the identified centres.

Further, the application site has been vacant for a number of years and therefore the development will take advantage of this under-used land for a mixed-use development at an accessible centre. Policy BCS7 states that this should be particularly promoted.

The proposed development will include uses and units of the following specification and sizes. It should be noted that the development originally included two small units (Unit 3 and Unit 4) however concerns were raised by the Case Officer that these units would not be viable given the limited floor area and lack of storage space. Concerns were also raised that Unit 2 would not have an active or appropriate retail presence at ground floor level. As such, the internal layout was amended, with Unit 2 being enlarged at ground floor level. This resulted in Unit 4 being removed from the scheme all together.

- Use Class A1 (retail) - 819.5 square metres in total (incl. shared changing area).
- Use Class A3 (café/restaurant) - 756 square metres in total (incl. terraces).
- Use Class B1(a) (office) - 842.5 square metres in total (incl. shared changing area & terraces).
- Unit 1 (A1) total floorspace - 614 square metres (Basement and Ground Floor)
- Unit 2 (A1) total floorspace - 160 square metres (Ground and First Floor)
- Unit 3 (A1) total floorspace - 18 square metres (Ground Floor)
- Unit 5 (A3) total floorspace - 161 square metres, including terrace of 23 (Ground & First Floor)
- Unit 6 (B1a) total floorspace - 214 square metres (Ground and First Floor)
- Unit 7 (A3) total floorspace - 128 square metres (Basement, Ground and First Floor)
- Unit 8 (A3) total floorspace - 467 square metres, including terrace of 71 (Basement, Ground, First and Second Floor)
- Unit 9 (B1a) total floorspace - 628.5 square metres (Basement, Ground, First and Second Floor)

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The majority of the proposed new units will be of a scale in keeping with existing uses in the Local Centre. It is however recognised that Unit 1 will be significantly larger in scale than existing uses in the locality. Where such development occurs, Policy BCS7 states that it should be demonstrated that the catchment the development will serve is in keeping with the role of the centre.

The development site is located within the Clifton Town Centre. Policy BCS7 places Town Centres near the top of the retail hierarchy, with only Bristol City Centre being higher, at the head of the hierarchy as the principal destination for shopping and leisure in the city. Policy BCS7 further states that 'Bristol's 10 Town Centres cater to a wide catchment in the city. Some are destinations drawing custom from across and beyond the city. Typically they are locations for national chain stores as well as independents. These centres are also characterised by the presence of restaurants, cafés and bars, and a wide range of associated services. Larger community facilities and employment uses are also represented.' Given the above, it is evident that whilst Unit 1 will serve a wide catchment given its size, this is appropriate in this instance given the location of the development within a designated Town Centre. It is therefore considered that the proposed development as a whole will be of a scale and intensity appropriate to the position of the centre in the hierarchy and to the character of the centre.

The development will also include provision for a mix of appropriate uses, including opportunities for small scale shops and independent traders (such as Unit 3). A number of objections have raised concern that the development includes a supermarket which could impact negatively on the vitality and viability of existing retail uses in the centre. It is recognised that the development will include a relatively large retail unit (Unit 1) however no distinction is made within the planning system between supermarkets and other retail uses; both uses are within Use Class A1 (retail) of the Use Class Order. In addition, for the reasons noted above, the Clifton Town Centre is considered to be an acceptable location for larger retail units and national chain stores as set out in Policy BCS7.

Overall it is considered that the development will support vitality and viability and promote diversity within the Town Centre by delivering a healthy mix of uses within a variety of unit sizes capable of accommodating a range of retailers and associated uses. Being within a Primary Shopping Area however the development should include a high proportion of Use Class A1 retail shopping uses, in accordance with Policy DM8. It is recognised that the most recent previous planning consent at the site (Ref: 13/00780/F) was for 15 units offering 703 square metres of retail (Use Class A1) floorspace. The existing site includes approximately 544 square metres of retail (Use Class A1) floorspace. The current proposal would provide 811 square metres of retail (Use Class A1) floorspace. As such, the development would deliver more A1 retail floorspace at the site than currently exists and more than was previously permitted, with the highest proportion of floorspace within the development being dedicated for retail (Use Class A1). This will be of benefit to the Town Centre and is considered appropriate within the Primary Shopping Area.

Any developments within Local Centres are required to meet the criteria set out in Policy DM9. Whilst the centre in question is a town centre it is useful to test the proposal against these criteria. Criterion i) states that development should generate a reasonable level of footfall and be of general public interest or service. The proposed provision of A1 floorspace is considered acceptable in this regard; being a use which will generate footfall throughout the day and will be of general public interest. The presence of A3 and B1(a) uses within centres are also accepted as appropriate uses that can make a positive contribution to the vitality of a retail centre and complement existing retail facilities subject to meeting the policy requirements set out above. Whilst they may not always be the primary reason for attracting customers to a shopping centre, they are commonly found in these locations, and will attract a high level of footfall and customer flow through certain parts of the day which will help maintain the vitality and viability of the centre and will be of general public interest and service. It is therefore considered that the development satisfies criterion i) of Policy DM9.

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Criterion ii) states that development should maintain an appropriate balance of uses in the Local Centre. The proposed development will result in no loss of retail floorspace, with the development delivering more A1 retail floorspace at the site than currently exists. Whilst the proposal will be closely balanced between A1 retail uses and A3 café/restaurant, it is evident following a site visit by the Case Officer and assessment of surrounding uses that retail (A1) uses would continue to dominate in the Local Centre. It is recognised that recent changes in the planning system permit the change of use of A1 (retail) premises to alternative uses subject to much more limited criteria. In the event that an approval is given, a condition removing permitted development rights from the development to ensure that any future change of use from retail (Use Class A1) would be subject to a full assessment of the balance of units, would therefore be considered necessary. Subject to the above, it is considered that the development satisfies criterion ii) of Policy DM9.

Criterion iii) states that development should help maintain or enhance the function of the centre and its ability to meet day-to-day shopping needs. All of these proposed uses are main town centre uses as defined by the National Planning Policy Framework (2019), with the highest proportion of floorspace within the development being dedicated for retail (Use Class A1) use. As such, in principle it is considered that the development will help to enhance the function of the centre and its ability to meet day-to-day shopping needs. It is therefore considered that the development satisfies criterion iii) of Policy DM9.

Criterion iv) states that development should not harmfully dominate or fragment the centre's retail frontages. The development site is essentially an 'island' surrounded by roads on all sides, which at present includes no retail frontages to any elevation. It is further recognised that the site when previously occupied only included a single frontage to Clifton Down Road. The scheme will active ground floor uses fronting onto all four frontages of Clifton Down Road, King's Road and Boyce's Avenue. As such, it is considered that the development will enhance the centre's retail frontages, and therefore satisfies criterion iv) of Policy DM9.

Criterion v) states that development should be compatible with a shopping area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street. As noted above, the development site is essentially an 'island' surrounded by roads on all sides, which at present includes no retail frontages to any elevation. It is further recognised that the site when previously occupied only included a single frontage to Clifton Down Road. The scheme will active ground floor uses fronting onto all four frontages of Clifton Down Road, King's Road and Boyce's Avenue. Whilst there will be an element of non-active frontage it is accepted that this is an inevitability for such a site surrounded on all sides by public roads. Nevertheless, the scheme manages to minimise the extent of non-active frontage and provides prominent, active uses on all four sides of the block. Initial concerns were raised that Unit 2 would not present a suitably active frontage to either King's Road or Boyce's Avenue (the ground floor essentially being only the access to the upper floor). As such, following Case Officer advice, the layout was amended so that Unit 2 will now include enough floorspace at ground floor level to offer a meaningful retail frontage and presence to the street. Overall the proposal would be a significant improvement in terms of offering a shopfront with a display function compared to the existing building, and it is therefore considered that the development satisfies criterion iii) of Policy DM9.

Food and Drink Uses (Use Class A3)

The impact of food and drink uses, such as the A3 units proposed, must also be assessed against Policy DM10 of the Site Allocations and Development Management Policies (2014). This policy states that the development of food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively. Proposals which would result in a harmful concentration of food and drink uses will not be permitted. In order to assess the impact of food and drink proposals on an area the following matters will be taken into account:

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- i) The number, distribution and proximity of other food and drink uses, including those with unimplemented planning permission; and
- ii) The impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas; and
- iii) The availability of public transport, parking and servicing; and
- iv.) Highway safety; and
- v) The availability of refuse storage and disposal facilities; and
- vi) The appearance of any associated extensions, flues and installations.

With regards to criterion i) of Policy DM10 it is recognised that the development will introduce a number of new food and drink uses to the local area. However, the development will deliver an even higher proportion of retail (Use Class A1) units, and it is evident following a site visit by the Case Officer that retail (A1) uses would continue to dominate in the Local Centre. As a whole it is therefore not considered that the development would result in the local area being dominated by food and drink uses. All other criteria of Policy DM10 are covered under key issues B, C and D and as a whole are satisfied. The principle of the introduction of A3 units at the site is therefore acceptable subject to conditions as set out below.

Lack of Residential Accommodation

It is recognised that some public comments have raised concern that the development, unlike previous proposals, includes no residential accommodation. This is recognised, however the site is not allocated for residential use, and therefore while the LPA considers it an appropriate location for residential accommodation in land use terms this would not be a reasonable reason for refusal as there is no policy requirement to include residential use in this location. In planning policy terms (local and national) the uses proposed under the current application (Use Classes A1, A3 and B1a) are promoted at this site given the context (Local Centre and Primary Shopping Area).

Conclusion

Overall it is considered that the development would add considerable value to the Local Centre and shopping area in terms of bringing new employment, leisure and retail space, beyond the value and temporary jobs created by the initial construction. Therefore, given the above, and given the requirement within the National Planning Policy Framework (2019) for planning decisions to support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, the application is supported and considered acceptable.

(B) WOULD THE PROPOSED DEMOLITION AND REDEVELOPMENT BE ACCEPTABLE IN DESIGN TERMS, WOULD IT SAFEGUARD THE CHARACTER AND APPEARANCE OF THE CLIFTON AND HOTWELLS CONSERVATION AREA AND WOULD IT PRESERVE THE SETTING OF RELEVANT LISTED BUILDINGS?

The application site is located within the Clifton and Hotwells Conservation Area and is in close proximity to a number of listed buildings, which are predominately mid to late Georgian in style including the adjacent Grade II* Listed Mortimer House to the north, and the Grade II Listed terrace of buildings to the east fronting King's Road and onto the Clifton Arcade, Nos. 7, 8 and 9 Boyce's Avenue, Nos. 40-46 Regent Street and Nos. 1-8 Rodney Place/ Clifton Down Road.

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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) 2019 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Para 196 further 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, where appropriate, securing its optimum viable use. Para 197 also 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 directly or indirectly affect 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.

In addition, Bristol Core Strategy (Adopted 2011) Policy BCS22 seeks to ensure that development proposals safeguard or enhance heritage assets in the city with Policy DM31 in the Site Allocations and Development Management Policies (Adopted 2014) expressing that alterations to buildings should preserve or enhance historic settings.

Policy BCS21 also requires new development in Bristol to deliver high quality urban design and sets out criteria to measure developments against including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. Policy DM27 expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. Policy DM26 expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions. This policy states that development should also respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes. Policy DM29 further states that the design of new buildings should be of high quality.

The character of the Clifton and Hotwells Conservation Area is varied, however it is largely defined by excellent Georgian architecture, particularly so in this specific locality. The traditional buildings and terraces which immediately neighbour the site vary in scale with buildings to the north and opposite the site along Clifton Down Road tending to be larger buildings set in generous width plots with the

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front elevations set behind deep landscaped front garden areas. Immediately to the south and east of the application site the density of development is higher with a tighter urban grain with regimented terraces of relatively narrow individual buildings. Historic maps and photographs of the area reveal that historically a three storey terrace of properties existed on the site with elevations aligned fronting King's Road.

The application site currently comprises a 1960's two storey flat roofed brick and concrete building, which previously contained 6 no. individual retail units at ground floor level with ancillary storage space at first floor. The building has however been vacant for a number of years, and is currently boarded up. The application site is identified as a Negative Building within the Clifton and Hotwells Conservation Area Character Appraisal (Adopted 2010) and is therefore a building 'that detract(s) from the special character of the Conservation Area, and which offer(s) a potential for beneficial change'. In this respect, the removal of the existing building particularly given its current state/condition and its replacement is welcomed in principle given the identification of the building as a negative feature within the Clifton and Hotwells Conservation Area Character Appraisal.

Despite this existing context however, any replacement building at the site must respond appropriately to the context of the conservation area, and be of a high design quality given the prominent and sensitive location. It is recognised that a number of previous planning applications to develop the site have been considered by the Local Planning Authority. Two applications were granted planning permission for mixed use schemes (Ref: 13/00780/F and 10/01775/F); these permissions however were never implemented and have lapsed. The most recent application (Ref: 14/04500/F) was refused in 2015 at Committee (following a recommendation for refusal by Officers) due to concerns over the design, impact on conservation area and setting of adjacent listed buildings. It is therefore evident that, despite the current poor quality condition of the site, the Local Planning Authority would not deem any development of the site acceptable in principle. Any development must be of a very high quality design standard in order to be supported.

The proposed redevelopment scheme under the current application adheres to previous proposals at the site in general design terms in a number of ways; principally in terms of the footprint, layout, height and general form. The detailed design however (including materials, fenestration, detailing) has been amended in order to address concerns raised by the Local Planning Authority.

The buildings and terraces which surround the site have a strong rhythm to their respective elevations derived from a consistent vertical emphasis and hierarchy in the fenestration emphasised by the use of such features as pilasters, raised parapets and chimneys to roofs. In addition the local surrounding buildings exhibit a consistent use of parapets to front elevations and horizontal features such as string courses or cornices, in a variety of forms to tie the appearance of individual terraces and buildings together. The proposed development site represents a different situation with regard to the majority of other buildings in the immediate area, given that it is essentially an 'island' surrounded by roads on all sides. As such it is considered that any redevelopment of the site could not successfully replicate the surrounding buildings or their context.

The scheme would replace a low quality, mid-20th century development which through its poorly integrated design features and principles is considered to have a negative impact on the Clifton and Hotwells Conservation Area. The proposal presents an opportunity to greatly enhance this part of the Conservation Area. The setting of King's Road in particular will be improved. As an 'island' site the building currently presents an unfortunate 'fronts and backs' situation i.e. the street frontage to King's Road has not been treated as street frontage but as a 'back' service area which is characterised by refuse facilities and informal parking. The proposed scheme replaces a significant proportion of this detrimental service area with a high quality frontage with retail units that respond to the commercial ground floor shopfronts on the other side of the road and addresses the street in an appropriate, high quality manner. Whilst it is accepted some form of 'back' service area is unavoidable for this island site, the majority of the ground floor frontage will be active, which would enhance the character of the conservation area.

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The existing building is relatively low at two storeys in height compared to the immediately adjacent context which consists of three, four and five storey buildings. The proposed new building will be three storeys in height (plus basement level and rooftop plant room). It is accepted that the height and overall scale of the proposed building is significantly higher than the existing building. Whilst the proposal will represent a different appearance to the site, the scale and massing of the existing building is alien to the rest of the area. Historic maps and photographs of the area reveal that historically a three storey terrace of properties existed on the site with elevations aligned fronting King's Road. The proposed development therefore represents a scale and design of building on the site more akin to the original development and the surrounding context. It is noted that the proposed top storey and rooftop plant room have also been stepped back to assist in reducing the mass of the upper floors. It is therefore considered that the scale, massing, shape and form as well as skyline/roofline proposed are sympathetic to the local character and context of surrounding buildings. It is also recognised that the proposed development will be lower in height than previous schemes (both approved and refused) which were considered of an appropriate scale and massing.

Initial concerns were raised that the rooftop plant room would increase the visual prominence of the building, and appear incongruous and poor quality from the street. As such, following Case Officer advice, the plant room was amended in scale, design, and siting so that it will no longer appear overly visible from public view at street level.

A number of objections have however raised concern over the detailed design of the proposal; including Historic England who believe the development lacks 'the finesse that is required of this prestigious location' as 'the proposed building's identical floor-to-ceiling heights, its large expanses of glazing, and its lack of relief conspire to give the proposed development a corporate appearance'. Historic England further state that 'its east and west elevations are unremitting, and potentially monolithic'.

These concerns are recognised, however following a thorough review and assessment the City Design Group (CDG) are satisfied that the detailed design, fenestration and elevation treatment are acceptable. The development responds appropriately to the character of the conservation area and surrounding listed buildings through the inclusion of high quality design elements such as balustrading, string coursing and vertical façade fins. The proposed facade will have sculpted vertical elements that create shadow, both hard and soft (or gradual shadow), which will echoes the carved stone cornicing, string courses, and metal railings that can be found in the surrounding context. The historic context has profound lightness in its proportions (such as stone and metal detailing); the proposed facade has been designed to emulate this in a modern interpretation and consideration given to the way in which tall vertical elements meet thin elegant horizontals.

It is accepted that the development will include a large expanse of glazing; however through this the development will deliver a high quality, modern building which will avoid the need to try and replicate the finely proportioned and detailed stonework of the conservation area (which has been unsuccessfully attempted elsewhere). Further, with regards to the building being monolithic (as described by Historic England) this would imply that the building will be formed of a single, large block of stone. The design avoids this through the use of such a considerable amount of glazing, which will break up the massing and increase the visual permeability.

Precast reconstituted stone is proposed for the facade fins and other solid facade cladding elements. Whilst the use of precast reconstituted stone is generally resisted in conservation areas, in this instance it is accepted that it will be difficult to achieve the design with a more natural (heavier) stone. Further, the applicant has provided a sample of the proposed precast reconstituted stone to be used, which the Council's City Design Team have reviewed and confirmed is acceptable for the context in principle. The final finish of the material with the correct profile of mullion members and cladding panels on site is secured via condition.

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With regards to the impact of the development on the setting of listed buildings and this part of the Conservation Area, the applicant has provided sufficient information in the form of elevations, street scenes, sectional drawings and CGI visualisations which adequately demonstrates that the scale and siting of the development would not have a harmful impact on the setting of any surrounding listed buildings to warrant refusal. Overall, the development in considering the existing situation would enhance the character and appearance of this part of the conservation area, which will be of the benefit to the setting of surrounding heritage assets.

Landscape and Public Realm

The proposed building will have a footprint which occupies the majority of the plot, as per the existing arrangement, however it will be set back from Clifton Down Road to provide integrated public realm with external seating and tree planting. The development would appear sensitively sited with regards to surrounding building lines; and the continuous building line proposed to Clifton Down Road is considered acceptable in design terms given the context. The overall landscape and public realm improvements around the site, including the introduction of new trees have been reviewed and deemed acceptable by the Council's Landscape and Arboricultural Officers. Further, and following Case Officer advice, two Victorian cast iron lamp posts on King's Road will be retained in the street scene after development, which is welcomed. The public realm and landscape works and protection of the lamp posts are secured by relevant conditions.

It is recognised that a number of public comments have raised concerns that the development will not include a significant amount of greenery or open public space. The existing building massing footprint however almost fills the site and the existing raised three sided courtyard offers limited extra public realm space, and included only two trees (which have been removed). The proposal will include an external seating area to the front of the development (Clifton Down Road) which will offer some external amenity space, and 3.no new street trees are proposed. As such, it is considered that the amount of external space and tree planting is appropriate and acceptable given the existing context. Whilst the benefits of additional open space and landscaping are recognised this would require a reduction in the amount of retail and office floorspace. A reduction in floorspace for these uses would not be supported given the identified value in terms of bringing employment and retail space to the local centre. Further, the local area is not lacking in terms of open public space and greenery in general, with Victoria Square, The Downs and Brandon Hill Park located within a reasonable walking distance. As such, refusing this application on the basis of lack of external public space and landscaping would not be reasonable or appropriate.

Design Conclusions

The scheme proposed in this application, in terms of design, siting, scale and massing results in a contemporary, high quality replacement building, which has regard to the context of the local built environment. The key consideration in this case is whether the proposed development would preserve or enhance the character of this part of the Clifton and Hotwells Conservation Area and the setting of surrounding Listed Buildings.

It is of course recognised that the proposed larger building would alter the appearance of this part of Clifton and the setting of the identified listed buildings surrounding the from the existing situation as such some harm is attributed to the proposal. It is considered that this harm is minimal and less than substantial in nature. This harm has however been given considerable importance and weight in coming to a planning judgment.

Overall, the proposal as submitted provides the existing negative site with a building, which creates a positive feature on a prominent site as well as providing more active frontages and uses in a relatively underused site in a designated Town Centre. These elements all make a positive impact on the Conservation Area. The building is also a significant improvement to the existing situation given it would improve the viability and vitality of this part of the designated town centre and facilitate public

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realm and public transport improvements. All of these elements are of significant public benefit.

The proposal would therefore not cause such harm to the character and appearance of the Clifton and Hotwells Conservation Area, or the setting of nearby listed buildings to warrant refusal on design grounds and any harm identified is outweighed by the identified public benefits set out.

It is however emphasised that the actual success of this new building will be in detailing of the architectural elements and the use of high quality materials to the standard as set out in the Design Intent Document submitted. To ensure that the quality of the building is appropriate a number large scale design details are conditioned along with samples of all external materials.

(C) IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES

Policy BCS21 in the Bristol Core Strategy (Adopted 2011) advocates that new development should deliver high quality urban design and safeguard the amenity of existing development. Policy DM29 in the Site Allocations and Development Management Policies (2014) states that proposals for new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. This policy, as well as DM27, further states that new buildings will be expected to ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight. Policy BCS23 in the Bristol Core Strategy and Policy DM35 in the Site Allocations and Development Management Policy also state that new development should also not lead to any detrimental increase in noise levels.

The impact of food and drink uses, such as the A3 uses proposed, must also be assessed against Policy DM10 of the Site Allocations and Development Management Policies (2014). This policy states that the development of food and drink uses will be acceptable provided that they would not harm, residential amenity, either individually or cumulatively. Proposals which would result in a harmful concentration of food and drink uses will not be permitted. In order to assess the impact of food and drink proposals on an area Policy DM10 states that the impacts of noise and general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas, should be taken into account.

Overshadowing and Overbearing

The local built environment is characterised by a tight urban grain, where a separation distance of opposing front elevations of approximately 10 metres exists. This tight urban grain is also reflected between properties facing onto King's Road and the existing building on the application site where the separation distance is approximately 9.2 - 10 metres.

The application proposal relates closely to previous permission 13/00780/F, and refused application 14/04500/F in terms of the height, footprint and layout of the development in relation to neighbouring properties. It is however recognised that the current proposal will be lower in height than these previous schemes, both of which were considered acceptable with regards to impact on neighbouring properties.

Notwithstanding the above, it is considered necessary to assess the impact of this proposed development on surrounding properties. In order to do this the applicant has provided sectional drawings, alongside a Daylight and Sunlight Report.

The closest facing relationship of the development is with commercial and residential properties located at first and second floor levels on the opposite side of King's Road (at ground floor level all properties along King's Road are in commercial use, such that they are not considered to be relevant for assessment with regards to amenity impacts). The proposed development will increase the scale of the building; however the overall height will be consistent with surrounding properties, including

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those on the opposite side of King's Road which are three storeys. The separation distance between the development and these properties will be approximately 10 metres, which is typical of the distances between front facades on adjacent streets around Clifton Village as previously noted (e.g. Boyce's Avenue, Waterloo Street, Portland Street), and is of a distance commonly found in urban locations. The submitted Daylight and Sunlight Report does set out that there will be a reduction in daylight levels to the first floor windows to King's Road below the BRE 27% VSC targets. It is noted that however these target percentages are guidelines and the windows in question do retain VSC percentage targets in the mid twenties. Further, the figures are an improvement on the impact previously deemed acceptable as a result of alternative proposals.

In addition, following an assessment taking into consideration the 25 degree rule of thumb in relation to overbearing/outlook it is considered that the new development would not be of such a scale, nor would it be sited in such close proximity to commercial and residential properties on the opposite side of King's Road to result in any harmful overshadowing or overbearing impacts arising. Further, the separation distance between the development and these properties remains as previously deemed acceptable under applications referenced 13/00780/F and 14/04500/F (these previous proposals were also of a greater height). Given the above, it is considered that the proposed development would not cause such unacceptable harm to the amenity of residential properties on the opposite side of King's Road by virtue of overshadowing or overbearing to warrant refusal in this instance.

The next closest residential property with windows facing the development site that is also in sufficient proximity to the proposal that residents may experience an impact to their light levels is Mortimer Lodge, which is located approximately 11 metres to the north. The submitted Daylight and Sunlight Report however demonstrates that the assessments undertaken indicate that the proposed development will have little effect on this neighbouring dwelling in terms of daylight and sunlight with all windows and rooms assessed above basement level meeting the BRE (Building Research Establishment) targets. It is also recognised that Mortimer Lodge will be sited a sufficient distance away from the development and the main windows are sited beyond the rear wall of the proposed development. This will ensure that any overbearing impact will again not be harmful enough to warrant refusal.

To the south of the site along Boyce's Avenue, shop fronts exist at ground floor level with only the gable end of Boyce's Buildings directly facing the site. The upper floor of this building contains one small window at high level, which serves No. 8a Boyce's Avenue. Access into the property to assess what room this window serves has not been possible, but it is reasonable to assume that it is residential in nature. However, given that the bulk of the proposed building would be located to the south west of this window it is not considered they it will suffer from a loss of light or any overbearing significant enough to cause harm or to justify the refusal of this application.

Turning to Clifton Down Road, this comprises a wide street of boulevard proportions with properties opposite set well back from the road. As such it is not considered the properties on the opposite side of Clifton Down Road would suffer any undue loss of light, nor would any overbearing impact arise.

It is therefore concluded that the development will maintain an acceptable relationship with surrounding properties in this instance.

Concern is also raised locally that the proposal would be harmfully overbear and overshadow the street environment around King's Road and Boyce's Avenue making it canyon like and unattractive. It is accepted that the proposed development will have a greater shadow impact on parts of these streets at certain periods during the day. However any building on this site would cause a shadow within the street and therefore it is not considered reasonable to refuse permission on this issue. As has been set out above, the re-development of the site, use of high quality detailing and materials as well as public realm improvements to these streets will improve the street environment significantly compared to the existing situation.

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Overlooking

The local built environment is characterised by a tight urban grain, where a separation distance of opposing front elevations of approximately 10 metres exists. This tight urban grain is also reflected between properties facing onto King's Road and the existing building on the application site where the separation distance is approximately 9.2 - 10 metres.

The most sensitive relationship between the proposed development and that of the surrounding properties, with regards to overlooking would exist between the rear elevation of the proposed development, and the front elevation of the buildings on the east side of King's Road. Here a number of opposing windows would face each other at a separation distance of approximately 10 metres at first and second floor levels. Whilst this is undoubtedly a close relationship, as stated above the urban grain of this immediate area is characterised by close knit buildings. The buildings will be separated by a road and the associated activity this creates emphasises the separation of the buildings. Furthermore, the proposed use of the new building at upper levels will be as offices and commercial retail (Use Class A1, A3 and B1(a)). This will result in a less intensive relationship with the existing commercial and residential accommodation on the opposite side of King's Road than if the proposed building were to be used for residential purposes. On balance, given the character of the area, the proposed use of the upper levels and the location across a road, the relationship between the windows is considered acceptable and will not result in an undue level of privacy for the existing occupiers of the flats along the east side of King's Road.

The separation distance between the proposed building and the buildings on Boyce's Avenue would also be approximately 9.5 metres. Again whilst this is a tight relationship as set out above, the only non-shopfront window directly facing the side elevation of the proposed building is at No. 8a Boyce's Avenue. This window is at high level and although officers were not able to access the premises to determine what room this window served it has been assumed that it is residential in nature. However, given the separation distance combined with the commercial use proposed at upper floors within the new building, location across a road and the size of the existing window (which doesn't appear to be the sole source of outlook) the proposal is considered acceptable and would not lead to a detrimental loss of privacy through overlooking.

It is recognised that the proposed development will include a number of external terraces at first and second floor level for the cafes/restaurants and offices. These terraces will face west (Clifton Down Road) and north (King's Road). Whilst it is accepted that the terraces would overlook Clifton Down Road and premises beyond on the opposite site (some of which are residential) the street is wide with properties opposite set well back from the road. As such the terraces will be located approximately 35 metres from the nearest residential property on the opposite side of Clifton Down Road. This separation distance is considered sufficient to ensure that any overlooking from the terraces would not be harmful enough to warrant refusal.

Turning to Mortimer House to the north, it is recognised that the proposed development will include a number of external terraces at first and second floor level for the cafes/restaurants and offices which will offer views of this property (front garden and windows). However, the separation distance between the development site and Mortimer House will be relatively substantial at approximately 22 metres at the closest point. The windows to the front elevation of Mortimer House will also be located at an oblique angle to the terraces. It is therefore considered that any overlooking of Mortimer House from the terraces would not be harmful enough to occupants of that property to warrant refusal.

It is therefore concluded that the development will maintain an appropriate relationship with surrounding properties such that their residential amenity would be safeguarded and no unacceptable impacts in terms of overlooking would occur (including overlooking from external terraces).

Noise, Disturbance and Odour

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The Council's Pollution Control Officer has reviewed the application and confirmed that their main concerns with such an application will be with; the potential for noise from any ventilation, heating, refrigeration or air conditioning plant; the potential for odour from any extract systems for the A3 uses and the potential for noise from any outside areas (both A3 and B1 uses).

A roof top plant enclosure is proposed to serve the commercial units. Whilst an acoustic report has been submitted with the application this only gives plant noise limits as the actual plant to be used at the development is not yet known. Likewise a ventilation statement has been submitted which gives general details as to the ventilation for the A3 uses but as the actual ventilation plant will be selected and installed as a part of the tenant fit out only limited detail is available at present. As such, in the event of an approval, officers are satisfied that further detail can be satisfactorily controlled via conditions and the applicant would need to demonstrate that the plant and ventilation proposed would not have any harmful noise effects and to mitigate any impacts accordingly. Conditions are therefore set out below.

Similarly, the Pollution Control team are satisfied that an Odour Management Plan can be secured via condition (again set out below). The plan would need to set out odour monitoring, extraction system cleaning and maintenance, filter replacement policies and mitigation measures to be taken should an odour nuisance be established to ensure no harm is posed to surrounding properties.

It is recognised that some objections have raised concern that the site is located in a Cumulative Impact Area. It should be noted that whether or not the application site is located within a Cumulative Impact Area doesn't form part of the planning assessment, this is a licensing issue covered under separate policy.

Notwithstanding the planning process however, the applicant should be aware that the site is in fact located within a Cumulative Impact Area (CIA), as these areas have seen a rapid growth in restaurants, bars and cafes. These uses are mixed with residential areas and have led to an increase in public nuisance. The CIA policy is designed to protect residential amenity and ensure that further expansion with licensed premises is not to the detriment of this part of Bristol. The policy, when triggered, will apply to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced. An advice to this end is added.

Outside Spaces

The development proposes outdoor terraces on the first and second floors for restaurants/cafes (Use Class A3) and offices (Use Class B1). The restaurants/cafes at ground floor level will also utilise external space fronting Clifton Down Road for outside dining. The Council's Pollution Control Officer confirmed that the external dining areas and terraces are located a sufficient distance away from surrounding residential properties to ensure that no harmful impact would occur with regards to noise and disturbance, particularly given the busy location in a local centre, surrounded by other commercial uses and adjacent a main road. However, in order to minimise noise disturbance from these outside areas the use of these areas is restricted via condition to end at 22:00. Similarly, the opening hours for the restaurants/cafes (Use Class A3) are restricted via condition between the hours of 06:30 and 23:00. This is considered sufficient to ensure that surrounding residential properties will not be harmfully impacted upon by virtue of noise and disturbance. In order to ensure that any evening uses or outside areas are managed sensitively to protect the amenity of surrounding residential properties a management plan is also secured via condition.

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Construction

The Council's Pollution Control Team also raised concerns regarding noise from construction works, noise from construction vehicles and the potential for dust and mud on roads for construction activities. As with any redevelopment scheme the construction works are likely to result in some disturbance to local occupiers. To reduce the effects of noise, vibration, dust and site lighting during the construction period however a Construction Environmental Management Plan is therefore secured via condition.

Light Pollution and Solar Glare

Given the nature of the development and location in relation to surrounding properties the Council's Pollution Control Team confirmed that any light emitted by the development would not be of a level which would be disturbing or harmful to surrounding residents. However no details have been provided regarding external lighting and as such details of this is secured by condition to mitigate any impacts.

In addition, given the limited height of the development, in combination with the overall design and form, no concerns are raised with regards to solar glare.

(D) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES

Paragraph 102 of the NPPF (2019) states that transport issues should be considered from the earliest stages of plan-making and development proposals. Paragraph 103 adds that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Paragraph 104 further states that planning policies should support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. This section of the NPPF also states that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking.

Bristol City Council Core Strategy (2011) Policy BCS10 advocates that new development should be designed and located to ensure the provision of safe streets and requires proposals to minimise the need to travel, especially by private car and to reduce the negative impacts of vehicles such as excessive volumes, fumes and noise. This policy also requires proposals to create places and streets where traffic and other activities are integrated. Policy BCS13 in the same document states that development should mitigate climate change through measures including patterns of development which encourage walking, cycling and the use of public transport instead of journeys by private car.

Policy DM23 in the Site Allocations and Development Management Policies (2014) further states that development should not give rise to unacceptable transport conditions and will be expected to provide safe and adequate access. Further, this policy sets out the transport and traffic considerations that development proposals should address. This includes parking standards for residential and non-residential development, with the supplementary policy text noting that the approach to the provision of parking aims to promote sustainable transport methods, such as walking, cycling and public transport.

The Transport Development Management Team (TDM) has reviewed the proposals and has commented as follows:

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Principle

The proposal is for the demolition of the existing building and erection of a three storey (plus basement and additional plant roof top level) building containing retail (Use Class A1), cafe, restaurant (A3) and office (B1) uses, shared-surface highway improvements on Boyce's Avenue and parts of King's Road, landscaping and associated development. The site previously had consent for a mixed-use development under application reference 13/00780/F. This consent is now over five years old and has expired. Therefore, the lawful use reverts back to the former use.

Trip Generation

The submitted Technical Note 02 provides an assessment of trip generation. The note sets out the context of the site in respect of the former use, expired planning consent and proposed use. The note states that it is considered that the small uplift in A1 and A3 uses as a result of the proposed development will not result in any material change in trip in the area. Given the established commercial nature of the Clifton Village area, TDM accept that this uplift is unlikely to change trip generation for these uses significantly compared to the former use. It should however be noted that these units have been empty for some considerable time.

The additional trips associated with the B1 office use are estimated to be an additional 32 person trips during the AM peak hour and 26 person trips during the PM peak hour. As there is no dedicated parking proposed as part of the development, the majority of these trips are expected to be by public transport, walking and cycling. The additional trips are considered appropriate within a designated Town Centre.

Car Parking & Cycle Parking

The proposal has been designed as car free, which is acceptable in a town centre location such as this. It should be noted that as such the development will be ineligible for parking permits.

In line with the Site Allocations and Development Management Policies (SADMP) document, a minimum of 14 staff cycle spaces is required. These will be provided within the basement and must be available to staff from all units of the development. The lift has been enlarged to ensure that cyclists have step free access to the cycle parking. Access doors from the lift to the cycle parking have been widened to be a minimum of 1.2m to ensure suitable access. In addition, two changing rooms with showers have been included.

Seven Sheffield stands are proposed on the pavement on Clifton Down Road. Of these four are new cycle parking proposed for visitors to the development; two are existing stand relocated from Clifton Down Road; and one is relocated from existing provision on Boyce's Avenue and this is acceptable.

Local Conditions - Accessibility / Public Transport Routes & Stops / Walking / Cycling

The proposal allows for at least 2 metre wide footways around the development. In order to accommodate a 2m width on King Street the lower finials on the building have been removed. The proposals will result in an area of highway along Clifton Down Road and Boyce's Avenue being stopped up. A similar total area of land will be offered for adoption on Clifton Down Road, Boyce's Avenue and King's Road. The footway widths and proposed extent of adopted highway shown in Drawing SK05 Rev. D & SK07 Rev. D are acceptable to TDM.

An improved bus stop and taxi rank layout is also proposed on Clifton Down Road. In order to accommodate the bus stop and landscaping the footway is proposed to be widened and the carriageway narrowed. A small build-out has been provided at the Zebra Crossing to the south of Boyce's Avenue to ensure that visibility requirements are met. These proposals are satisfactory subject to a financial contribution of £43,000 from the developer for the upgrading of the Clifton Down

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Village (inbound) bus shelter which will be secured by a relevant agreement under s106.

The site layout plans show improved surfacing across the whole width of Boyce's Avenue. This will comprise a level surface adjacent to the site and at the junction with King's Road.

All doors to the development that will be in regular use will not open onto the highway, they will either open inwards, slide or be recessed. Three doors serving the substation, data services and site electrical (infrequent use) will open outwards flush with the building or finials and this is acceptable.

Layout / Turning Areas / Servicing / Deliveries / Adoption

The swept path analysis of an 11.4m refuse vehicle is shown in Drawing SP17 Rev E. A Draft Servicing Management Plan has been prepared and is shown in Appendix E of Transport Note 04a. A final version of this management plan is secured via a planning condition. The new layout will need to be subject to a satisfactory Road Safety Audit prior to agreement of a S278 agreement to work in the highway.

TDM require the cost of amending Traffic Regulation Orders associated with the scheme (£5,724) to be met by the applicant and again this is subject to a relevant agreement under s106.

Travel Planning

In line with BCC Travel Plan Guidance, a travel plan statement is required. The developer will need to provide evidence to the Council within 3 months of first occupation that the Travel Information Pack has been produced and will be made available to each unit on their occupation, and that the measures and initiatives detailed in the approved Travel Plan Statement have been initiated. This is secured by relevant condition set out below.

Other Matters

Three new trees are proposed on the boundary of the landscaped area on Clifton Down Road and the adopted highway. Drawing SK05: Extent of Adopted Highway shows that the trees and planting pit will be located entirely within the private land and this is acceptable.

The Detailed Landscape and Public Realm Layout Plan shows some non-standard types of paving to King's Road and Boyce's Avenue and these materials will be subject approval by the Local Planning Authority as part of the S278 agreement to work in the highway.

Due to the proximity of the highway, the design of the basement will require an Approval in Principle (AIP) structural report to be agreed with the Local Planning Authority before construction can commence. The proposal also includes canopies which will overhang the adopted highway. Any structure oversailing the highway must be at least 2.7m above the footway and the developer will require a Section 177 (oversailing) Licence.

(E) SUSTAINABILITY AND CLIMATE CHANGE

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

As embedded in the NPPF, sustainability should be integral to all new development, and should encourage opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems. BCS13 encourages developments to respond pro-actively to

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climate change, by incorporating measures to mitigate and adapt to it. BCS14 sets out a heat hierarchy for new development, and an expectation that new development will connect to existing CHP/CCHP distribution networks. The same policy also expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity. For major development such as this the Sustainability Statement should include a BREEAM assessment. Bristol City Council's Climate Change and Sustainability Practice Note provides further advice on these matters.

The application is supported by a Sustainability Statement, with an Energy Strategy incorporated.

Energy Efficiency Improvements and U-values

Policy BCS14 requires applicants to show that energy demand has been reduced below the level specified in the Building Regulations through energy efficiency measures such as improvements in fabric efficiency and air permeability. (BCS14 does not specify what U-value or level of air permeability should be achieved).

The Energy and Sustainability Statement for this application shows a 27% reduction in energy demand through energy efficiency measures which translates into a 16% reduction in regulated emissions.

The statement sets out the proposed reduction in U-values of specific elements in the building which will be below that required to meet Building Regulations. The air permeability level has also been reduced from the 'back-stop' value of 10 to 5m³/(hr.m²) at 50 Pa.

This reduction in energy demand through energy efficiency measures meets this requirement of Policy BCS14.

Reduction in Residual Emissions from On-Site Renewable Energy Generation

An array of PV panels is proposed on the roof of the building, is acceptable in principle, however further detail will be secured via condition. The applicant however is proposing to include roof mounted PV to reduce residual emissions by 14%.

The target for reducing residual emissions in through on-site renewable generation is 20%.

Having asked the applicant to review whether the emission reduction could be increased to 20% the Sustainability Team accepted that there are limitations in the capacity of the PV system due to roof area, and agreed that the remaining 6% would be addressed through an 'allowable solutions' approach as per other schemes in the city, with a financial contribution to be collected via a relevant agreement under Section 106.

In respect of the allowable solutions contribution, the figures for the annual short-fall in the reduction in residual emissions (e.g. if the annual short-fall is 100 tonnes) the cost would be 100tonnes x £60/tonne x 30yrs = £180,000).

Using data from the Energy & Sustainability Statement (Table 1) the achieved saving (14%) from renewables results in a 6% shortfall or 5175kg of CO₂.

5175kg per year = 5.175 tonnes per year = 5.175 x £60 x 30years

= £9,315 payment

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The total reduction in emissions from energy efficiency improvements and PV is shown as 28%.

Overheating

The Council's Sustainability Team confirmed that an overheating analysis would not be appropriate for this development because the building is mechanically serviced rather than being naturally ventilated. Instead a Thermal Comfort analysis has been undertaken and submitted, which the Council's Sustainable Cities Team confirmed to be acceptable with regards to demonstrating that the building is not at risk of overheating.

Future-Proofing Connection to the Heat Network

Whilst there is no heat network in the vicinity of this development at present, policy requires that developments are designed to enable connection in the future.

As a result of officer comments to this effect, the applicant revised the Energy Strategy to demonstrate how the buildings could allow for future connection. The Energy Services team confirmed that the revision to the strategy (and technical specification) meets their requirements. This is conditioned accordingly.

BREEAM

The submitted sustainability statement sets out the BREEAM rating of Excellent would be achieved, but this would be under the BREEAM 2014 criteria rather than BREEAM 2018. Under these more recent assessment criteria the BREEAM rating for the development would be Very Good.

Clarification was sought on why the applicant was proposing to assess the scheme under BREEAM 2014 rather than BREEAM 2018. The applicant provided the clarification on the basis that proposals have to be registered as BREEAM during design development. This took place in 2017 prior to the release of the revised criteria. The initial pre assessment was then completed in June 2018, again before full guidance on every 2018 credit was released at the end of 2018.

Whilst not an ideal situation, the reasons provided were deemed to be acceptable, and in line with the position taken on other schemes regarding those designed and pre assessed during the transition from BREEAM 2014 to 2018.

BCS15

Waste & recycling

Information was requested on how the management of waste during demolition, construction and operation would be ensured. It was agreed that this will be addressed as part of the assessment of the scheme under BREEAM.

Water efficiency

A request was made for the level of water efficiency being targeted to be stated in the Sustainability Statement.

The statement was revised and states that water efficiency will be improved by 25% from the baseline building water consumption figure set by the BRE (based on their published guidance).

Materials selection

Information on the selection of materials was requested in the initial comments. It was agreed that this would be addressed as part of the BREEAM Assessment process under the 'Materials' category.

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Flexibility and adaptability

Initial officer comments requested that the Sustainability Statement should show how the building has been designed to be flexible and adaptable to future changes in occupancy. This was addressed in Section 9 of the revised Energy Statement 'Building Flexibility/Adaptability'. This sets out that the building proposed uses a frame design which allows for changes to internal partitions and that the regular column grid and minimised structural wall design maximises the flexibility of layout and the ability for alteration to plant and mechanical systems.

Biodiversity and green infrastructure

Initial officer comments also requested that the Sustainability Statement show how the development will enhance biodiversity and opportunities for the integration of green/blue infrastructure on-site. This was addressed in Section 11 - Biodiversity of the revised statement and includes planting and the provision of a living roof (please see Key Issue J below for more details).

The response to the issues raised above with respect to BCS15 are deemed to be acceptable.

(F) WOULD THE PROPOSED DEVELOPMENT RAISE ANY ARBORICULTURE ISSUES?

Policy BCS9 in the Bristol Core Strategy (2011) states that the integrity and connectivity of the strategic green infrastructure network should be maintained, protected and enhanced. BCS21 in the same document also states that new development will be expected to deliver a safe, healthy, attractive, usable, durable and well-managed built environment comprising high quality inclusive buildings and spaces that integrate green infrastructure.

Individual green assets should be retained wherever possible and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size. Policy DM17 in the Site Allocations and Development Management Policies (2014) states that all new development should integrate important existing trees into development proposals. Where tree loss of damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the tree compensation standard. Policy DM15 in the same document states that green infrastructure provision facilitates a positive effect on people's health by providing space and opportunities for sport, play, and social interaction. The provision of additional and/or improved management of existing trees will be expected as part of the landscape treatment of new development.

Previous planning permissions at the site for a temporary ice rink use (14/05253/X) included the removal of 2.no silver birch trees from the site (covered by Tree Preservation Order 939) and a financial contribution was secured towards their replacement within the area and in the knowledge that any future redevelopment scheme would also include landscaping to the Clifton Down Road frontage.

Accordingly, 3.no semi-mature trees (as previously agreed through previous consents) are proposed within the public realm to the front of the development along Clifton Down Road. The details relating to the trees are considered acceptable and are secured via relevant conditions set out below.

(G) AIR QUALITY

Policy BCS23 in the Core Strategy (2011) states that development should be sited and designed in a way as to avoid adversely impacting upon the amenity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light and other forms of pollution. In locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its

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sensitivity to noise or other pollution. Policy DM14 in the Site Allocations and Development Management Policies (2014) also states that developments that will have an unacceptable impact on health and wellbeing will not be permitted.

Policy DM33 in the Site Allocations and Development Management Policies (2014) further states that development that has the potential for significant emissions to the detriment of air quality, particularly in designated Air Quality Management Areas, should include an appropriate scheme of mitigation which may take the form of on-site measures or, where appropriate, a financial contribution to off-site measures. Development in designated Air Quality Management Areas should take account of existing air pollution and include measures to mitigate its impact on future occupiers where possible and consistent with other policies of the development plan such as those on climate change and urban design.

Following consultation, the Council's Air Quality Team raised no concerns related to air quality impacts from the proposed development in terms of traffic generation or the existing air quality at the site. A strategy for minimising emissions of dust from the proposed demolition and construction activities is secured via condition (Construction Environmental Management Plan) due to the proximity of sensitive locations around the development site.

(H) FLOOD RISK

Bristol Core Strategy (2011) Policy BCS16 states that all development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

The application site is not located in an area at risk of flooding. The application has been supported by a Sustainable Drainage Strategy. The Council's Flood Risk Team has reviewed this strategy and confirmed that it is acceptable in principle. The inclusion of a living roof is also considered of benefit with regards to sustainable drainage. However further drainage details are required to ensure that the development has no harmful impact with regards to surface runoff. This is secured via condition.

(I) DOES THE PROPOSAL GIVE RISE TO ANY CONTAMINATION ISSUES?

Policy DM34 in the Site Allocations and Development Management Policies (2014) states that new development should demonstrate that:

- i. Any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and
- ii. The proposed development will not cause the land to become contaminated, to the detriment of future use

A land contamination report has been provided, which was prepared in 2014 for a previous development at the site. The Council's Contaminated Land Officer has reviewed the report, and confirmed that it is limited due to access issues; only two boreholes were undertaken on the edges of the site. It would be prudent therefore for the applicant to undertake further assessment of the site conditions following demolition, particularly due to the presence of the infilled basement on site which will require removal as part of the development (this material will have to be tested prior to removal). As such, whilst no objections are raised on the grounds of land contamination, further detail is secured via condition.

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(J) DOES THE PROPOSAL RAISE ANY ECOLOGY ISSUES?

Policy DM19 in the Site Allocations and Development Management Policies (2014) seeks to protect habitat, features and species which contribute to nature conservation, and developments are expected to be informed by appropriate surveys. Policy DM29 in the same document states that proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.

Following Case Officer advice, the applicant provided revised plans showing the provision of living roofs on the development, which is welcomed. Further detail of these living roofs is secured via condition. A further condition is attached requiring that no clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the Local Planning Authority.

(K) PLANNING OBLIGATIONS

Policy BCS11 of the Core Strategy and the Planning Obligations SPD requires that planning obligations should be secured through the planning process in order to offset the impact of the proposed development on the local infrastructure. The development will be subject to the Community Infrastructure Levy (CIL), as set out below. The levy process is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms as previously secured by s106. However there are identified site specific obligations required by this development and which cannot be funded by CIL and these are set about below:

Allowable Solutions

See Key Issue E above.

Financial contribution totalling £9,315 to address the shortfall in the reduction in residual emissions from on-site renewable energy generation.

Secured via a relevant agreement under S106.

District Heat Network Connection

See Key Issue E above.

Secured via a suitably worded condition.

Landscape/Public Realm Improvement Scheme

See Key Issues B and D above.

Secured via suitably worded conditions.

Public Art

The proposal would result in a major development and as such triggers a contribution towards Public Art. In this instance it is considered that the public art provision with regard to the site can be secured via a suitably worded condition.

Traffic Regulation Order Amendments

See Key Issue D above

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TRO amendments and associated costs for the making and implementation of them totalling £5,395 covering the alterations to the existing highway arrangements.

Secured via the S106 Agreement and suitably worded conditions.

Highway Works

See Key Issue D above.

Bus Stop Upgrade Works to the Clifton Down Road (inbound) stop (sum of £43,000) (to be secured by relevant agreement under Section 106).

Travel Plan

See Key Issue D above.

Secured via condition.

CONCLUSION

The scheme proposed in this application, in terms of design, siting, scale and massing results in a contemporary, high quality replacement building, which has regard to the context of the local built environment. The proposal replaces an identified Negative Building with a new building which will create a positive feature on a prominent site as well as providing more active frontages, improved public realm and public transport facilities and appropriate uses which will not cause significant harm to the identified heritage assets and will enhance character and appearance of the Clifton and Hotwells Conservation Area as well as the economic performance and thus the vitality and viability of the Clifton Local Centre and primary shopping area. The proposals have been considered in accordance with the requirements of legislation within Sections 16(2), 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF and in doing so considerable importance and weight has been given to the less than substantial harm to the setting of surrounding Listed Building and the Conservation Area. It is considered that the identified less than substantial harm is minimal and nevertheless this is significantly outweighed by the benefits of these proposals.

Careful consideration has also been given to issues of residential amenity; sustainability; and highways considerations, and following the submission of revised plans and additional detail, officers are satisfied that the development is acceptable.

As such, the application is recommended for approval, subject to conditions and securing the required contributions via a relevant agreement under Section 106 of the Town and Country Planning Act 1990.

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £309,546.43

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RECOMMENDED GRANT subject to Planning Agreement

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. 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 Local Planning 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 are required they shall be undertaken by a qualified ecological consultant 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.

3. Construction Management Plan - Major Developments

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site:
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;
- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;

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- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Method of preventing mud being carried onto the highway;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Method of protection of historic street lamps
- Retention and re-use of historic pennant paving/ kerbing

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

4. Site Specific Construction Environmental Management Plan

No development shall take place including any works of demolition until a site specific Construction Environmental Management Plan has been submitted to and been 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 on the surrounding area and all surrounding premises and infrastructure.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

5. Highway Condition Survey

No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken.

The survey must consist of:

- A plan to a scale of 1:1000 showing the location of all defects identified;
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

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

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6. Historic Street Lamps

No commencement of any development (including any site clearance, preparation or demolition) shall take place until a detailed method statement for the protection of the 2 existing historic street lamps as shown on Drawing No. BD 0106 SD 001 R04 Detailed Landscape and Public Realm Layout Plan has been submitted to and agreed in writing by the Local Planning Authority.

The approved protection measures shall then be retained during the entirety of the construction works

No building or use hereby permitted shall then be occupied or the use commenced until the street lamps have been checked for damage (and any damage rectified in written agreement with the Local Planning Authority) and are in full working order as agreed in writing by the Local Planning Authority.

Reason: In order that the special architectural and historic interest of the historic street lamps and the Clifton Conservation Area are protected.

7. Highway Works - General Arrangement Plan

No development shall take place until general arrangement plan(s) to a scale of 1:200 showing the following works to the adopted highway has been submitted to and approved in writing by the Local Planning Authority.

The Highway works identified and indicated on plan 1402-89/SK07/D - Site Layout Plan and include:

- Resurfacing the full width of Boyce's Avenue from Clifton Down Road up to and including the junction with King's Road. Provision of removable bollards at either end of this section of road. Resurfacing the remaining carriageway of Boyce's Avenue.
- Widening and resurfacing the footway on Kings Road adjacent to the site. New tactile and dropped kerb crossing of King's Road at the junction with Clifton Down Road. Creation of a loading bay on King's Road.
- Widening and resurfacing the footway on Clifton Down Road to include provision of a new bus stop, taxi rank and cycle parking.
- Widening of the east footway at the Zebra Crossing to the south of Boyce's Avenue.
- Retention and re-use on site of historic paving/kerbing
- Retention and re-use on site of historic street lamps
- Any other works (including all public realm improvements as shown on the approved BD 0106 SD 001 R04 Detailed Landscape and Public Realm Layout Plan) to King's Road, Boyce's Avenue and Clifton Down Road

Where applicable indicating proposals for:

- Existing levels of the finished highway tying into building threshold levels
- Alterations to waiting restrictions or other Traffic Regulation Orders to enable the works

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- Signing, street furniture, street trees and pits
- Structures on or adjacent to the highway
- Extent of any stopping up, diversion or dedication of new highway (including all public rights of way shown on the definitive map and statement)

No development shall take place over the route of any public right of way prior to the confirmation of a Town & Country Planning Act 1990 path diversion/stopping up order.

Prior to occupation these works shall be completed to the satisfaction of the Highway Authority and approved in writing by the Local Planning Authority.

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

8. Highway to be Adopted

No development shall take place until plans to a scale of 1:200 showing the following information has been submitted to and approved in writing by the Local Planning Authority.

- Long sections
- General arrangement
- Threshold levels to buildings
- Drainage
- Structures

Prior to occupation detailed technical plans to a scale of 1:200 setting out how the internal access road(s) will be constructed to the Highway Authority's adoptable standard shall be submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure the internal roads are planned and approved in good time to a satisfactory standard for use by the public and are completed prior to occupation.

9. 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 assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phase of the development.

10. Temporary Access to the Site

No development shall take place until a plan that shows any temporary access from the adopted highway and the routes construction traffic will use has been submitted to and approved in writing by the Local Planning Authority.

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Reason: In the interest of highway safety.

11. Further Site Assessment

No development shall take place (except demolition) until a site specific risk assessment and intrusive investigation has been 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 reports submitted with the original application. 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' and BS 10175:2011 +A2 2017: Investigation of Potentially Contaminated Sites - Code of Practice.

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.

12. Submission of Remediation Scheme

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

Reason: To ensure that risks from land contamination 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.

13. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken; and where remediation is necessary a remediation scheme must be prepared, which is to be submitted to and be approved in writing by the Local Planning Authority.

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

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

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14. Sustainable Drainage System (SuDS)

No development shall take place 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.

15. Landscape Management Plan

Prior to the commencement of development a Landscape Management Plan detailing the long term management and maintenance of the non-adopted public realm and landscape areas (including the provision and establishment of 3no. semi mature Ginkgo Biloba trees) as shown on Drawing No's BD 0106 SD 001 R04 Detailed Landscape and Public Realm Layout Plan and BD 0106 SD 301 R08 Detail Plan and Section for In-ground Tree Pits outlining operations to ensure successful establishment for a period of 5 years following implementation.

The approved public realm and landscaping as shown on Drawing No. BD 0106 SD 001 R04 Detailed Landscape and Public Realm Layout Plan shall then be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

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

16. Large Scale Details

Notwithstanding any notations on any approved plans, detailed drawings (including plans, elevations and sections) to a minimum 1:10 scale or as requested by the Local Planning Authority below (also indicating materials, treatments and finishes) of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority:

a) 1:5 section details and 1:10 elevation details of all proposed new windows, curtain walling, shopfronts, fascias, canopy/awnings including the junction between the elements and with the pavement) where relevant, showing the proposed profiles, glazing details, mouldings, materials, finishes, and fabric connections at head, cill and reveals

b) 1:5 section details and 1:10 elevation details of all proposed new external doors, accesses doors and canopies showing the proposed profiles, panelling, mouldings, materials, finishes, and fabric connections at head, threshold and reveals

c) 1:5 section details and 1:10 elevation details of the proposed fins and string courses showing the proposed profiles, mouldings, materials, finishes, and fabric connections

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d) 1:5 section details and 1:10 elevation details of all proposed new balustrades, planters, railings, fall arrest systems, roof top plant structure and accesses to the building exteriors and showing all proposed materials, methods of fabrication, and handrails, balusters, newels, finishes, and fabric connections

The development shall then be carried out in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the design quality of the development itself and to protect and enhance the character of the site and the surrounding area and to ensure its appearance is satisfactory as well as to ensure the significance of the surrounding listed buildings is maintained and the special character of the Conservation Area protected

17. On-Site Samples

Notwithstanding any materials noted on any approved plans, sample panels of all the external materials and finishes (including public realm improvements) demonstrating coursing, jointing and pointing to the masonry, are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the design quality of the development itself and to protect and enhance the character of the site and the surrounding area and to ensure its appearance is satisfactory as well as to ensure the significance of the surrounding listed buildings is maintained and the special character of the Conservation Area protected

18. Living roof(s)

Prior to commencement of the relevant element, a method statement provided by a qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority for the creation of living roofs on site covering a total area of at least 115 m² which include wildflowers and do not employ a significant area of Sedum (Stonecrop). This shall include details of the layout and area, construction, design (to include the provision of features for invertebrates shown on a site plan including stone and log piles, piles of pure sand 20 to 30 cm deep, coils of rope and areas of bare ground, varying depths of substrate varying from 10 to at least 20 cm in height with troughs and mounds shown in profile on a plan, details of the seed mix and planting) and maintenance of the living roofs. The use of egg-sized pebbles shall be avoided because gulls and crows may pick the pebbles up and drop them. The development shall be carried out in accordance with the statement or any amendment approved in writing by the Local Planning Authority.

Reason: To conform with Policy DM29 in the Local Plan which states that 'proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.'

19. Public Art Plan

Prior to the commencement of the relevant element, a Public Art Plan including the incorporation of public art into the public realm and landscaping scheme hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The plan shall also contain relevant supporting information for any proposed Public Art element including methodologies; large scale details to a relevant scale depicting the scheme; method of fixings;

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any relevant samples; a timetable for delivery; and details of future maintenance responsibilities and requirements. All public art works shall be completed in accordance with the agreed scheme and thereafter retained as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that public art is integrated into the design and build of the development and is appropriate to the Listed Building and associated and surrounding heritage assets

Pre occupation condition(s)

20. Prior to occupation validation condition

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

Following completion of measures identified in the approved remediation scheme, a verification report (otherwise known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing by 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.

21. Delivery & Servicing Plan

No commencement of use of each of the individual commercial uses/premises hereby permitted shall take place until a delivery and servicing plan for each unit has been prepared, submitted to and approved in writing by the Local Planning Authority.

The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
 - b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
 - c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;
 - d) How refuse and recycling will be transferred to the stores shown on the approved plans
- The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development.

Reason: To ensure responsibility for the management of these facilities and to safeguard the appearance of the development, highway safety and the amenities of future and existing residents and businesses and to minimise the impact of vehicles servicing the development upon congestion

22. Travel Plan Statement - Not Submitted

No building or use hereby permitted shall be occupied or use commenced until a Travel Plan Statement comprising immediate, continuing and long-term measures to promote and

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encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The Approved Travel Plan Statement shall be implemented in accordance with the measures set out in therein.

Within three months of occupation, evidence of the implementation of the measures set out in the Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority unless alternative timescales are agreed in writing.

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

23. 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.

24. Reinstatement of Redundant Accessways - Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the footway has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety.

25. Completion of Pedestrians/Cyclists Access - Shown on approved plans

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

Reason: In the interests of highway safety.

26. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or 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 adopted highway (including the footway), except on the day of collection.

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

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27. Completion of commercial Accommodation

The office (Use Class B1(a)) use hereby approved shall not commence until the separate commercial premises (Use Classes A1 and A3) shown on the drawings hereby approved have been completed and made ready for internal fit out/occupation to the written satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development is completed and occupied as permitted and to ensure that the ground floor of the development is brought into active use as soon as possible

28. BREEAM

Prior to the first occupation of the building hereby approved, the following information shall be submitted to the local planning authority and approved in writing:

- The full BREEAM Post Construction report prepared by the registered BREEAM assessor together with confirmation that this has been submitted to the BRE (including dates/ receipt confirmation email from the BRE)

- A letter of confirmation from the BREEAM assessor confirming any known reasons why the building may not be able to achieve the credits and rating indicated in the final BREEAM post construction report.

Within 6 months of first occupation the final post construction BREEAM certificate(s) indicating that a BREEAM 'Excellent' rating (under BREEAM 2014) for both the retail and office elements of the scheme hereby approved has been achieved shall be submitted to the local planning authority and approved in writing.

Reason: To ensure the development is built in a sustainable manner in accordance with BCS15 (Sustainable design and construction).

29. Energy and Sustainability in Accordance with Statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles, climate change adaptation measures into the design and construction of the development in full accordance with the Energy and Sustainability Statement 1424-MEP-REP-001 P05 dated 30.09.19 prepared by Box Twenty prior to first occupation of the development hereby approved and thereafter be maintained in perpetuity.

A total 28% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 14% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

The development will also be required to connect to any future district heating system in accordance with the measures set out in the Energy and Sustainability Statement 1424-MEP-REP-001 P05 dated 30.09.19 prepared by Box Twenty.

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

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30. PV Panel Details

Prior to the first occupation of the building, evidence of the PV system as installed including exact location, method of fixing, technical specification, projected annual energy yield (kWh/year) e.g. a copy of the MCS installer's certificate and a calculation showing that the projected annual yield of the installed system is sufficient to reduce residual CO2 emissions by 14%/the percentage shown in the approved Energy and Sustainability Statement 1424-MEP-REP-001 P05 dated 30.09.19 prepared by Box Twenty shall be submitted to and agreed in writing by the Local Planning Authority.

The approved equipment shall be installed and operational prior to the first occupation of the use which they serve and retained as operational thereafter in perpetuity.

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

31. Outdoor Area and Late Night Uses Management Plan

No commencement of use of each outside area hereby approved shall take place until an Outdoor Area and Late Night Uses Management Plan for each external area, setting out the layout of the outside areas, details of times the areas will be used, how the areas will be supervised and how any complaints will be dealt with has been submitted to and been approved in writing by the Local Planning Authority.

The approved outdoor management plans shall then be complied with in perpetuity.

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

32. Artificial Light

Prior to the first occupation or use of the development hereby approved, a detailed lighting scheme and predicted light levels by a suitably qualified Lighting Engineer shall be submitted and approved in writing by the Local Planning Authority (any light created by reason of the development shall not exceed 5Lux as calculated at the windows of the nearest residential properties). The report should include details of all external lighting (including new or replacement street lights; any decorative and security lighting within external amenity/access areas) and associated light spill plans unless otherwise agreed in writing by the Local Planning Authority.

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

The development (including all individual commercial premises) shall then be managed and maintained in full accordance with the lighting scheme in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard the amenities of adjoining occupiers, to make the development safe and secure and to ensure protected species are not harmed.

33. Details of Extraction/Ventilation System

No commencement of use of each of the individual commercial uses/premises for Use Class A3 at the development shall take place until details of ventilation system for the extraction and

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

Reason: These details need careful consideration and formal approval and to safeguard the amenity of adjoining properties and to protect the general environment.

34. Odour Management Plan

No commencement of use of each of the individual commercial uses/premises for Use Class A3 at the development shall take place until there has been submitted to and approved in writing, by the Local Planning Authority, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is carried out. The approved odour management plan shall be complied with throughout the duration of the use.

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

35. Noise from plant and equipment

No commencement of use shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order to safeguard the amenities of adjoining residential occupiers. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

Post occupation management

36. Use restriction (Use Classes A1, A3 and B1(a))

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 Use Class A1, A3 and B1a premises hereby permitted shall only be used for the purposes specified in the application and for no other purpose (including any other use within the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision revoking and/or re-enacting that Order).

Reason: Any other uses permitted by the Town and Country Planning (GPD) Order 2015 will require detailed assessment by the Local Planning Authority in this location because of the location within a Local Centre and primary shopping area.

37. Clear glazing

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the proposed glazing at ground, first and second floor level shall be clear glazed to a specification to be agreed with the Local Planning Authority and in accordance with all approved details and plans (except where identified with regard to storage/service/plant areas and unless otherwise

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agreed in writing by the Local Planning Authority) and shall be permanently maintained thereafter as clear glazing.

Reason: To safeguard the visual amenity of the surrounding area and the activity of the Local Centre.

38. External amenity area extent

The external seating areas and terraces hereby permitted shall only take place in the areas and in strict accordance with the extent and layout shown on the approved plans.

No other flat roof areas of the building hereby permitted shall be used as balconies, terraces, roof gardens or similar external amenity areas without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure that pedestrian movement would not be obstructed and to safeguard residential amenity.

39. Hours of use (outside areas)

The use of the outside areas hereby permitted hereby permitted (including roof terraces for both Use Class A3 and B1(a) uses) shall not take place outside the hours of 06.30 to 22.00.

Reason: To safeguard the residential amenity of nearby occupiers.

40. Hours open to customers (Use Class A3 units only)

No customers shall remain on the Use Class A3 premises hereby permitted outside the hours of 06:30 to 23:00.

Reason: To safeguard the residential amenity of nearby occupiers.

41. Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the 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.

42. 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.

Reason: To safeguard the amenities of nearby occupiers

43. Deliveries

Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby occupiers

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44. Artificial Lighting (external)

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

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

List of approved plans

45. 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.

1807/-P-3002-P2 Proposed Clifton Down Street Elevation, received 3 December 2019
 BD 0106 SD 301 R08 Detailed Plan and Section for In ground Tree Pits, received 8 January 2020
 BD 0106 SD 001 R04 Landscape and Public Realm Layout Plan, received 12 December 2019
 1424-MEP-REP-001 P05 Energy and Sustainability Statement 1424-MEP-REP-001 P05 dated 30.09.19 prepared by Box Twenty, received 17 October 2019
 1402-89/SK07/D Site Layout Plan prepared by TPA, received 3 December 2019
 1402-89/SK05/D Highway Boundary Plan prepared by TPA, received 3 December 2019
 1000 REV A Site location, received 19 February 2019
 1001 Existing location and block plan, received 19 February 2019
 1002 Topographical survey, received 19 February 2019
 1003 Existing ground and first floor plans, received 19 February 2019
 1807/-P-1000-P10 Proposed basement floor plan, received 3 December 2019
 1807/-P-1001-P10 Proposed ground floor plan, received 3 December 2019
 1807/-P-1002-P9 Proposed first floor plan, received 3 December 2019
 1807/-P-1003-P8 Proposed second floor plan, received 3 December 2019
 1807/-P-1004-P6 Proposed plant floor plan, received 3 December 2019
 1807/-P-1005-P6 Proposed roof level plan, received 3 December 2019
 1004 Existing Clifton Down road elevation, received 19 February 2019
 1005 Existing Kings road (rear) elevation, received 19 February 2019
 1006 Existing Boyces avenue elevation, received 19 February 2019
 1007 Existing Kings road (side) elevation, received 19 February 2019
 1807/-P-3000-P9 Proposed West and East elevation, received 3 December 2019
 1807/-P-3001-P8 Proposed North and South elevation, received 3 December 2019
 1807/-P-2000-P7 Proposed sections 1 and 2, received 3 December 2019
 1807/P/001 P2 Existing site and location plan, received 19 February 2019

Reason: For the avoidance of doubt.

Advices

1 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 5528: Parts 1 and 2: 2009 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

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regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.

2 Odour:

It is recommended that any flues for the dispersal of cooking smells shall either:

(a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:

(b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

3 Nesting birds:

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

4 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 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).

5 Living Roofs:

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

6 Sustainable Drainage System (SUDS)

The development hereby approved includes the construction/provision of a sustainable drainage system. You are advised to contact the Highway Authority's Flood Risk Management Team at flood.data@bristol.gov.uk before any works commence.

7 Cumulative Impact Zone

Please note that this site is located in a designated Cumulative Impact Area (CIA). The CIA

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policy, when triggered, applies to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced.

The applicant should note that the grant of planning permission for uses that may require a separate licence does not prejudice or preclude the application of the CIA policy by other departments of Bristol City Council.

8 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.

9 Planting Season Trees

You are advised that the planting season is normally November to February.

10 Signage

This application does not include the assessment of any signage associated with the proposed development. Any signage required by end users is likely to require separate advertisement.

11 Alterations to Vehicular Access

The development hereby approved includes the carrying out of alterations to vehicular access(s). You are advised that before undertaking work on the adopted highway you will require a Section 184 Licence from the Highway Authority which is available at www.bristol.gov.uk/highwaylicences

The works shall be to the specification and constructed to the satisfaction of the Highways Authority. You will be required to pay fees to cover the Council's costs in undertaking the approval and inspection of the works.

12 Oversailing

The development hereby approved includes the construction of structures which will overhang the adopted highway. You are advised that before any works commence you will require a Section 177 (Oversailing) Licence from the Highway Authority which is available at www.bristol.gov.uk/highwaylicences

13 Traffic Regulation Order (TRO)

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to a scale of 1:1000 of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving the public advertisement of the proposal(s) and the resolution of any objections.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

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We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Transport Development Management Team at transportdm@bristol.gov.uk

N.B. The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

14 Highway to be Adopted

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's Engineering Standard Details and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Transport Development Management Team at DMengineering@bristol.gov.uk You will be required to pay fees to cover the council's costs in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

To discuss the requirement for sewers contact the Highway Authority's Flood Risk Management Team at flood.data@bristol.gov.uk You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

N.B. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

15 Impact on the highway network during construction

The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at traffic@bristol.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions 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.

16 Restriction of Parking Permits - Existing Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme of which the development forms part that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

Development Control Committee A – 22 January 2020
Application No. 19/00682/F : 2 - 16 Clifton Down Road Bristol BS8 4AF

17 Highway Condition Survey

The development hereby approved includes the carrying out of a Highway Condition Survey. To agree the extent of the area to be surveyed contact the Highway Authority's Transport Development Management Team at transportDM@bristol.gov.uk

18 Excavation Works on the Adopted Highway

The development hereby approved includes the carrying out of excavation works on the adopted highway. You are advised that before undertaking any work on the adopted highway you will require a Section 171 (Excavation) Licence from the Highway Authority which is available at www.bristol.gov.uk/highwaylicences

19 Street Name and Numbering

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19). Please see www.bristol.gov.uk/registeraddress

20 Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to stop up or divert the adopted highway under sections 247 and 248 of the Town and Country Planning Act 1990. Please see www.gov.uk/government/publications/stopping-up-and-diversion-of-highways or contact the National Transport Casework Team at nationalcasework@dft.gov.uk

21 Sustainable Drainage System (SUDS)

The development hereby approved includes the construction/provision of a sustainable drainage system. You are advised to contact the Highway Authority's Flood Risk Management Team at flood.data@bristol.gov.uk before any works commence.

22 Structure Adjacent To/Within 6m of the Highway

The development hereby approved includes the construction of structures adjacent to or within six metres of the adopted highway. You are advised that before undertaking any work on the adopted highway you must prepare and submit an AiP Structural Report.

You will be required to pay technical approval fees (as determined by the proposed category of structure to be assessed) before the report will be considered and approved. Contact the Highway Authority's Bridges and Highway Structures Team at bridges.highways@bristol.gov.uk

Development Control Committee A – 22 January 2020
Application No. 19/00682/F : 2 - 16 Clifton Down Road Bristol BS8 4AF

23 Travel Plan Statement / Travel Plan - Not Submitted

You are advised that a Travel Plan Statement / Travel Plan is required to be prepared and submitted using the Travel Plan Guide for New Developments and the associated templates at www.travelplans.gov.uk/travelplans

24 Freight Consolidation

You are advised that to reduce the impact of delivery vehicles servicing the development a freight consolidation scheme can be utilised. Further details about freight consolidation are available at www.travelwest.info/freight

25 PV Panels

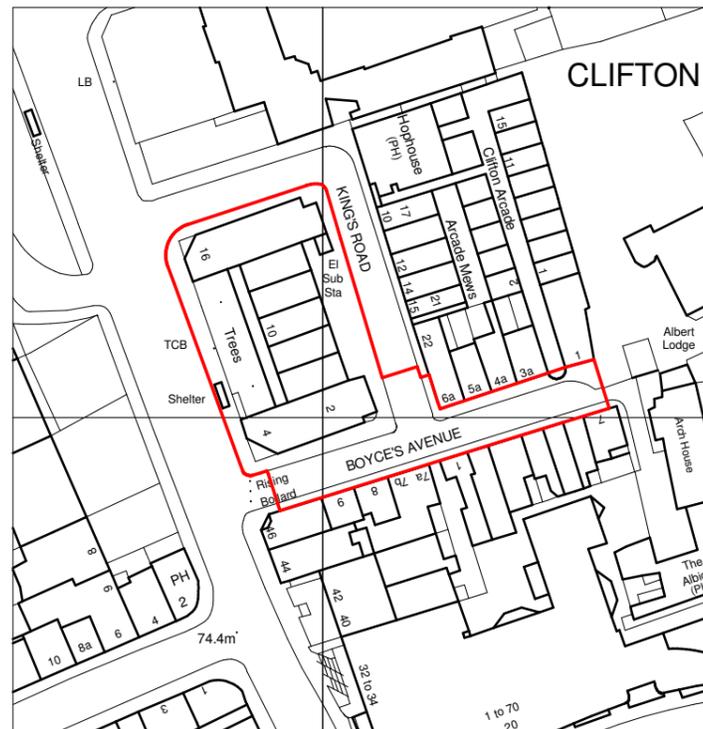
The projected annual yield and technical details of the installed system will be provided by the Micro-generation Certification Scheme (MCS) approved installer.

The impact of shading on the annual yield of the installed PV system (the Shading Factor) should be calculated by an MCS approved installer using the Standard Estimation Method presented in the MCS guidance.

commdelgranted
V1.0211

Supporting Documents

1. **2 - 16 Clifton Down Road, Bristol, BS8 4AF**
 1. Site Location Plan
 2. Proposed Basement Plan
 3. Ground Floor & Public Realm
 4. First Floor Plan
 5. Second Floor Plan
 6. CGI Proposed Scheme Clifton Down Road
 7. CGI Proposed Scheme Kings Road
 8. Proposed Street Scene Clifton Down Road
 9. Previous Schemes
 10. Site in 2014
 11. Site Clifton Down Road September 2019
 12. Site Kings Road 2019

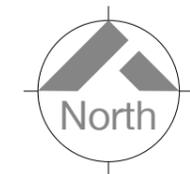


Notes

This drawing may be scaled for the purposes of Planning Applications, Land Registry and for Legal plans where the scale bar is used, and where it verifies that the drawing is an original or an accurate copy. It may not be scaled for construction purposes. Always refer to figured dimensions. All dimensions are to be checked on site. Discrepancies and/or ambiguities between this drawing and information given elsewhere must be reported immediately to this office for clarification before proceeding. All drawings are to be read in conjunction with the specification and all works to be carried out in accordance with latest British Standards / Codes of Practice.

Rev	Date	Init	Notes	Chkd
A	09-09-14	GJ	Updated further info recieved from Highways Consultant	PB

Rev Date Init Notes Chkd



Client

Drawing Originator



London - 7 Birchin Lane, London, EC3V 3BW 020 7160 6000
 Bristol - Rivergate House, Bristol, BS1 6LS 0117 923 2535
 Plymouth - East Quay House, Plymouth, PL4 0HN 01752 261 282

RIBA Chartered Practice www.aww-uk.com

Project Title

Clifton Down Road

Drawing Title

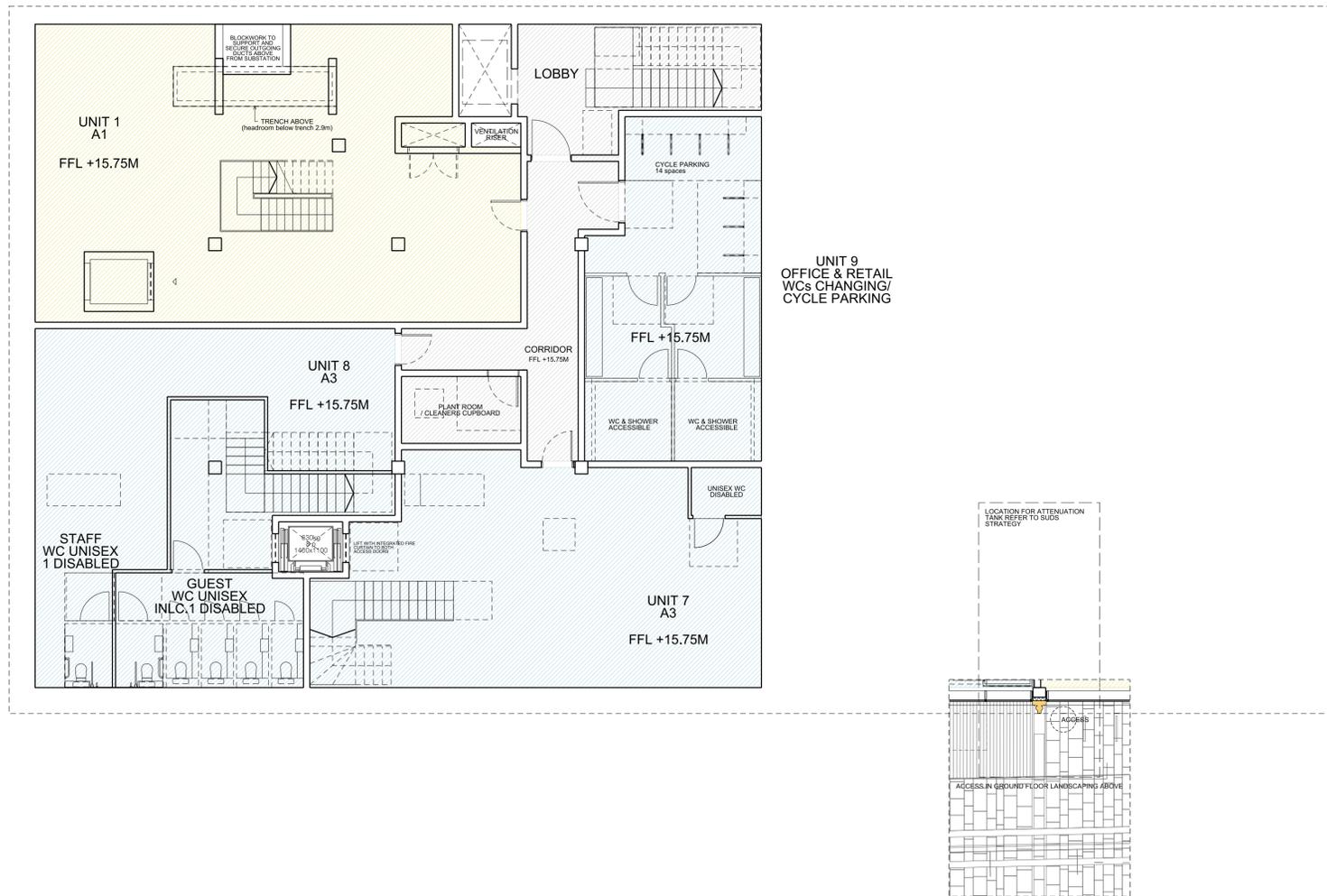
Location Plan

Scale	Sheet	Drawn	Checked	Date
1 : 1250	A3	GJ	PB	08-07-14

Status	Project No.	
PLANNING	3396	
Drawing Reference	Drawing No.	Revision
	1000	A

KING'S ROAD (ABOVE)

BOYCE'S AVENUE (ABOVE)



CLIFTON DOWN ROAD (ABOVE)

01 PROPOSED

Basement Floor Plan

DO NOT SCALE FROM THIS DRAWING. VERIFY ALL DIMENSIONS ON SITE.

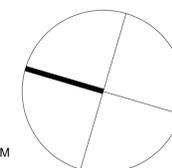
DRAWING SHOULD BE READ IN CONJUNCTION WITH INFORMATION FROM ALL OTHER DESIGN CONSULTANTS AND CONTRACTORS.

ELECTRONIC VERSIONS OF THIS INFORMATION ARE ISSUED IN GOOD FAITH TO ASSIST WITH TRANSFERRING PROJECT INFORMATION FOR USE BY OTHERS.

THE RECIPIENT MUST VERIFY ACCURACY AND COMPLETENESS OF INFORMATION ONCE TRANSFERRED.

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Amendment		Date
P3	Revised WPD trench and M&S entrance door to escape corridor	03/11/2018
P4	Revised Unit08 Rise	28/11/2018
P5	Revised Unit name and area	08/01/2019
P6	Revised Unit 09 layout / cycle spaces	04/02/2019
P7	Revised layout	05/06/2019
P8	Revised Planning Issue	16/10/2019
P9	Revised Planning Issue	21/10/2019
P10	Revised Planning Issue	15/11/2019



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Nos. 2-16
CLIFTON DOWN ROAD
PROPOSED BASEMENT FLOOR PLAN

Job/Drawing No
1807/-P-1000-P10

Scale 1:100 (1:200 at A3)
Date 04/02/2019
Drawn FCBS

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Original printed at A1

KEY:
NOTE: For extent of adoptable areas, highways treatment & bus stop design refer to TPA TNo4 Overview of Transport Changes

- Paving to Shared Surface Threshold**
Varying widths x varying lengths x 50mm depth sawn Woodkirk Paving by Hardscape Ltd (or equal & approved)
- Paving to Shared Surface/ Flexible Space**
Porphyry planks in 300mm wide x random length (between 450-750mm) x 50mm depth in flamed finish and violet mix colour running bond layout between seams by Hardscape (or equal & approved).
- Paving Seams to Public Realm**
Porphyry planks in 110mm wide x random length x 50mm depth in flamed finish and grey mix colour running bond layout by Hardscape (or equal & approved).

- Paving to Retail Areas**
100mm wide x 540mm length x 50mm depth Woodkirk Paving by Hardscape Ltd (or equal and approved). Laid stack bonded.
- Paving to Clifton Down Road Pavement**
Adoptable paving to BCC standards including tactile paving at crossings
- Artscap Seams to Clifton Down Road**
50mm width bronze seams with engraving to shop front / Clifton Down Road

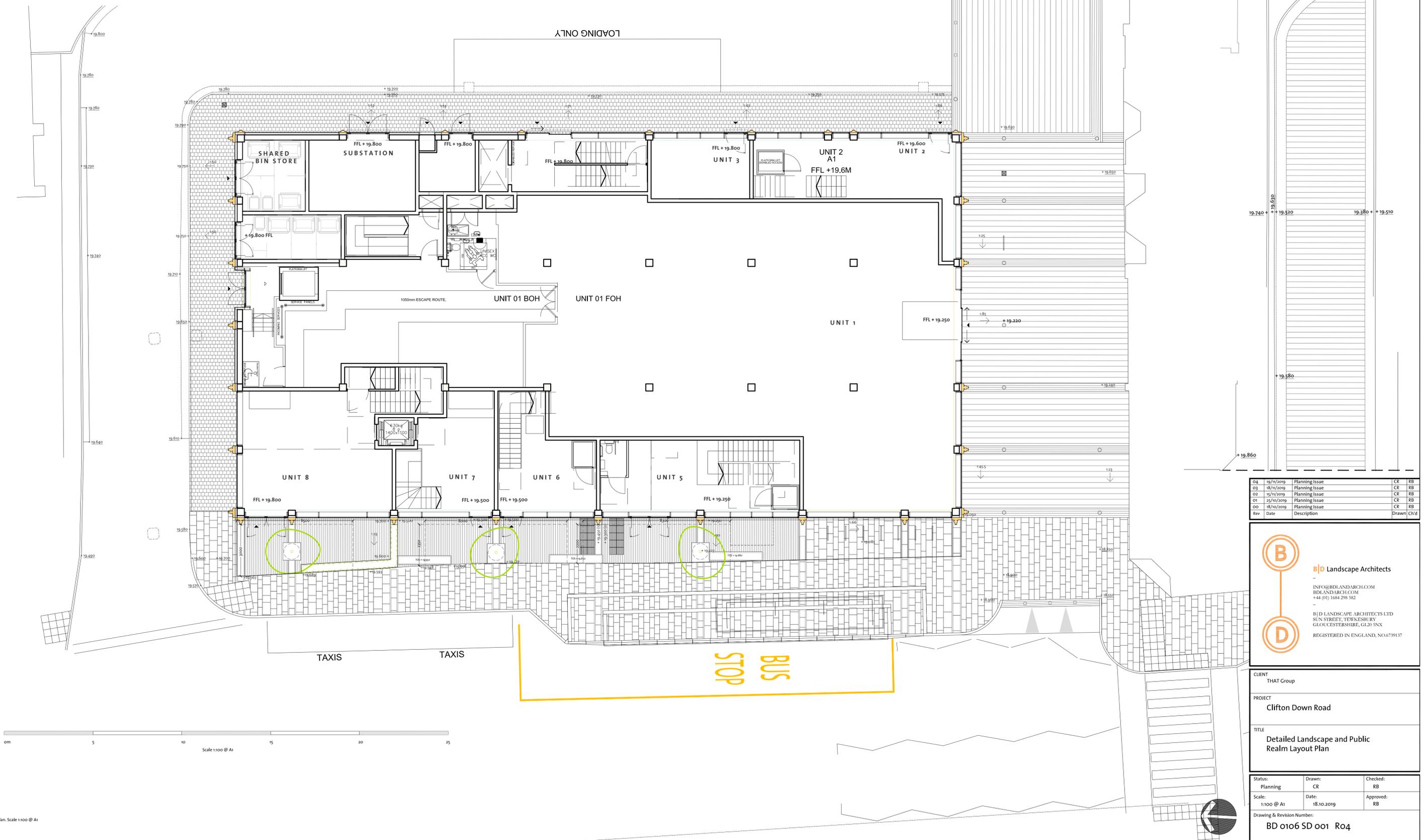
- Integrated Seating**
500mm width x 3m length pieces of Woodkirk Yorkstone
- Proposed Cycle Stands**
7 no. Sheffield bike stands root fixed within pavement 1 stand relocated from Boyces Avenue
- Cycle Stands Retained**
1 existing stand retained on Boyces Avenue

- Bollards**
Bronze bollards 200mm diameter x 1300mm height fixed static bollards to public realm by Chris Brammall (or equal & approved)
- Historic lighting columns**
To be retained / reinstated
- Granite Setts**
Reclaimed granite setts from site won material where possible.

- EXISTING LEVELS**
+18.960
+19.085
- PROPOSED LEVELS**
+18.960
+19.085
- Proposed Semi-mature tree planting**
Structural street trees with a light canopy. Ginkgo biloba, 5-6m height, 30-35cm girth, 2.0m clear stem. Refer to Detail Plan and Section for In-Ground Tree Pits BD 0106 SD 301
- Raised Planting Bed**
A mix of ornamental shrubs, textural grasses and pollinator friendly perennials to soften the public realm and provide a buffer to outdoor seating. Refer to Planting Schedule within Landscape Design & Access Statement section



- GENERAL NOTES:**
1. ALL DIMENSIONS AND LEVELS SHALL BE CHECKED ON SITE PRIOR TO CONSTRUCTION WORK COMMENCING.
 2. ALL LANDSCAPE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS AND ARCHITECTS DRAWINGS AND SPECIFICATIONS.
 3. ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE LANDSCAPE SPECIFICATION.
 4. ANY DISCREPANCY CONCERNING THE DRAWINGS SHOULD BE REFERRED TO THE CA IMMEDIATELY.
 5. ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE
 6. ALL LEVELS IN METRES.
 7. DO NOT SCALE OFF THIS DRAWING.
 8. EXISTING SERVICE ALIGNMENTS SHALL BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION WORK COMMENCING.



Rev	Date	Description	Drawn	CR	RB
04	19/11/2019	Planning Issue		CR	RB
03	18/11/2019	Planning Issue		CR	RB
02	15/11/2019	Planning Issue		CR	RB
01	25/10/2019	Planning Issue		CR	RB
00	18/10/2019	Planning Issue		CR	RB

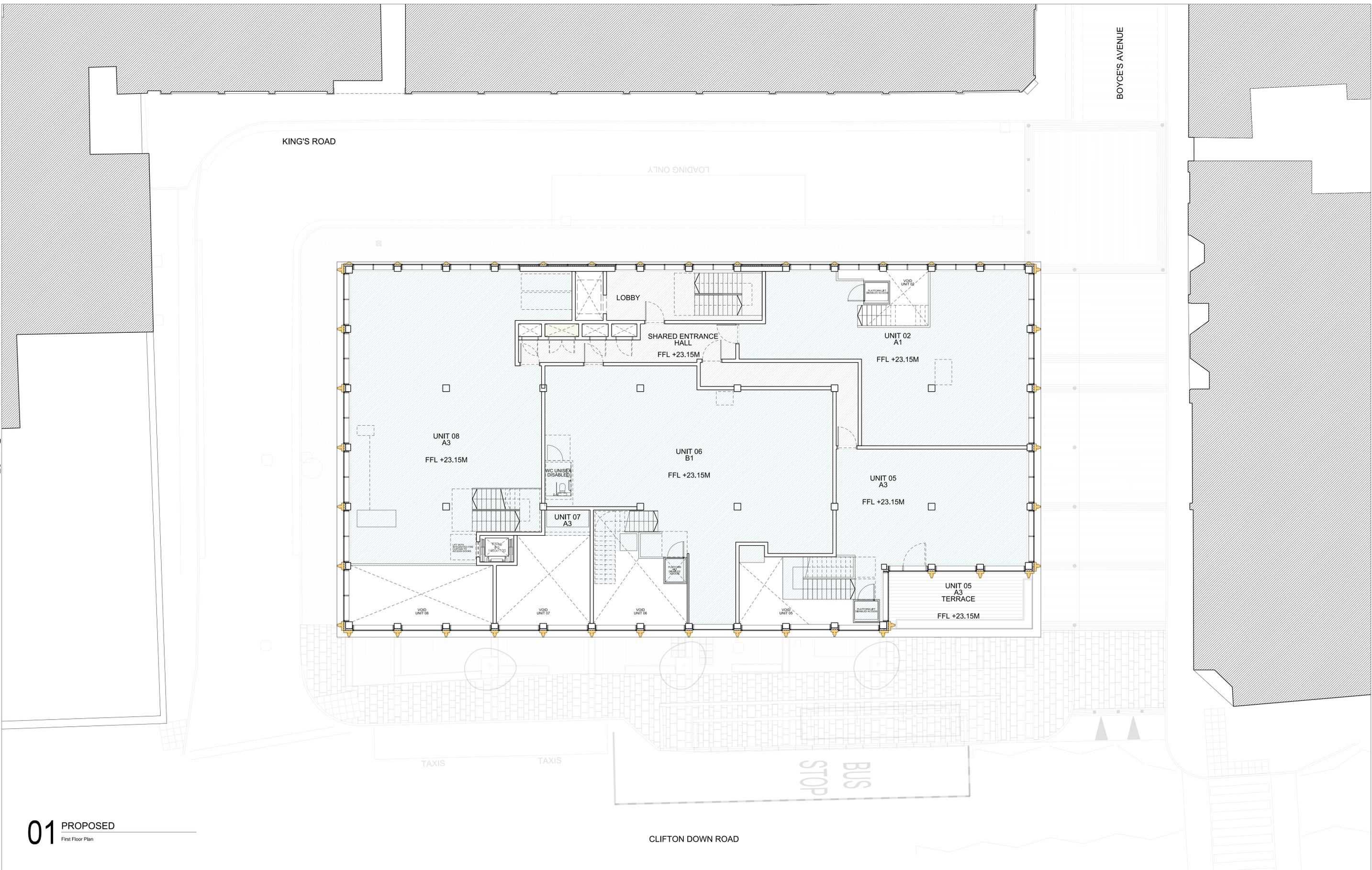
B | D Landscape Architects

INFO@BDLANDARCH.COM
BDLANDARCH.COM
+44 (0) 1684 298 582

B|D LANDSCAPE ARCHITECTS LTD
SUN STREET, TEWKESBURY
GLOS G20 5XX
REGISTERED IN ENGLAND, NO.6739137

D

CLIENT THAT Group		
PROJECT Clifton Down Road		
TITLE Detailed Landscape and Public Realm Layout Plan		
Status: Planning	Drawn: CR	Checked: RB
Scale: 1:100 @ A1	Date: 18.10.2019	Approved: RB
Drawing & Revision Number: BD 0106 SD 001 Ro4		



01 PROPOSED
First Floor Plan

DO NOT SCALE FROM THIS DRAWING. VERIFY ALL DIMENSIONS ON SITE.

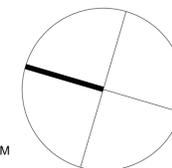
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Amendment		Date
P3	Revised Unit08 Riser	28/11/2018
P4	Revised Unit names and areas	08/01/2019
P5	Revised Unit layout	25/06/2019
P6	Revised Unit 2 layout	19/07/2019
P6	Revised Unit 2 layout	19/07/2019
P7	Revised Planning Issue	16/10/2019
P8	Revised Planning Issue	21/10/2019
P9	Revised Planning Issue	13/11/2019



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Nos. 2-16
CLIFTON DOWN ROAD
PROPOSED FIRST FLOOR PLAN

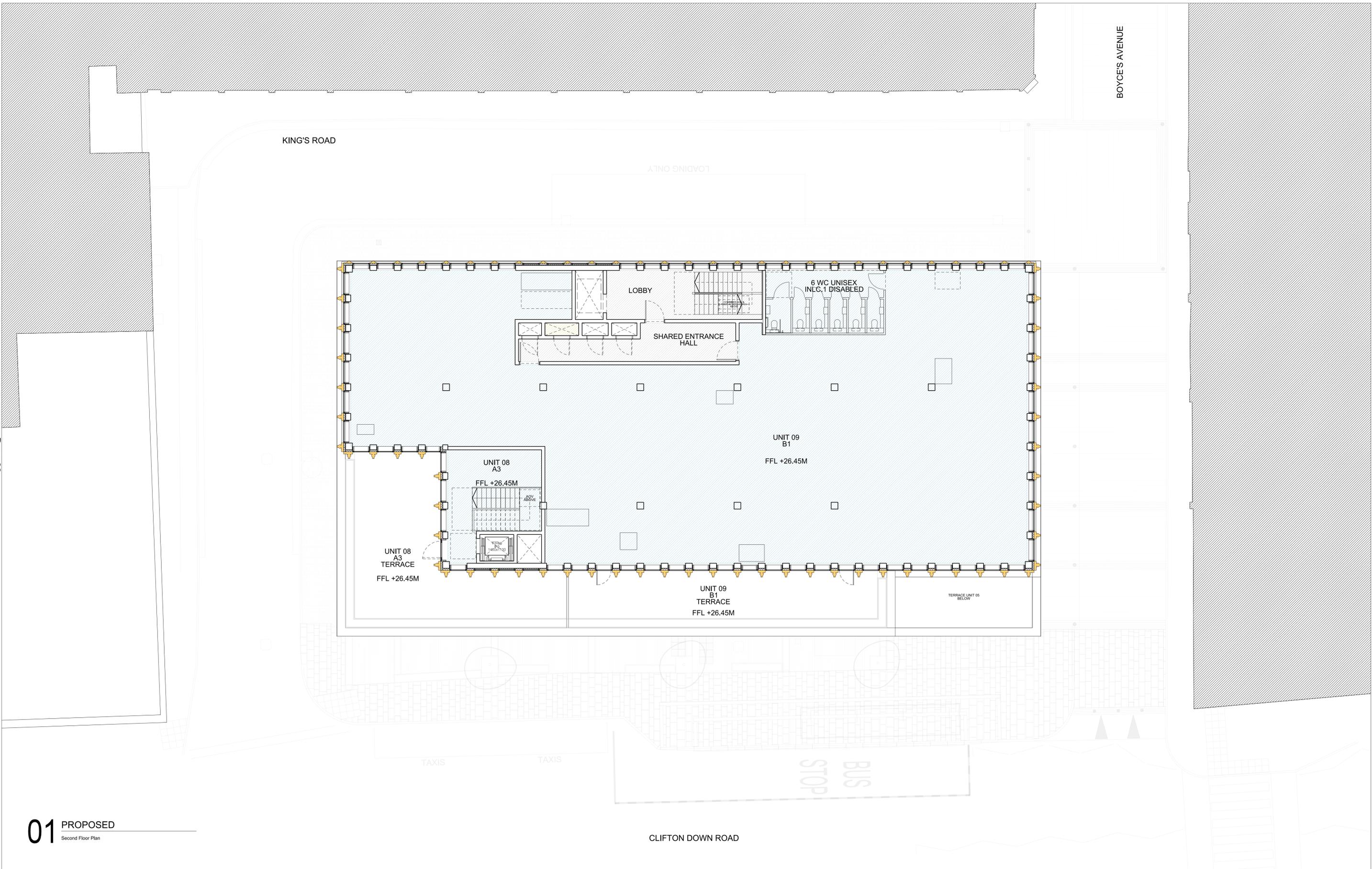
Job/Drawing No
1807/-P-1002-P9

Scale 1:100 (1:200 at A3)
Date 29/01/2019
Drawn FCBS

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01 PROPOSED
Second Floor Plan

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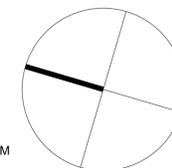
DRAWING SHOULD BE READ IN CONJUNCTION WITH INFORMATION FROM ALL OTHER DESIGN CONSULTANTS AND CONTRACTORS.

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FEILDEN CLEGG BRADLEY STUDIOS ACCEPT NO RESPONSIBILITY FOR ACCURACY, COMPLETENESS OR ANY OTHER DEVIATION FROM CORRESPONDING FILE INFORMATION.

Amendment		Date
P5	Revised Unit names and areas	08/01/2019
P6	Revised Planning Issue	16/10/2019
P7	Revised Planning Issue	21/10/2019
P8	Revised Planning Issue	13/11/2019



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e bath@fcbstudios.com

Nos. 2-16
CLIFTON DOWN ROAD
PROPOSED SECOND FLOOR PLAN

Job/Drawing No
1807/-P-1003-P8

Scale 1:100 (1:200 at A3)
Date 21/01/2019
Drawn FCBS

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All dimensions to be checked on site

Original printed at A1





**Previous Scheme Approved 2013
13/00780/F**



**Previous Scheme Refused 2015
14/04500/F**

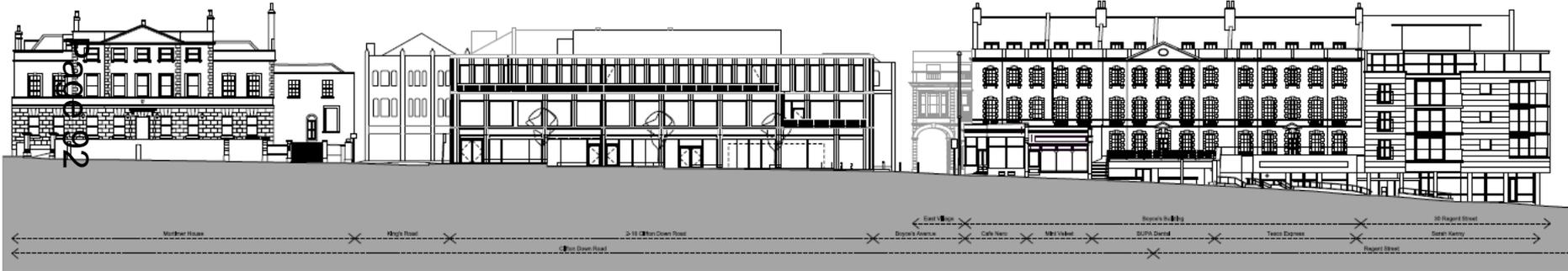


Mortimer House

Site

Boyce's Building

30 Regent Street/Sarah Kenny



Site in 2014

Page 93



SEPTEMBER 2019

Page 94





WARD: Southville

SITE ADDRESS: St Catherine's Place Shopping Centre East Street Bedminster Bristol BS3 4HG

APPLICATION NO: 18/05310/F Full Planning

DETERMINATION DEADLINE: 27 March 2019

Full planning application for comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works. (Major).

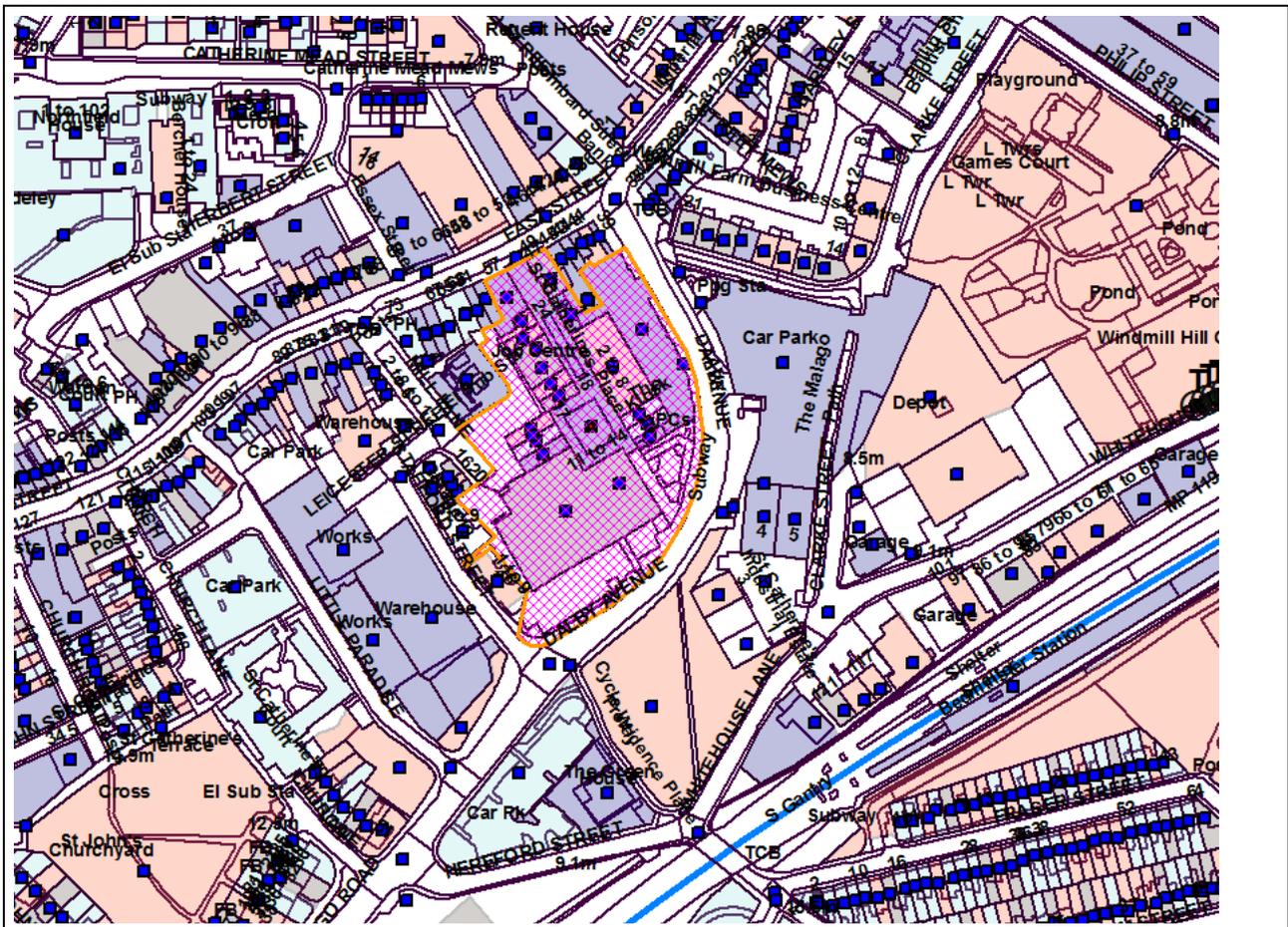
RECOMMENDATION: Refuse

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

APPLICANT: Firmstone Consortia One Limited
C/o Agent

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

LOCATION PLAN:



Development Control Committee A – 22 January 2020
Application No. 18/05310/F: St Catherine’s Place Shopping Centre East Street
Bedminster Bristol BS3 4HG

INTRODUCTION

This is an update to the Committee Report and Amendment Sheet presented to Development Control Committee A on 20 November 2019. At the meeting of DC A Committee on 20 November 2019, the motion passed was:

“Resolved – that a decision on the application be deferred until a future meeting of the Committee to allow time for transport and other minor issues to be resolved.”

The Committee Report for the meeting on 20 November is attached to this Report as a supporting document.

Members must consider the whole application on its merits against all of the relevant policies and all material planning considerations. Members therefore, should not and cannot confine their consideration of the application to the transport and other minor issues.

UPDATE

Further meetings have been undertaken between the applicant and Transport Officers, where it is now confirmed by Transport Development Management (TDM) that their previous concerns as reported in November 2019 have now been adequately addressed subject to conditions and appropriate s.106 obligations. The detailed response from TDM to the application is a supporting document to this Report.

The Officer's recommendation in this case is to refuse planning permission.

This is for one reason:

1. The proposed development by reason of its height, scale, massing, inadequate public realm and overall design quality, would be unacceptable in design terms and impact on existing residential amenity. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019).

THE APPLICATION

The application seeks full planning permission for the construction of:

- A total 205no. residential dwellings contained within 5no. ‘development blocks’ (Blocks A-E)
- 844sqm GIA of new build commercial floorspace including a new cinema (Use Classes A1, A3, D2)
- Refurbishment and reformatting of existing retail facilities (2,500sqm)
- 27no. car parking spaces (of which 12 are disabled parking spaces)
- 395no. cycle parking spaces: 343 for the residential dwellings and a further 52 cycle parking spaces for the commercial floorspace/visitors
- New public realm and hard/soft landscaping

Development Control Committee A – 22 January 2020

**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG**

The dwellings proposed within the scheme would comprise of:

- 76no. 1 bedroom, 2 person dwellings
- 8no. 2 bedroom, 3 person dwellings
- 114no. 2 bedroom, 4 person dwellings
- 7no. 3 bedroom, 5 person dwellings

Block A would contain 142 dwellings (up to 16 storeys) with ground floor commercial uses.

- 1 bed 2 person: 36
- 2 bed 3 person: 2
- 2 bed 4 person: 97
- 3 bed 5 person: 7

Block B would contain 23 dwellings (8 storeys) with a commercial unit at ground floor level.

- 1 bed 2 person: 18
- 2 bed 3 person: 5

Block C would contain 13 dwellings (4 storeys)

- 1 bed 2 person: 4
- 2 bed 4 person: 9

Block D would contain 6 dwellings (2 storeys above existing ground floor retail)

- 1 bed 2 person: 4
- 2 bed 4 person: 2

Block E would contain 21 dwellings (4 storeys above existing ground floor retail)

- 1 bed 2 person: 14
- 2 bed 3 person: 1
- 2 bed 4 person: 6

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 regard to disability, age and pregnancy and maternity issues. An issue had previously been raised by TDM regarding a lack of disabled parking. Since the Committee Meeting the applicant has amended their plans to provide policy compliant disabled parking.

ENVIRONMENTAL IMPACT ASSESSMENT

In respect of Environmental Impact Assessment (EIA), in November 2019, the Local Planning Authority provided a Screening Opinion confirming that the development is NOT EIA Development requiring an Environmental Statement.

Development Control Committee A – 22 January 2020
Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG

RESPONSE TO PUBLICITY AND CONSULTATION

General response from the public

Approximately 1580 neighbours within the vicinity of the scheme were notified by letter and a site notice was displayed.

In response to the application as submitted in October 2018, a total of 341 public comments were received from 328 individuals. This includes comments received from amenity groups and local councillors. Of the responses received, 221 responses were in objection to the scheme, 104 responses were in support of the scheme and 3 responses were neither in support nor objection. These responses are detailed in the Committee Report for the meeting on 20 November 2019.

Following the submission of revised plans in September 2019, neighbours were re-consulted on the revised proposals. A total of 112 responses were received, of which 85 were in objection to the scheme, 25 were in support of the scheme and 2 responses were neither in support or objection to the scheme. These responses are detailed in the Committee Report for the meeting on 20 November 2019.

Since the Committee Meeting on 20 November 2019, a further 11 responses were received, of which 2 were in objection to the scheme, 9 were in support of the scheme.

The comments in objection to the scheme raised the following planning issues:

- Concerns about the density of the proposals and overdevelopment of the site.
- Concerns the proposals are out of character with the area in terms of scale and massing.
- Concerns about impact of sunlight/daylight.
- Concerns about the standards of accommodation proposed and the negative impact on the adjacent St Catherine's House.

The comments in support of the scheme cited the following reasons:

- The cinema would attract people to the area and rejuvenation of Bedminster.
- The proposals would support local businesses.
- The proposals would support East Street and Bedminster.

Response from interest groups and organisations

COUNCILLOR REFERRAL

Councillor Charlie Bolton referred the application to the Development Control Committee if the development is recommended for approval. Cllr Bolton stated objection to the proposed scheme due to concerns relating to:

- lack of affordable housing
- overdevelopment of the site and wider Bedminster Green area
- design that is out of keeping with the existing area
- energy use of high rise buildings (design not carbon neutral)
- impacts of development on infrastructure and services, as well as traffic and parking

[the full referral from Cllr Bolton is available on the BCC online planning portal]

Development Control Committee A – 22 January 2020
Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG

Response from external consultees

ENVIRONMENT AGENCY – OBJECTION

As per the Amendment Sheet update to Members for the 20 November 2019, the Environment Agency maintain their objection to the proposal due to: i) Groundwater and Contaminated Land; and ii) flood risk grounds.

Groundwater and Contaminated Land:

"We have considered the response to our most recent response, from Hydrock, dated 25 January 2019. We note this does provide further clarity concerning the possible source of significant metals contamination at the site. Their response also further summarises potential conceptual scenarios that might account for observed hydraulic gradients and inferred flow direction. We note also the comments from Hydrock concerning the difficulty of remediating the site to address risks to controlled waters. Hydrock have said that the most viable approach to remediating the site would be source removal, i.e. excavation of soils. However, at this time it is not clear what level of risk the identified contamination poses.

The need to remediate, or otherwise, should in the first place be driven by a robust understanding of the risk to controlled waters, which we do not consider has been demonstrated in the information submitted. We are therefore of the view that the proposal fails to comply with national planning policy. The applicant has failed to demonstrate that any risks to the water environment will be adequately addressed in accordance with the relevant sections concerning land contamination within the National Planning Policy Framework.

Remedial action, or non-action, should be driven by risk assessment. We therefore maintain our objection to this application until such a time that the level of risk has been adequately assessed and that an informed and robust remedial strategy, which addresses to our satisfaction, the risks to controlled waters, has been presented to Bristol City Council."

Flood Risk:

"We have reviewed the submitted Flood Risk Assessment (FRA) Technical Note - Hydraulic Modelling Status, dated September 2019, accompanying flood risk mapping and the revised proposed residential ground floor plan (drawing no. AP(04)2002 Rev. P19).

The Technical Note suggests a flood risk condition should be imposed, in light of the emerging Bristol City Council hydraulic modelling not being available yet. Given that this information is fundamental to the principle of development and that this is a full planning we object to the proposed condition in the absence of sufficient clarity on the proposed finished floor levels.

We note drawing no: AP(04)2002 Rev. P19 shows the proposed finished floor levels, which appear to be exclusively commercial on the ground floor. We require confirmation this is the case and that residential uses are limited to above ground floor level? This should be based on the emerging hydraulic modelling once this has been made available to the Environment Agency and we agree that it is suitable for the purposes of site specific flood risk assessment.

Development Control Committee A – 22 January 2020
Application No. 18/05310/F: St Catherine’s Place Shopping Centre East Street
Bedminster Bristol BS3 4HG

We therefore maintain our flood risk objection to the proposed development as insufficient information has been submitted to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change as required by national planning policy and associated planning practice guidance.”

Response from internal consultees

TRANSPORT DEVELOPMENT MANAGEMENT – APPROVE SUBJECT TO CONDITIONS AND SECTION 106 OBLIGATIONS

TDM confirmed to members at Committee on 20 November 2019 that it could not provide a positive recommendation in the absence of the following:

- i) A completed Strategic Transport Assessment (parts 01 and 02) covering the entirety of the Bedminster Green developments.*
- ii) A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street.*
- iii) A completed technical appraisal and submission of General Arrangement drawings for Hereford Street and Whitehouse Lane.*
- iv) The completion of an overspill parking assessment to inform future restrictive parking measures in the area of Windmill Hill.*
- v) Following the assessment of i), TDM to confirm the required package of s106 contributions towards parking mitigation, travel planning and sustainable travel.*
- vi) Revisions to Cycle Parking and Disabled Parking to meet policy requirements.*
- vii) Resolution of matters concerning the future servicing requirements of the development, in association with the future improvements to Leicester Street and Mill Lane.*
- viii) Clarity, and therefore certainty on the extent, responsibility and mechanism for the removal of the subway and the stopping-up of other adopted highway land.*

A draft version of the completed Strategic Transport Assessment (STA) and a draft General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street have been received by TDM.

Revised plans demonstrating compliance with policy requirements for Cycle and Disabled Parking have been received.

TDM recommendation is to approve the application in relation to transport and highways matters subject to conditions and section 106 obligations.

The points above have been resolved and are covered within Key Issue A of this Report. The full set of comments from TDM (10 pages) is attached to this Report as a supporting document.

CITY DESIGN GROUP – OBJECTION

The City Design Group objection remains as per the Committee Report for the meeting on 20 November:

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“The scheme proposes the redevelopment of the site to provide 205 dwellings arranged over 4 to 16 storeys over 5 buildings and includes the refurbishment of existing retail units, new commercial space and a cinema. Please refer to previous comments for a description of the site and its context. The proposal has been subject to previous comments by CDG, the most recent of which in July 2019.

The proposal is distinct from a previously consented scheme for the site 13/05616/P. The amount of development has increased significantly, and the retention/conversion of St Catherine’s House has fundamentally changed the nature of the site and therefore the manner in which redevelopment can occur. St Catherine’s House has undone site layout principles established by the extant permission and importantly the Bedminster Green Framework (BGF). When establishing the principles and opportunities for the site, the BGF assumed the loss of St Catherine’s House in favour of comprehensive redevelopment. Unfortunately, the proposal has failed to achieve an acceptable site layout that makes sense in relation to St Catherine’s House. The tallest element (16 storeys) now crowds the site resulting in unacceptable compromises in several areas including living standards for existing residential units, shared amenity and key public realm aspirations identified within the BGF.

It is worth noting that the BGF was prepared following a clear policy shift in favour of higher densities and the acceptance of taller buildings. As such, the framework already embeds a high-density presumption and sets out a number of key principles required to achieve this. Therefore, any schemes seeking maximum development levels within the framework area must also achieve exemplary design quality and urban design response in relation to the Urban Living SPD.

Urban Living assessments have highlighted how the scheme has failed to resolve higher density through thoughtful design, identifying a number of core concerns summarised below. There are also concerns with regard to contextual response by way of height, scale and massing and overall design quality.

Development Approach

- *A ‘maximised’ development approach to the site which fails to deliver the place, context and liveability aspirations of urban living.*

Public Realm

- *Insufficient provision of new public realm and green infrastructure to support the intensification of the site and a failure to achieve the quality aspirations of the BGF.*
- *Unresolved treatment of existing public realm to successfully embed the scheme into its context and create successful public spaces.*
- *Public realm that lacks the qualities needed to mitigate the impacts of urban intensification. The scale of public realm does not meet the scale of new buildings.*

Provision of Outdoor Space

- *Insufficient and low quality shared amenity space, which is not successfully offset by the provision of onsite public realm or proximity to public space.*

Children’s Play

- *Limited indication of how children have been considered in the design. The only meaningful amount of space accessible to children is in Block A. Block B, C, D and E will be forced to rely on access to public realm and offsite provision.*

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Internal Configuration and Circulation

- *Unresolved internal configuration which fails to meet recommended liveability criteria.*
- *Significant negative sunlight/ daylight impact on existing dwellings.*

Height Scale and Massing

- *Unresolved scale, massing and architectural treatment which fails to appropriately respond to the existing character and the emerging context of which St Catherine’s House now forms a part.”*

Conclusions/Recommendations

Whilst St Catherine’s Place sustainable location and current low intensity usage, lends itself to a more intense form of development as part of a wider regeneration effort, there is a concern that the current proposals have ‘maximised’ rather than ‘optimised’ densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; therefore representing an over-intense development of the site. The comments above highlight how the scheme departs from Local Plan policies and Urban Living SPD guidance, as well as the Bedminster Green Framework. As such a recommendation for approval could not be supported on design grounds.”

[full comments from the City Design Group are available on the BCC online planning portal]

TREE OFFICER – OBJECTION

The Tree Officer stated an objection to the revised scheme:

“My objection relates to the removal of the high quality category A & B trees they are seeking to remove along Dalby Avenue.

The proposed seeks to maximise ground space by removing high quality trees with very little poor quality mitigation on site. This goes against DM15 & DM17. I will maintain my objections unless the London Plane on Dalby Avenue are retained with sufficient space and protected root environment to secure future.

We cannot allow the removal of green infrastructure assets with no site mitigation just, so the site can be developed to its maximum potential. This is the first site of many involved in the redevelopment of the area in accordance with the Bedminster Green Strategy and on the first site the proposal is to remove all green infrastructure.”

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016, Lawrence Weston Neighbourhood Development Plan 2017, Urban Living SPD (November 2018) and Bedminster Green Framework (March 2019).

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

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KEY ISSUES

A. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?

The proposed scheme would provide 27no. car parking spaces including 12no. disabled car parking spaces. These spaces would be split between a car park underneath Block A and adjacent to Block C.

In total, 395no. cycle spaces would be provided on the site, including provision for visitors to the residential accommodation. One service yard would be situated behind Block C, accessed off the A38 Dalby Avenue and another service yard would be situated off Mill Lane adjacent to Block A and is intended to serve all of the commercial units.

i) Strategic transport matters

Policy BCS10 (Transport and Access Improvements) and Policy BCS11 (Infrastructure and Developer Contributions) of the Core Strategy (2011) sets out principles for consideration in all new development proposals and supports the delivery of strategic transport infrastructure and improvements to access in all areas of Bristol by public transport, walking and cycling.

A draft version of the completed Strategic Transport Assessment (STA) has now been received. This provides details of the necessary transport infrastructure package to support development in this area. This includes the requested Public Transport, walking and cycling strategies, an options appraisal for improvements to Whitehouse Lane, an assessment of likely uncontrolled parking overspill and an Outline Travel Plan.

Officers have had time to review the above document and will be responding to the BG Consortium in due course on any necessary amendments. However, at this moment in time, the content of the document largely fulfils the requirements set out by TDM at the 20 November committee.

TDM has also been in liaison with the BG Consortium over much of 2019 to reach an agreed General Arrangement for the A38 in this area. A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street has now been received by TDM.

This has been an essential milestone to reach, as it protects BCC's ability to carry out positive change that fulfils TDM objectives to reduce bus journey times alongside permeable, safe and direct facilities for pedestrians and cyclists that reflect and compliment new development in this area whilst enhancing existing desire lines. Secondly, it confirms the widths and extents to which new build development must not encroach in order to meet the above objectives.

The following obligations would be sought via a Section 106 Agreement as a package of financial measures:

- Restrictive Parking Measures – £145,952
- Electric Vehicle Car Club Provision – £50,041

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- Travel Plan – £24,190
- Traffic Regulation Orders – £11,448
- Windmill Hill Traffic Management measures – £20,850
- Dean Lane Cycle Route – £65,678

The above contributions have been proportioned above to account for the 667 residents that are proposed to occupy the application site.

ii) Site specific transport matters

Cycle and Disabled Parking:

TDM welcomes the amendments to provide policy compliant cycle parking. Previously a total of 347 cycles spaces were provided whereas the minimum number required by policy is 382 across the whole of the development. This figure is inclusive of all residential, commercial and visitor spaces.

The applicant has now amended their plans to provide a total of 395 cycle parking spaces, 343 for the residential element and a further 52 cycle parking spaces for the commercial and visitor elements. TDM are content with the design and layout of the cycle parking.

The applicant has also amended their plans in order to provide policy compliant disabled parking. When applying BCC minimum parking standards, a total of 12 disabled parking spaces are required and these have subsequently provided. The spaces are clearly indicated and have the required 1.2m rear and side hatching.

Servicing and Refuse Collection:

This is to be conditioned so that servicing of the commercial units on the northern side of the development takes place from within the development with vehicles reversing from East Street into St Catherine's Place. This would ensure a realistic servicing arrangement can be provided catering for business needs whilst avoiding the issues raised previously.

This has been replicated in other areas of the city, namely Broadmead on a time-limited basis (i.e. outside of daytime hours). The remaining commercial units, Block A and St Catherine's House can be serviced from Mill Lane although the size of vehicles must be limited.

Highway Works – Mill Lane & Leicester Street:

TDM requires highway works to be undertaken on the highway along Leicester Street and Mill Lane to the east of the Leicester Street/ Stafford Street junction given the increase in pedestrian movement in this area and the requirement for servicing at this location.

A38 Malago Road frontage & stopping up:

A composite plan that demonstrates the finalised A38 highway corridor plans overlaid with the St Catherine's Place frontage plans will be conditioned. This composite plan must

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demonstrate the highway extent, highway to be stopped up and land to be dedicated as highway. This information would allow the Department for Transport (DfT) to progress a stopping up under s247 of the Town & Country Planning Act.

Summary

TDM consider that the application would be acceptable in terms of transport and highways matters subject to conditions, section 106 obligations and section 278 works as outlined above.

B. IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

As per the Amendment Sheet for the meeting on 20 November 2019, discussions had been ongoing between Lambert Smith Hampton on behalf of the Council and Avison Young on behalf of the applicant. The applicant has agreed to accept the Lambert Smith Hampton Build Costs, meaning that the main area of difference was Residential Sales Values.

A range of information has come to light that results in changes to the opinion on Residential Sales Values. Firstly, the applicant has provided pricing schedules from two local agents, Ocean and Knight Frank, which set out the values that the properties in the proposed development could be expected to achieve. Secondly, it transpires that prices at recently released developments in the vicinity of St. Catherine’s Place, which are significantly above previous prices achieved in the area, have achieved very limited reservations. On this basis, it is considered that these constitute less reliable evidence than previously considered, particularly for larger units.

Lambert Smith Hampton had taken account of the original marketed prices in coming to their view of values in respect of two bedroom dwellings at St. Catherine’s Place. Lambert Smith Hampton remain of the opinion that the scheme will achieve a premium above existing stock in the area. However, the levels of firm offers on nearby developments impacts significantly on Lambert Smith Hampton’s view of the achievable values at St. Catherine’s Place, particularly as the majority of dwellings in St. Catherine’s Place consist of two or more bedrooms.

The revised Residential Sales Values (including those achieved on the St. Catherine’s House element of the scheme, which forms part of the viability report, and also including a premium for parking spaces) are as follows:

Avison Young	Ocean	Knight Frank	Lambert Smith Hampton (original)	Lambert Smith Hampton (revised)
£59,999,364	£61,873,500	£61,076,000	£66,916,000	£63,793,500

Whilst Lambert Smith Hampton consider that sales values will be higher than those put forward by the applicant and their pricing agents, their amended values do result in a reduction of in excess of £3 million in the overall scheme value.

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Unfortunately, this reduction results in the Residual Land Value of the scheme being lower than the Benchmark Land Value, and this means that the scheme is not considered to be viable in planning terms.

Consequently, based on the new information that has come to light and the advice from Lambert Smith Hampton, Officers now consider that the scheme is unable to provide affordable housing.

The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses. Therefore, it is recommended that viability reviews are required and that they are based on the revised Lambert Smith Hampton Viability Appraisal of November 2019, with all inputs remaining unchanged with the exception of build costs and sales values, which are to be adjusted to take account of changes in costs and values.

C. WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND SUPPORT THE AIMS OF THE BEDMINSTER GREEN FRAMEWORK?

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The Bedminster Green Framework sets out the requirement for new development within the framework area to provide distinctive, high quality architecture and public realm to create a strong sense of place, vitality and identity for the area. This is in recognition of the current lack of identity in Bedminster Green and the opportunity available through appropriate development to create a new urban quarter which is also legible, active and enjoyable at street level.

The City Design Group have objected to the proposed development on design grounds. The CDG states that the Bedminster Green Framework embeds a presumption for high density development and taller buildings at this site, whilst also setting out a number of key principles required to achieve it, including exemplary design quality and an urban design response relating to the Urban Living SPD. The CDG raise concerns relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. These are considered below in turn.

i) Public realm

Policy DM28 sets out how development should create high quality public realm which is appropriate in terms of space for movement and the relationship with the building edge. Policy DM27 sets out how development should provide streets and spaces that allow

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convenient access and choice of movement modes, at a scale appropriate to the size of development. The Urban Living SPD provides further guidance, acknowledging that as densities increase, the need to invest in a high quality public realm grows. This need for high quality public realm is reiterated in the Bedminster Green Framework, and the application site in particular is noted as a key location in the Framework area which would contribute to distinctive character in the area.

The CDG identifies that all four frontages on the edges of the proposed development fail to meet the requirements set out in policy to deliver a sufficiently high quality public realm, particularly given the scale of the development proposed. For example, the set-back of the development along Malago Road (fronting onto Bedminster Green) is insufficient to create the vision of the Bedminster Green Framework for an 'Avenue of Trees' and which would create a functional, comfortable pedestrian environment along what would be a main transport corridor on the A38. This is particularly evident at Block A whereby the footpath width to the front of this 16-storey building is only 1.9 metres in width at its narrowest point, increasing to 3.6 metres at its widest point.

Concerns are also raised over the quantum of public realm at the base of Block B along Dalby Avenue and the 'pocket space', the amenity of which is questionable given its location between two tall elements of the scheme. While improvement to the public realm within the square of St Catherine's Place is noted, it is considered that opportunities to improve the public realm at Mill Lane have also not been sufficiently explored.

In summary, the maximised footprint of the development is considered to have inhibited the design quality and the quantum of the public realm at the site frontages, which fail to meet the requirements and policy aspirations set out in DM27, DM28, the Urban Living SPD and the Bedminster Green Framework.

ii) Outdoor space and children's play

Policy DM27 sets out the requirement for "the provision of adequate appropriate and usable private or communal amenity space". The Urban Living SPD provides further guidance on this and recommends 1282sqm of private open space for the scheme as currently proposed. Approximately 1329sqm is proposed to be provided as a mix of private and communal open space.

While it is noted that the quantity of amenity space is met in accordance with the Urban Living SPD, the function and quality of this space is also an important consideration. The location of communal roof terraces on the 9th and 11th floor of Block A, without any indication of wind protection, would result in an unpleasant environment. Further communal space at the mezzanine of Block A is considered likely to be overshadowed by surrounding tall buildings and subject to wind tunnel effects. Balconies on the residential units are also considered likely to be affected by air and noise pollution from Malago Road. The quality and utility of this outdoor amenity space is therefore considered insufficient.

The Urban Living SPD sets out how children's play is expected to be integrated into residential development schemes, enabling and facilitating opportunities for play and informal recreation. According to the Child Yield Calculator, as least 27 children would live across the scheme, yet there are limited opportunities for play within it. Particular concern is

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raised over the lack of private or communal amenity space for residents of Blocks C, D and E, which is not compensated for by sufficient access to high quality public realm across the rest of the site.

In summary, it is considered that the design does not demonstrate how children and children's play has been accommodated as per the requirements of the Urban Living SPD, providing a suitably high-quality environment for residents of all ages.

iii) Internal configuration

Policy BCS21 of the Core Strategy seeks to ensure new development is of a quality design, including safeguarding the amenity of existing development and create a high quality environment for future occupiers.

It is considered that the utilisation of standard floor plate arrangements in the development design fails to provide an appropriate response to the site context and create a high-quality living environment. For example, the layout of Block A creates a high proportion of single aspect units with potential for obstructed light and outlook, particularly at lower levels. This is not in accordance with the high-quality design requirements of Policy BCS21, nor the expectations set out for higher density development in the Urban Living SPD and the Bedminster Green Framework.

iv) Height, scale and massing

Policies DM26 and DM27 set out the policy expectations for development to respond positively to local character and create healthy, safe and sustainable places through an appropriate response to the immediate context, site constraints and the character of adjoining street and spaces. The Urban Living SPD provides further guidance, particularly in areas undergoing significant change with an emerging context and the need to provide an appropriate transition to existing context and communities. The Bedminster Green Framework sets out principles for taller buildings, stating that well-designed tall elements can provide identity, character and landmark buildings. However, it emphasises the importance of composition of taller buildings, to 'step down' and transition toward lower adjoining areas.

Whilst recognising that the extant permission establishes the principle of a taller building on this site (at 16 storeys), the retention and conversion of St. Catherine's House provides a different context to that in which the previous scheme was consented. It is a constraint to the development and the location of a new 16 storey block (Block A) ca. 17m from the 8-storey St Catherine's House is considered likely to severely compromise the living environment of its occupants and affect the quality of the outdoor amenity space.

Furthermore, it does not provide a sufficient transition that acknowledges the contextual height of the converted St Catherine's House and existing development on Stafford Street.

The transition between the proposed development and its surroundings is considered of insufficient quality at other locations; namely between Block C and St Catherine's House, between Stafford Street and Mill Lane and between Block E and East Street (particularly notable as the edge of the Conservation Area). By virtue of the height and massing of the development, across the scheme, it is considered that it fails to appropriately respond to,

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and transition with, the surrounding lower height development, appearing overbearing in some locations and with potential harmful effects on existing and future occupiers in some cases (see Key Issue D for more detailed consideration on residential amenity).

Consequently, the development is not considered to meet the requirements of DM26, DM27, the Urban Living SPD or the Bedminster Green Framework.

v) 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." [48].

Section 16 of the National Planning Policy Framework (NPPF) 2019 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctiveness. It also 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.

Policy BCS22 states that development proposals will safeguard or enhance heritage assets and their character and setting. This includes conservation areas and historic buildings, including those locally listed.

Policy DM31 sets out that where a proposed development would impact the significance of a heritage asset (including those locally listed) the applicant will be required to justify the extent of proposed works and demonstrate how the features of the heritage asset and the local character of the area will be retained.

The northern part of the application site is located within the boundary of the designated Bedminster Conservation Area.

Historic England have raised no objection to the proposed development on heritage grounds. However, as detailed above, the CDG have raised concern over the impact of the height and scale of the buildings on the character area of East Street within the Conservation Area, where a 5-storey element at Block E exceeds the prevailing height of 2-3 storeys characterising the area, appearing incongruous. Whilst there may be some scope for increasing height at this location applying the principles of intensification (to 4 storeys), it is considered that there is not sufficient justification for such an increase in this case and the overall massing is out of character with the Conservation area.

vi) Trees

Policy DM17 of the Site Allocations and Development Management (2014) sets out that all new development should integrate important existing trees; that development resulting in the

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loss of ancient woodland, aged or veteran trees will not be permitted; and, that where tree loss or damage is essential for appropriate development, replacement trees should be provided of an appropriate species and in accordance with the tree replacement standard. Policy DM15 requires that provision of additional trees or improved management of existing trees is an expectation of the landscape treatment of new development. Policy BCS9 requires that an appropriate type and amount of new or enhanced green infrastructure in new development.

The applicant proposes to remove 7 trees as part of the development comprising:

- One Category A tree.
- Two Category B trees.
- Four Category C trees.

Three London Plane Category B trees along Dalby Avenue are proposed to be retained.

The applicant had previously proposed to provide 4 trees and 5 shrubs as mitigation. Since the November Committee Meeting, additional planting is proposed, specifically:

- Four London Plane trees are proposed along Dalby Avenue.
- One Oak tree is proposed in the central courtyard.
- Four Hornbeam trees are proposed along Dalby Avenue to the front of Block C (where one Category A and two Category B trees are to be removed).

As per the Bristol Tree Replacement Standard, the removal of these trees would require 30 replacement trees or a pro-rata financial contribution of $30 \times 765.21 = \text{£}22,956.30$ to mitigate their loss. In updated Draft Heads of Terms provided by the Applicant they have identified a financial contribution of $\text{£}22,956.30$ for the implementation of 30 replacement trees in accordance with Policy DM17.

The three trees to be lost have been identified by the BCC Tree Officer as providing a contribution to the visual amenity of the Bedminster Conservation Area. The Category A tree and the two Category B trees along Dalby Avenue provide one of the only significant sections of mature green infrastructure locally, contributing to the character and appearance to the area. Furthermore, the Tree Officer considers that there is insufficient evidence in the application to support the removal of these trees over their retention.

Whilst there has been an improvement to the overall mitigation proposed on the site, the proposed development is considered to fail to meet the requirements for trees and green infrastructure in new development as per policies DM17, DM15 and BCS9, and does not sufficiently mitigate the loss of Category A and B trees, resulting in adverse impacts to the character and visual amenity of the area.

Summary

The application site is considered suited to a higher density development than its existing use, given its sustainable location and position within the Bedminster Green regeneration area. The principle for taller buildings on the site has also been established by the extant permission.

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However, it is considered that the proposals of the current application have sought to 'maximise' rather than 'optimise' density and as a result, do not achieve the goals of successful placemaking, high quality design and liveability which are set out in the Local Plan Policies BCS21, DM26, DM27, DM28 and DM29, the Urban Living SPD and Bedminster Green Framework.

The proposed development, by nature of its height, scale and massing would be incongruous in relation to the character of the Conservation Area and would fail to safeguard or enhance the Conservation Area. This would be contrary to Policies BCS22 and DM31.

The proposed development would fail to sufficiently mitigate the loss of trees as required by Policies DM17 and result in an adverse impact on the character of the area.

D. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY?

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers. Policy DM29 sets out that new buildings will be designed to ensure that the existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

BRE Report 209, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" outlines the approach for three tests to assess whether adequate levels of daylight can be achieved as a result of a development proposal, based upon Vertical Sky Component (VSC), Average Daylight Factor (ADF) and No Sky Line (NSL).

VSC is a measure of the amount of diffuse daylight reaching a window. In respect of VSC, the BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.

ADF is a measure of the amount of daylight in the affected room. The BRE guide recommends an ADF of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. There are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

The BRE guide explains that the daylight distribution, assessed by plotting the position of the existing and proposed 'No Sky Line' (the point within the affected room where the sky can no longer be viewed) of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

In respect of sunlight, an assessment should take account of the Annual Probable Sunlight Hours (APSH). APSH is amount of sunlight the affected window can receive with and without the new development. The BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 0.8 times its former sunlight hours during either period (summer or winter).

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A Daylight and Sunlight Assessment has been undertaken by Avison Young (October 2019). The results of which, set out within Appendix III of that Report are relied upon within this section of the Committee Report.

i) Daylight for neighbours

The results of the VSC, ADF and NSL assessments are included within Pages 71-81 of the Avison Young Report. A total of 345 windows were considered in the adjoining area, including approximately 139 windows at St. Catherine's House.

When applying the BRE Guidance to the results, a total of 189 of the 345 windows assessed pass the test whereby VSC is either greater than 27% or the reduction in daylight is less than 20% of existing. This demonstrates that 156 of the windows within the assessment would be adversely affected. When solely considering the results for St. Catherine's House, a total 88 out of 139 of windows were considered to be adversely affected.

It is noted within the Avison Young Report that the BRE Guidance is 'advisory', and whilst frequently relied upon by Bristol City Council, it is the conclusion of Officers that a degree of flexibility should be applied when considered the impacts of development on daylight. As such, the results of the assessment were also tested against a less stringent approach, whereby a 'significant adverse effect' would result from those windows which suffered a reduction in daylight (VSC) of more than 40%.

Under this test, a total 103 of the 345 windows within the study area and 77 of 139 of the windows at St. Catherine's House were considered to be significantly adversely affected.

The Avison Young Report references the assessment approach undertaken at Malago Road (19/00267/F), however it should be noted in the context of that application much fewer properties were affected and the rooms affected were either kitchens or bedrooms for which the BRE guidelines acknowledge daylight for these rooms is less important. The Report sets out that acceptable VSC values were 11-14% at ground floor, 16-17% at first floor and 18-20% at second floor.

When applying the thresholds above, assuming that 18-20% VSC is acceptable at second floor and above, a total of 79 windows of the 345 windows within the assessment would still fail the tests.

The results for ADF and NSL were also reviewed and assessed. When applying the minimum ADF of 1%, which is usually considered only acceptable for bedrooms, a total of 50 rooms in the study area failed to achieve this minimum standard.

The NSL assessment indicates that 83 rooms would fail to meet BRE Guidance and result in a reduction of the area of the working plane which receives direct skylight of less than 0.8 times its former value.

It is considered that the proposed development would result in unacceptable overshadowing to existing dwellings by obscuring daylight to a high proportion of windows when applying both the BRE Guidance and principles previously applied to other developments within Bristol.

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ii) Sunlight for neighbours

The results of the APSH assessment are included on pages 82-87 of the Avison Young Report. The APSH assessment demonstrates that a total 129 rooms windows assessed would fail to meet BRE Guidance in either summer, winter or both.

In the interests of applying flexibility to the approach and the guidance, the threshold was increased to 100% of room area. This threshold means that as a result of the development affected rooms would be completely void of sunlight, where there previously had been at least some sunlight in either summer or winter.

A total of 56 rooms would have 100% of the floor area void of sunlight in either winter, summer or both. 54 of the rooms in St. Catherine’s House would not receive any sunlight as a result of the proposal, with all of these rooms currently achieving APSH coverage of between 20% and 40% (without the proposed development).

It is considered that the proposed development would result in unacceptable harm to residential amenity by blocking sunlight to a high proportion of habitable rooms of neighbouring properties.

iii) Overlooking

Although specifically produced to guide householder alterations and extensions, Supplementary Planning Document 2 includes useful guidance on overlooking for new development. It states that where habitable rooms face each other, as a ‘rule of thumb’, a gap of 21 metres should generally be provided.

‘Site Plan Proposed Rev P03’ demonstrates that Block A would be located between 13 and 17 metres from the existing St. Catherine’s House. Whilst less than ideal, a distance of ca. 17 metres could be considered acceptable given the urban nature of the surrounding area.

The proposed distance between flats in the southernmost part of St. Catherine’s House and Block A would be unacceptable and likely result in overlooking between existing neighbours and future occupiers.

iv) Amenity for future occupiers

The Urban Living Assessment indicates that each of the proposed dwellings would meet the nationally described space standards in terms of total floorspace, bedroom sizes and built-in storage.

The results of VSC, ADF, NSL and APSH assessments for the proposed development are included on pages 88 to 101 of the Avison Young Report.

Within Block A, 136 windows were assessed as failing to meet the BRE Guidance of providing 27% VSC, and a total of 24 windows would not achieve a ADF of 2% or 1% dependent on use. This would mean approximately half of the 264 windows proposed within Block A would fail to meet the guidance.

Development Control Committee A – 22 January 2020

**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG**

21 windows out of a total of 37 windows within Block B were assessed as failing to meet BRE Guidance in terms of VSC but most of the windows would achieve an acceptable ADF.

With the exception of Floor 1, Block C and Block E would be largely compliant with the BRE Guidance.

Block D would be less than ideal in terms of daylight, with 6 of the 9 windows assessed to fail to meet the BRE Guidance on VSC. 3 of these windows would also fail the BRE Guidance on ADF.

Overall, it is considered that the proposed development would fail to create a high-quality living environment for future occupiers as required by Policy BCS21.

Summary

The proposed development would result in an unacceptable impact upon residential amenity in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

OBLIGATIONS

The applicant has proposed the following draft Heads of Terms for a Section 106 Agreement (if planning permission were to be granted):

- Delivery of the Residential Travel Plan (by BCC)
- Highways Mitigation Package:
 - Transfer of Land for Strategic Highways Improvements (for a northbound bus lane along Dalby Avenue)
 - Contribution to the Windmill Hill Residents Parking Scheme
 - Contribution to a car club scheme
- Contribution to Replacement Trees
- Viability Review

The items identified by the applicant are related to the development in terms of scale and kind, however, more work would be required to agree the scope of the draft Heads of Terms.

CONCLUSION

In terms of adopted policy, whilst the principle of development is supported, it is considered that the scheme is not acceptable in design terms and would result in unacceptable impact on the amenity of existing residents. This application has been considered and assessed by Officers against the Development Plan, taking into account material considerations. For this reason, the application is recommended to Members for refusal.

COMMUNITY INFRASTRUCTURE LEVY

This development is liable for CIL totalling £1,418,821.88.

RECOMMENDED REFUSE

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

Development Control Committee A – 22 January 2020

**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG**

Reason(s)

1. The proposed development by reason of its height, scale, massing, inadequate public realm and overall design quality, would be unacceptable in design terms and impact on existing residential amenity. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019).

Supporting Documents

2. St Catherine's Place Shopping Centre, East Street, Bedminster.

1. Transport Development Management detailed comments – 10.01.2020
2. Committee Report to Development Control Committee A - 20.11.2019
3. Amendment Sheet to Development Control Committee A – 20.11.2019



Strategic City Transport

Transport Development Management

Application Response

To: David Grattan, Development Management Team
From: Luke Phillips, Transport Development Management
Ext: 76271
Date: 9th January 2020
Address: St Catherine's Place Shopping Centre East Street Bedminster Bristol
Application No: 18/05310/F
Proposal: Full planning application for comprehensive redevelopment of the site to provide mixed use development comprising residential (Class C3), new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works.

Recommendation: Approve subject to conditions and section 106 agreement

1.0 Background

1.1 This application was deferred by committee on 20th November. Of the reasons for its deferral a number of transport and highway concerns were raised by TDM as part of a recommendation of refusal. TDM confirmed to members at that committee that it could not provide a positive recommendation in the absence of the following:

- i) **A completed Strategic Transport Assessment (parts 01 and 02) covering the entirety of the Bedminster Green developments.**
- ii) **A completed highways General Arrangement drawing showing improvements to the A38 Malago Road & Dalby Avenue between Sheene Road and East Street**
- iii) **A completed technical appraisal and submission of General Arrangement drawings for Hereford Street and Whitehouse Lane**
- iv) **The completion of an overspill parking assessment to inform future restrictive parking measures in the area of Windmill Hill**
- v) **Following the assessment of i), TDM to confirm the required package of s106 contributions towards parking mitigation, travel planning and sustainable travel.**
- vi) **Revisions to Cycle Parking and Disabled Parking to meet policy requirements**
- vii) **Resolution of matters concerning the future servicing requirements of the development, in association with the future improvements to Leicester Street and Mill Lane**
- viii) **Clarity, and therefore certainty on the extent, responsibility and mechanism for the removal of the subway and the stopping-up of other adopted highway land.**

2.0 Strategic Transport Assessment (STA)

- 2.1 A draft version of the completed Stage 02 STA has now been received from Stantec (formerly PBA). Members may recall that whilst TDM was in receipt of a Stage 01 STA, this was a largely preliminary document and was provided to: a) review current policy and programmes, b) audit existing infrastructure, and c) forecast the trip generation of the development. As such this did not constitute a complete assessment and previously advised TDM was unable to provide a positive recommendation on any of the Bedminster Green developments on the basis of the above information alone.
- 2.2 As with all Transport Assessments and in line with National Planning Policy Guidance and the Bedminster Green Framework, TDM expects the above findings to be discussed with Highway officers and a transport infrastructure, mitigation and active travel package to be established that effectively minimises the negative impacts of the development whilst promoting and encouraging active and sustainable travel.
- 2.3 The Stage 02 STA has therefore been developed over the past few months between Stantec, the BG consortium and BCC officers and provides details of the necessary transport infrastructure package to support development in this area. This includes the requested Public Transport, walking and cycling strategies, an options appraisal for improvements to Whitehouse Lane, an assessment of likely uncontrolled parking overspill and an Outline Travel Plan.
- 2.4 Officers have had time to review the above document and will be responding to the BG Consortium in due course on any necessary amendments. However, at this moment in time, the content of the document largely fulfils the requirements set out by TDM at the 20th November committee.
- 2.5 TDM has stressed to the consortium the necessity of this document being made available for public review and scrutiny, as is normally the case for Transport Assessments. It is TDM's intention that the findings and proposals for infrastructure will be shared with local stakeholders as part of any future public engagement exercise, as the findings within the STA are essential to the development of local improvements, particularly in the case of Whitehouse Lane and the impacts of any changes upon the area of Windmill Hill.

3.0 A38 Malago Road / Dalby Avenue Movement Corridor

- 3.1 Highway officers have been in liaison with Stantec and the BG Consortium over much of 2019 in order to reach an agreed General Arrangement for the A38 in this area. This has been an essential milestone to reach, as it protects BCC's ability to carry out positive change that fulfils our objectives to reduce bus journey times alongside permeable, safe and direct facilities for pedestrians and cyclists that reflect and compliment new development in this area whilst enhancing existing desire lines. These discussions have also involved Planning DM and colleagues in City Design Group.
- 3.2 Secondly, it confirms the widths and extents to which new build development must not encroach in order to meet the above needs, whilst providing developers with the necessary comfort that they are able to proceed in such a way as not to preclude or inhibit the above interventions.

- 3.3 A further consideration relates to trees / vegetation and the need to retain green infrastructure as required by the Framework. This has led to some compromise, including the loss of a section of southbound bus lane (north of Hereford Street) and will require further detailed adjustments to protect existing trees opposite St Catherine's Place and along Dalby Avenue.
- 3.4 A summary of the key changes to the A38 in this area is provided below:
- i) Continuous northbound bus lane along Malago Road / Dalby Avenue**
 - ii) Provision of a northbound bus layby and shelter to accommodate two buses**
 - iii) Shortening of southbound bus lane to accommodate above and protect trees**
 - iv) Retention / upgrade of pedestrian crossing adjacent to St Catherine's Place**
 - v) Provision of new pedestrian / cycle crossing of A38 between Providence Place and Stafford Street**
 - vi) Provision of new pedestrian crossing of A38 north of Hereford Street**
 - vii) Removal of existing pedestrian crossing between Stafford Street and Hereford Street**
 - viii) Provision of minimum 3m wide footways along both sides of A38**
 - ix) Removal of existing pedestrian subway and associated steps and ramp structures**

Delivery of Works and further consultation

- 3.5 The works identified in **ix)** above will be delivered by the developer and will need the full involvement and oversight of BCC's Bridges and Structures team to ensure these works do not compromise the structural integrity of the A38. This because the subway and its accesses are required to be stopped up (under section 247) in order to accommodate development. This is considered later.
- 3.6 The remainder of the above highway works, including the Hereford Street and Whitehouse Lane enhancements (below) and the Malago restoration project (referred to later) are intended to be delivered by BCC as a single project as it would not make sense to split the works into segments for each developer to deliver their section at a different time.
- 3.7 In relation to funding, each of the Bedminster Green developments will be liable for a significant Community Infrastructure Levy (CIL) payment, and BCC's Cabinet has approved (in March 2019) the release of up to £6m of CIL funding to be put towards these works.
- 3.8 The A38 and Whitehouse Lane / Hereford highway works will be subject to the normal BCC engagement and formal consultation processes and procedures which will provide local stakeholders, public transport providers and emergency services with the necessary detail, forum for responses and discussions at the appropriate time.

4.0 Hereford Street and Whitehouse Lane

- 4.1 As with the A38, the above route bisects the Bedminster Green development and in its current state is unfit to accommodate major development and in particular the needs of new residents. Therefore, to leave this route in its current state is not acceptable to TDM and is unlikely to be acceptable to the local community.
- 4.2 Whilst the A38 scheme is based upon the need for development to comply with specific set criteria including public transport requirements, carriageway / pavement widths and desire lines, any future scheme of improvements for Whitehouse Lane and Hereford Street requires further discussion as it could comprise a number of options. Likewise, the impacts of the wider BG development (and any interventions that are provided to address these) need to be fully understood in the area of Windmill Hill in view of the current use of residential streets by through traffic which could be worsened as a result of the development.
- 4.3 TDM has therefore advised the BG consortium that the future treatment of this link can only be confirmed through first undertaking initial consultation and engagement with local stakeholders. Furthermore, as development proposals adjacent to this link are in the process of being developed, it is not possible to be fully prescriptive on what form the highway works in this location should take.
- 4.4 Whilst the above work will need to progress in the coming months, the outcome of these discussions and eventual Whitehouse Lane / Hereford Street scheme does not impact upon the built extents of the St Catherine's Place, Little Paradise or the A38 schemes, with the exception of the Hereford Street / Malago Road junction arrangement.
- 4.5 The above matter stresses the importance of the STA 01 and 02 being publicly available in order to inform consultation, given that it provides a technical analysis and appraisal of three different potential outcomes, as summarised below.
- i) Complete closure of Whitehouse Lane to vehicular traffic between Windmill Hill and Clarke Street**
 - ii) One-way northbound order between Windmill Hill and Philip Street, incorporating a segregated two-way cycle route, along with junction improvements at the Windmill Hill / Hereford Street / Whitehouse Lane junction. Prevention of right turn into Malago Road from Hereford Street**
 - iii) One-way southbound order between Philip Street and Windmill Hill, incorporating a segregated two-way cycle route, along with junction improvements at the Windmill Hill / Hereford Street / Whitehouse Lane junction. Prevention of all right-turn movements at Malago Road / Hereford Street junction.**
 - iv) Associated traffic management measures in the Windmill Hill area.**

- 4.6 As is evident from options ii) and iii) above, an element of the A38 scheme (the Hereford Street / Malago Road junction) is predicated on the outcome of the Whitehouse Lane consultation. To take account of this, TDM is in receipt of two options for the A38 corridor which provide different junction proposals and which it is intended will be shared with local stakeholders in the coming months.
- 4.7 In terms of the Windmill Hill area, there will be a need to address through physical measures any consequent impacts of the works to Whitehouse Lane / Hereford Street. Therefore, TDM requires a financial contribution through s106 towards the development and delivery of traffic management measures in this area in addition to, but to be delivered at the same time as restrictive parking mitigation.
- 4.8 Given that engagement discussions are yet to be undertaken, a schedule of works cannot be confirmed and therefore such measures could take a number of forms, including road closures, traffic calming, narrowing, no-entries and one-way orders. TDM and colleagues will work with local stakeholders and landowners in order to better define these measures in due course, but it is considered reasonable to demand that developers provide contribution towards this mitigation.

5.0 Overspill Parking

- 5.1 The requirement to address overspill on-street parking generated by the Bedminster Green developments through the implementation of restrictive measures has been successfully made by TDM and agreed by the BG consortium. Within STA 02 an area has been identified that extends south of the development to St John's Lane (and in some cases beyond) based on walking times from the development. A section 106 contribution is therefore required from each of the developments to allow BCC to devise, consult, design and implement a scheme of measures that will effectively prevent new residents of Bedminster Green from parking in the surrounding area and generating negative transport impacts, thus worsening conditions for existing residents. Such measures will need to be implemented prior to first occupation of the development.
- 5.2 Further to this, it may also be necessary to review the existing daytime Bedminster RPS with a view to extending its hours of operation, to take account of increased evening residential parking demands. It is only through implementing this type of mitigation that TDM can support such low parking numbers and with it 'lock-in' a low car reliance in line with policy. However, it is acknowledged that these measures will require the necessary political support in order to take forward.

6.0 Package of Financial Contributions (CIL / s106)

- 6.1 To support this level of development in the area, it has been necessary for officers to obtain agreement from Cabinet to release specific CIL funds to draw up, consult on and implement the A38 Malago Road / Dalby Avenue scheme alongside further interventions along Hereford Street and Whitehouse Lane, including the Malago river restoration project. As referred to earlier, a sum of **£6m** has been identified and constitutes the developers' contribution to strategic infrastructure that will be implemented by BCC to support growth in this area.

- 6.2 On a localised scale, it is however necessary for development to address other matters that are not confined to the A38 and Whitehouse Lane, whilst ensuring that new residents benefit from high quality infrastructure that will further encourage the use of sustainable transport, and where the car is the only option, the sharing of vehicles to further reduce car reliance and usage.
- 6.3 The applicant's planning consultant has attempted to pre-empt the scale of s106 contributions by submitting a Heads of Terms in advance of the submission of STA 02. TDM responded prior to Christmas that this could not be agreed in advance of the STA 02 for obvious reasons as it would contradict one of the main reasons the STA was required.
- 6.4 TDM has now had time to identify a package of section 106 contributions that have been calculated on the basis of the number of people proposed to be resident in each development. This is considered the fairest and most equitable methodology on a predominantly residential development on the basis that the wider Bedminster Green development is not limited to apartments, but also student accommodation which is typified by cluster flats.
- 6.5 Once the wider needs / impacts of the development have been established, it is then possible to calculate the s106 requirement on the above basis. The schedule of section 106 requirements (and costings) is presented below and amounts to just over **£1.5m** of section 106 contributions across the wider Bedminster Green development, based on a new population of just over 3,000.
- 6.6 TDM has informed the BG consortium that to fulfil their aspirations to encourage and lock-down viable sustainable travel choices for the 3,000 or so new residents that will occupy Bedminster Green, the following section 106 funding will be required across the totality of Bedminster Green as follows:

i) Restrictive Parking Measures - £700,000 – justification provided above

This sum is established through an estimation of costs associated with the rollout of the 15 Residents Parking Schemes (RPS) implemented in Bristol between 2014 and 2016.

ii) Electric Vehicle (EV) Car Club Provision – 6 vehicles at £40k = £240,000

For a development of up to 3,000 residents, TDM are advised that the provision of 6 Car Club vehicles will be necessary. Taking into account the key issue that parking provision on each of the developments falls significantly below the Local Plan maximum standard. Evidence and research confirms that the benefit of car clubs in preventing the purchase of additional vehicles and this requirement, together with the need for EV is soon to be embedded in both regional (West of England) and Local Plan Policy. The above cost comprises around £25,000 towards the purchase of an electric vehicle with a further £15,000 associated with charging infrastructure, marketing, membership discounts and management of each vehicle.

iii) Travel Plan - £118 per residential unit / student cluster flat

TDM requires that each developer contributes to a site-wide Travel Plan that BCC would produce and manage on the developer's behalf.

The benefits of undertaking this holistically are obvious, in that management and promotion of the Travel Plan, alongside incentives and discounts can be much better realised and in offered in much greater numbers where each developer has signed up to a single Travel Plan.

The above contribution is normally £139 per residential dwelling. However, BCC recognises that in addition to the above economies of scale, a discount can be applied where the quantum of overall development is considerable, offering further value to each developer. The alternative to this would be each developer carrying out its own travel plan, which would result in separate and differing travel plans and the need to discharge planning conditions and meet obligations five separate times. TDM do not think this is a sensible use of resources for developers or for BCC.

TDM will require that any commercial / employment uses also sign up to this framework if possible, but this may result in monitoring fees in the event that BCC are unable to undertake these travel plans.

iv) Traffic Regulation Orders (TROs) - £5,724 for each order

The wider A38 and Whitehouse Lane / Hereford Street schemes will require numerous TROs and this is covered under the CIL payments referenced above. However, each individual development will have its own specific requirements to protect delivery bays, avoid pavement parking and keep accesses and entrances clear.

The St Catherine's Place development is particularly sensitive in that until the wider A38 scheme is delivered, TDM are concerned about the likelihood of delivery / vehicles mounting the footway or stopping in the road along the A38 to service the site, given the reduction in the size of loading facilities allowed for from Dalby Avenue. The current TRO only restricts deliveries during the peak periods and this will need to be amended to 24 hours in view of the loss of delivery spaces, coupled with the influx of hundreds of new residents. A further TRO will be required to the rear of the site around Mill Lane in a similar vein. Two localised TROs are therefore required in this instance at a cost of £11,448.

Please note this does not include any Temporary TROs necessary to support the construction of a development.

v) Windmill Hill Traffic Management measures - £100,000

The above sum is provided on the basis of a likely cost of implementing traffic management measures across a given area and is expected to accompany any restrictive parking measures. TDM at this stage must ensure that impacts of the development (and its mitigation) are comprehensive in nature so as to prevent negative impacts on the area of Windmill Hill that will be most affected by development.

vi) Dean Lane Cycle Route between Warden Road and Gaol Ferry Bridge - £315,000

This route currently suffers from very little and / or poor provision for cyclists and is identified within the STA as a key active travel link between Bedminster Green and the north and west of the development, in particular Coronation Road, Cumberland Road, Wapping Wharf, Harbourside, and parts of the City Centre that are not served by the Whitehouse Lane cycle route.

In terms of policy compliance, this route (as well as Whitehouse Lane) therefore requires to be improved in the interests of encouraging and maximising cycling amongst the 3,000 new residents that Bedminster Green is likely to generate. Along the route are two sites of accident concentration – the Dean Lane / Catherine Mead Street junction and also the junction of Dean Lane / Coronation Road. A schedule of costs to deliver improvements here has been identified and TDM is happy to share this with the BG developments, given the wider masterplan’s likely demands here.

6.7 The above contributions have been proportioned as described above to account for the 667 residents that are proposed to occupy the application site, with the total required contributions confirmed in the table below.

Measure	unit cost	no.	Total Cost	£ per person / unit	apartments	persons
					205	667
Restrictive Parking	£700,000	1	£700,000	£219	£145,952	
EV Electric Vehicle Car Club	£40,000	6	£240,000	£75	£50,041	
Travel Plan (delivery by BCC)	£118	1,039	£122,602	£118	£24,190	
TRO	£5,724	5	£28,620	n/a	£11,448	
Windmill Hill Traffic Management	£100,000	1	£100,000	£31	£20,850	
Dean Lane cycle route	£315,000	1	£315,000	£98	£65,678	
			£1,506,222		£318,159	

7.0 Cycle and Disabled Parking

- 7.1 TDM welcomes the amendments to provide policy compliant cycle parking. Previously a total of 347 cycles spaces were provided whereas the minimum number required by policy is 382 across the whole of the development. This figure is inclusive of all residential, commercial and visitor spaces.
- 7.2 The applicant has now amended their plans to provide a total of 395 cycle parking spaces, 343 for the residential element and a further 52 cycle parking spaces for the commercial and visitor elements. TDM are content with the design and layout of the cycle parking.
- 7.3 The applicant has also amended their plans in order to provide policy compliant disabled parking. When applying BCC minimum parking standards a total of 12 disabled parking spaces are required and these have subsequently provided. The spaces are clearly indicated and have the required 1.2m rear and side hatching.

8.0 Servicing, Refuse Collection, Leicester Street and Mill Lane

- 8.1 The applicant has submitted a framework servicing strategy which makes numerous assumptions about what vehicles will be permitted on site. Unfortunately this servicing strategy is unacceptable and does not outline appropriate servicing provision for this development or the St Catherine's House development. TDM have concerns that any condition relating to vehicles servicing the site would not be enforceable, resulting in large vehicles causing obstruction of the bus lane leading to bus unreliability and danger to pedestrians, given the propensity for delivery vehicles to mount the footway. To the rear of the site (off Stafford Street / Leicester Street), a larger area is available and which TDM consider to be more appropriate for the commercial uses, subject to either a weight restriction or other order prevented articulated vehicles from accessing here.
- 8.2 Whilst TDM supports the principle of residential frontage to Dalby Avenue, the service area that remains has been demonstrated by the applicant to only allow for one vehicle at a time which may be acceptable for the new residential units, but is not acceptable to also accommodate the remaining retail units (of varying sizes) and St Catherine's House, given the likelihood of more than one vehicle attempting to access the site at the same time. At best, this will result in reversing to and from the highway, at worst, service vehicles mounting the footway, causing damage, obstruction and safety issues. Both outcomes are unacceptable along a route such as the A38 for obvious reasons.
- 8.3 To accommodate even a refuse vehicle will however necessitate the removal of a parking space for this to work, given the swept path analysis provided to date confirms that the refuse vehicle's wing mirrors will be scraping a wall. This will need to be changed as part of a condition that also requires the changes as below.
- 8.4 TDM must therefore insist that servicing of the commercial units on the northern side of the development takes place from within the development with vehicles reversing from East Street into St Catherine's Place. This would ensure a realistic servicing arrangement can be provided catering for business needs whilst avoiding the issues raised previously. This has been replicated in other areas of the city, namely Broadmead on a time-limited basis (ie. outside of daytime hours). The remaining commercial units, Block A and St Catherine's House can be serviced from Mill Lane although the size of vehicles must be limited and to date the applicant has not put forward a convincing and robust strategy for addressing this. Access from Mill Lane is covered further below:

S278 Highway Works – Mill Lane & Leicester Street

- 8.5 The area to the rear of the site around Leicester Street and Mill Lane, between Stafford Street and East Street will be subject to increased vehicular usage and footfall as a result of this development. Currently, the pedestrian environment is very poor and characterised by concrete haulingways, damaged kerbs and narrow footway widths which will fail to sufficiently address the transition of this site to a predominantly residential use. Whilst there is a need to retain service access from this location, an upgrade to the environment is essential in order to meet policy requirements.
- 8.6 TDM requires highway works to be undertaken on the highway along Leicester Street and Mill Lane to the east of the Leicester Street/ Stafford Street junction given the increase in

pedestrian movement in this area and the requirement for servicing at this location. In relation to these works, the extent to which this applicant delivers / designs such works has not been fully discussed with the neighbouring developer and TDM in sufficient detail, where this development is particularly reliant upon Mill Lane and Leicester Street for access. These works would need to consist of the following:

- Footways of at least 2m width must be provided
- The resurfacing of footways and carriageway is required and any concrete must be removed with an approved highway construction being installed
- Pennant kerblines will need to be installed to full kerb height
- A lighting design will be required and the lighting in this area will need to be upgraded
- Any other associated works

9.0 A38 Malago Road frontage, stopping up and

- 9.1 An accurate plan of the extent of stopping up, based on the Stantec A38 drawing is still awaited. A stopping up plan has been provided but it does not include the subway and this will need to be included. A composite plan is still required that demonstrates the finalised A38 highway corridor plans overlaid with the St Catherine's Place frontage plans. This composite plan must also demonstrate the highway extent, highway to be stopped up and land to be dedicated as highway. The drawing submitted to date is based on architects' plans and an OS base so does not provide the comfort necessary for TDM to agree that the drawing is acceptable. The Stantec drawing meanwhile is based on topographical surveys.
- 9.2 Addressing this matter will enable TDM to assess the impact the development would have on the A38 scheme and allow TDM to ascertain the actual widths of footway to be provided, whilst providing credible information upon which the DfT can progress a stopping up under s247 of the T&CP Act.
- 9.3 It is also unclear if any element of the building will be overhanging the highway given no highway extent plan has been provided and this needs to be addressed to inform further conditions.

CONDITIONS TO FOLLOW

Development Control Committee A – 20 November 2019**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG**

EXECUTIVE SUMMARY

Background

The St. Catherine's Place site forms one of five key sites identified within the Bedminster Green Framework. In response to a request from the Council for a holistic overview for the Bedminster Green area, the developers (including the developer for this application) produced a Framework, which was reported to and noted by Cabinet in March 2019. The Framework refers to this site as 'Plot 2: St. Catherine's Place'.

The Framework is a high-level document that sets broad principles and parameters to help shape and integrate individual site-based development proposals, as they come forward through the planning and design process to create a high quality new urban quarter. In terms of planning decisions, the Bedminster Green Framework is a material planning consideration in relation to determination of planning applications for each site in the Bedminster Green area.

The application site

The southern part of the application site is subject to an extant planning permission (application reference 13/05616/P) which was granted in 2017 for the demolition of existing buildings onsite and the development of a mixed-use scheme including 188no. residential units and 600sqm commercial floorspace.

The site as existing is in mixed-use comprising of commercial floorspace with residential maisonettes above. In 2017, two applications were approved (reference: 17/03849/COU and 17/05699/F) for the conversion of the former office block on the site to form 40 new dwellings and the extension of this building upwards by two storeys to provide a further 14no. residential dwellings.

The application

This application submitted by Firmstone Consortia One Limited is for:

"Comprehensive redevelopment of the site to provide mixed use development comprising 205 residential dwellings (Class C3), 1288sqm of new retail, leisure and commercial space including a cinema (Class A1, A3, D2), refurbishment of existing retail facilities together with parking and amenity space, vehicular access, servicing arrangements, public realm, landscaping and associated works."

The 205 residential dwellings are proposed within five no. development Blocks A to E, which range from 3-16 storeys in height. The existing commercial units within St. Catherine's Place are proposed to be refurbished, with new commercial units proposed within the ground floors of Block A and Block B. The existing maisonettes would be retained and do not form part of the application.

Response to consultation from the public and interest groups/organisations

Pre-application consultation with the local community was carried out by the applicant in July 2017, September 2017 and March 2018.

This planning application has been subject to two rounds of 21-day consultation with the public, interest groups, organisations, external consultees and internal consultees.

Development Control Committee A – 20 November 2019
Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG

In response to the application as submitted in October 2018, a total of 341 public comments were received. 221 of these were in objection, whilst a total of 104 responses were in support of the scheme.

Following the submission of a revised scheme in September 2019, a further round of consultation was undertaken and a total of 112 responses have been received to date. 85 of which were in objection to the scheme with a further 25 submitted in support of the scheme.

Objections to the scheme raised: concerns about the scale and massing of the development; concerns about the impact upon residential amenity through overshadowing, overlooking and overbearing; concerns about overdevelopment; objection to the lack of affordable housing; concerns about traffic impacts and parking; and concerns about health and safety of residents living in high-rise.

Comments in support of the scheme included: support for development of a cinema; the need for regeneration in the area and benefits to local community and businesses on East Street.

The scheme has been referred to Development Control Committee by the Local Ward Councillor and objections have been received from the BS3 Planning Group, the Windmill Hill and Malago Community Planning Group and the Bristol Civic Society. The Bedminster Improvement District (BID) has issued a response in support of the scheme.

Response to consultation from external / internal consultees

In terms of external consultees, the Environment Agency (EA) has objected to the application, however final comments are to be provided by way of the Amendment Sheet. The original comments raised objections to the scheme on the basis that the application fails to demonstrate that the development can be made safe from flood risk for its lifetime taking into account the impacts of climate change and that insufficient consideration has been given to addressing contamination in respect of risks to controlled waters.

In respect of internal consultees, objections have been received from City Design Group (CDG), Transport Development Management (TDM), the Tree Officer and the Flood Risk Team.

CDG comments on the revised scheme have raised a number of fundamental concerns relating to: the overdevelopment of the site; height, scale and massing; residential amenity; the quality of outdoor space; and the public realm. The current proposals are considered to have 'maximised' rather than 'optimised' densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; representing an over-intense development of the site.

An objection has been raised by Transport Development Management (TDM) in relation to the conclusion of the Strategic Transport Assessment (STA), the location of the northbound bus stop and the completion of a General Arrangement Plan. Concerns were also raised about the lack of sufficient frontage and how this ties into the A38 highway scheme, the lack of a sufficient servicing strategy and insufficient measures in regard to disabled car parking and cycle parking.

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Concerns have been raised by the Flood Risk Team with regards to insufficient information being submitted in relation to drainage. A preferred SuDS solution needs to be provided demonstrating reduced run off rates.

The Tree Officer has objected to the proposed development on the basis that the proposed development seeks to remove 7 trees, 3 of which are category A & B trees. No mitigation is proposed for the loss of these significant trees that contribute to the wider amenity of the area.

Responses have been provided by internal consultees covering: Nature Conservation; Contaminated Land; Environmental Health; Economic Development; Archaeology; Sustainable Cities; and Air Quality. All consultees have reviewed the technical information provided and raise no objection subject to conditions requested.

Key Issues

The Committee Report is structured into seven Key Issues (A – G):

Key Issue A) Principle: The principle of residential and commercial use on the site has been established through the extant consent granted in 2017 (application reference: 13/05616/P).

The proposal to provide 205no. dwellings is considered to be acceptable in land use terms and would contribute positively to the stock of housing in Bristol in accordance with policies BCS5. The principle of enhancing the existing retail offer and providing new retail, leisure and food and drink uses within a defined town centre, is wholly supported by and in accordance with policies BCS7, DM7 and DM8.

Key Issue B) Affordable Housing: The recommendation in respect of Affordable Housing provision is that the application be refused, as the proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

Key Issue C) Design: This details the concerns of CDG relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. The scheme is not supported in design terms.

Key Issue D) Amenity: Details how the applications proposals would result in an unacceptable impact upon the amenity of existing and future residents in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

Key Issue E) Transport and Highways: On the basis of the information provided to date, TDM object to the application. This provides details of the TDM points of objection: compliance / fit with the A38 corridor works has not been demonstrated; failure to agree a package of s106 contributions; insufficient disabled car parking provision and cycle parking provision; failure to confirm / demonstrate servicing requirements; and submitted Travel Plan unacceptable

Key Issue F) Contamination, Flood Risk, Drainage and Air Quality: Detailing the effect of the proposal on contaminated land and air quality, as well as the objection on controlled waters / flood risk grounds by the EA and the objection on sustainable drainage systems by the Flood Risk Team.

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Key Issue G) Sustainable Design: Sets out the sustainability and energy strategy for the application proposals.

Recommendation

The applicant has requested that a decision be made on the revised details submitted in September 2019 (and further details submitted in October 2019).

The application is recommended to Members for Refusal for the following reasons:

1. The proposed development fails to provide a sufficient level of affordable housing.
2. The proposed development would be unacceptable in design terms and impact on existing residential amenity.
3. The proposed development would be unacceptable in terms of transport and highways as the compliance with the A38 corridor works has not been demonstrated and the absence of an agreed package of s106 contributions.

As noted, further responses are awaited and the above will be reviewed with an update provided to Members by way of the Amendment Sheet.

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SITE DESCRIPTION

The application site is known as 'the 'St Catherine's Place' site in Bedminster (Plot 2' in the Bedminster Green Framework). It is located within Southville ward, in the south of Bristol.

The land use immediately surrounding the application site is varied in nature, including residential, retail, light industrial, car parking and green space. The Bedminster railway station is located approximately 200m to the south of the site.

The north of the site is on the boundary of the Bedminster Conservation Area, which includes the retail units fronting onto East Street. One of these, No. 57 East Street, is identified as an unlisted building of merit in the Bedminster Conservation Area Appraisal. There are no buildings, structures or monuments on the site which are subject to statutory or local listing.

The site is located almost entirely within Flood Risk Zone 2, although a small area in the far west is located in Flood Risk Zone 1. The site is also located within an Air Quality Management Area.

The application site is located on the inside of the curved highway of the A38 Dalby Avenue such that it is bounded to the south and east by the road. To the north, the site partially fronts onto East Street, the local town centre and high street of the Bedminster area. The site is also partially bound to the north by existing retail and commercial properties which are not within the boundary of development. The west of the site is bound by residential and commercial buildings fronting onto Stafford Street and Mill Lane. The application site area is approximately 1.03 hectares.

The site as existing is in mixed use comprising of commercial floorspace with residential maisonettes above. The majority of the commercial units are vacant or underused. The residential maisonettes are not within the applicant's ownership and therefore do not form part of the development proposals. The site also contains St Catherine's House, a former office building recently converted to residential units by the applicant through implementation of two separate applications. The first application (reference: 17/03849/COU) sought prior approval for the conversion of the office block to 40no. dwellings, while the second application (reference: 17/05699/F) extended the building upwards by two storeys to provide a further 14no. residential dwellings.

The southern part of the application site is subject to an extant planning permission (application reference 13/05616/P) which was granted in 2017 following the signing of a section 106 agreement. This consent granted permission for the demolition of existing buildings onsite and the development of a mixed-use scheme including 188no. residential units, approximately 600sqm commercial floorspace and landscaping, parking, cycle parking, public realm and ancillary plant/refuse space. This development proposed to construct two buildings of 9 storeys and 16 storeys in height.

It should be noted that it is considered that the extant planning permission could no longer be implemented as approved due to the conversion of the St. Catherine's House office building to residential use under the Prior Approval (17/03849/COU) and planning permission (17/05699/F) described above. The extant planning permission proposed to demolish the St. Catherine's House office building as part of the development. The subsequent retention, conversion and occupancy of this building in residential use needs to be considered as part of any application coming forward on the site.

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RELEVANT HISTORY

17/05699/F - Two storey extension and external alterations to St Catherine's House to provide an additional 14 residential units. Granted subject to condition(s).

17/03849/COU - Prior approval for the change of use from office floor space within use Class B1(a) to residential accommodation falling within Class C3 (40.no. Flats). Prior Approval Given.

13/05616/P - Hybrid outline application for demolition of existing buildings on the site and phased redevelopment of site, comprising full application for Phase 1 and outline application for Phase 2. Full details provided for Phase 1 comprising: up to 45 residential units in a ground plus 8 storeys building, with up to 401.9 sq m GIA of flexible commercial floorspace (falling within Use Classes A1 - A5, B1 and D1) at ground floor level and associated space, cycle storage, refuse storage, plant, servicing, ancillary storage, public realm at lower ground floor and ground floor level. Outline details for Phase 2 to comprise up to 143 residential units in a building up to ground plus 15 storeys in height and 203.5 sq m GIA of flexible commercial floorspace (falling within Use Classes A1 - A5, B1 and D1) at ground floor level and associated space for parking, cycle parking, refuse storage, plant, servicing, ancillary storage lower ground floor and ground floor level. Details of access, scale and layout to be determined at the outline stage with details of appearance and landscaping to be determined in Reserved Matters applications. Granted subject to condition(s).

APPLICATION

The application, as per the revised plans submitted in September 2019, seeks full planning permission for the construction of:

- A total 205no. residential dwellings contained within 5no. 'development blocks' (Blocks A-E)
- 844sqm GIA of new build commercial floorspace including a new cinema (Use Classes A1, A3, D2)
- Refurbishment and reformatting of existing retail facilities (2500sqm)
- 27no. car parking spaces
- 347no. cycle parking spaces
- New public realm and hard/soft landscaping

The dwellings proposed within the scheme would comprise of:

- 76no. 1 bedroom, 2 person dwellings
- 8no. 2 bedroom, 3 person dwellings
- 114no. 2 bedroom, 4 person dwellings
- 7no. 3 bedroom, 5 person dwellings

Block A would contain 142 dwellings (up to 16 storeys) with ground floor commercial uses.

- 1 bed 2 person: 36
- 2 bed 3 person: 2
- 2 bed 4 person: 97
- 3 bed 5 person: 7

Block B would contain 23 dwellings (8 storeys) with a commercial unit at ground floor level.

- 1 bed 2 person: 18
- 2 bed 3 person: 5

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Block C would contain 13 dwellings (4 storeys)

- 1 bed 2 person: 4
- 2 bed 4 person: 9

Block D would contain 6 dwellings (2 storeys above existing ground floor retail)

- 1 bed 2 person: 4
- 2 bed 4 person: 2

Block E would contain 21 dwellings (4 storeys above existing ground floor retail)

- 1 bed 2 person: 14
- 2 bed 3 person: 1
- 2 bed 4 person: 6

The development would require the removal of 7no. trees across the site. The landscaping of the scheme would include amenity space for residents, including a roof terrace at the mezzanine and 9th floor levels of Block A.

The application as originally submitted, in October 2018, sought full planning permission for 271no. residential units within 5no. development blocks (Block A-E), as well as 929sqm new build commercial floorspace, including a cinema, and refurbishment of existing retail facilities. While Blocks B-E were proposed to be of a height between 3 and 8 storeys, Block A was proposed to be 22 storeys and would contain the majority of residential dwellings (208).

The current proposals, submitted as a revision to the application in September 2019, therefore primarily sought to reduce the height of Block A, with a corresponding reduction in the number of residential units. The layout of the site was also amended to provide for a future northbound bus lane along Dalby Avenue in anticipation of the A38 strategic public transport corridor proposals.

PRE-APPLICATION COMMUNITY CONSULTATION

The applicant submitted a Statement of Community Involvement with the application, which states that pre-application consultation with the local community was carried out between July 2017 and March 2018. This consisted of letters sent to community groups and local councillors in July 2017; a presentation to the Windmill Hill and Malago (WHaM) Planning Group in September 2017; and, a community consultation event held in March 2018.

Flyers were distributed to approximately 1000 homes and businesses to publicise the event, which had an estimated attendance of 80 people. The feedback received from the event is provided in the Statement of Community Involvement submitted by the applicant.

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. An issue has been

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raised regarding a lack of disabled parking. This issue has been considered as part of the application. Clarification will be provided by way of the Amendment Sheet.

ENVIRONMENTAL IMPACT ASSESSMENT

In respect of Environmental Impact Assessment (EIA), in November 2019, the Local Planning Authority provided a Screening Opinion confirming that the development is NOT EIA Development requiring an Environmental Statement.

RESPONSE TO PUBLICITY AND CONSULTATION**General response from the public**

Approximately 1580 neighbours within the vicinity of the scheme were notified by letter and a site notice was displayed.

In response to the application as submitted in October 2018, a total of 341 public comments were received from 328 individuals. This includes comments received from amenity groups and local councillors, which are detailed fully below.

Of the responses received, 221 responses were in objection to the scheme, 104 responses were in support of the scheme and 3 responses were neither in support nor objection.

The comments in objection to the scheme raised the following concerns:

- Scale and massing of the development, in particular the height of Block A at 22 storeys, considered to be out of character with the local area
- Overbearing impact on local community due to scale and massing
- Loss of light and overshadowing of existing residents
- Density of the proposals; concerns of overdevelopment
- Impact of development on views and skyline
- Architectural style and materials not in keeping with the area
- Lack of affordable housing in the proposals, contrary to policy requirements
- Lack of parking with resulting impact on on-street parking in neighbouring areas
- Pressure on local services and infrastructure through such high-density development
- Impact on existing maisonettes at St Catherine's Place
- Inadequate consultation between developer and local community
- Traffic impacts and road safety concerns
- Health and safety concerns of local residents in high rise residential, including mental health impacts and fire risk
- Lack of cohesive plans overall within Bedminster Green area
- Potential for gentrifying effects on local residents
- Environmental impacts including flooding and sustainability of development

The comments in support of the scheme cited the following reasons:

- Support for development of a cinema as part of the scheme (particularly with reference to supporting a Scott Cinema like the Orpheus in Henleaze)
- A need for regeneration in the area
- A need for redevelopment of this specific site
- Support for the proposed mixed uses on the site
- Benefits to local community and businesses on East Street
- Support for new housing

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Following the submission of revised plans in September 2019, neighbours were re-consulted on the revised proposals. A total of 112 responses were received, of which 85 were in objection to the scheme, 25 were in support of the scheme and 2 responses were neither in support or objection to the scheme.

The comments in objection to the scheme raised the following concerns:

- Scale and massing of the development, considered to be out of keeping with the proposal's context, and would adversely impact important skyline views from Windmill Hill
- Limited parking provision and the impact on local parking, including in Windmill Hill
- Insufficient mix of housing typologies or tenure types, such as housing for the elderly or families
- Loss of light and overshadowing in relation to adjacent properties (St. Catherine's House and Stafford Street) and local green space and public realm
- Lack of affordable housing provision
- Loss of trees
- Impact on air quality and potential to exacerbate existing poor air quality
- Impact on local services/social infrastructure such as GPs

The comments in support of the scheme cited the following reasons:

- Support for development of a cinema as part of the scheme
- A need for regeneration in the area
- Benefits to local community and businesses on East Street

Response from interest groups and organisations**COUNCILLOR REFERRAL**

Councillor Charlie Bolton referred the application to the Development Control Committee if the development is recommended for approval. Cllr Bolton stated objection to the proposed scheme due to concerns relating to:

- lack of affordable housing
- overdevelopment of the site and wider Bedminster Green area
- design that is out of keeping with the existing area
- energy use of high rise buildings (design not carbon neutral)
- impacts of development on infrastructure and services, as well as traffic and parking

[the full referral from Cllr Bolton is available on the BCC online planning portal]

BS3 PLANNING GROUP – OBJECT

The BS3 Planning Group object to the proposals, stating:

“As a matter of principle (at this stage) we OBJECT to this application on a number of grounds:

1. This is a major development yet no public consultation has taken place. This is a new proposal in a new context, and hence previous discussions on a similar proposal on a subtly different site do not hold.
2. We reject the developers viability statement, attempting to sidestep the demand for affordable content. a. We invite the developer to identify other sites that it has built out without affordable content where a viability statement was also used and disclose the actual

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return on investment compared to that suggested by preceding viability studies b. We note that an adjacent site does appear to be offering affordable content

3. We were assured that a framework document for the broader Bedminster Green sites would precede any specific applications, We have not had sight of such a document, let alone the opportunity for consultation on a number of schemes that will fundamentally change the neighbourhood.

4. We would welcome a study of local public services to determine that there is capacity to support this number of new homes and residents and/or identify sites where they may be built if extra capacity is required.”

WINDMILL HILL AND MALAGO COMMUNITY PLANNING GROUP (WHAM) – OBJECT

The Windmill Hill and Malago Community Planning Group (WHaM) object to the proposed scheme in its current form. While WHaM supports the principle of refurbishing the shopping centre, which it believes would help revitalise the town centre of Bedminster, the group has raised concerns relating to:

- housing mix and lack of family accommodation
- lack of private amenity space for residents
- quality of the public realm due to overshadowing
- lack of provision in the development for children or to be child-friendly design
- height of the development and impact on views and character
- lack of affordable housing
- lack of green infrastructure to create wildlife corridors and mitigate air quality issues
- flood risk concerns
- health and safety concerns for future residents
- lack of parking spaces
- architectural design of insufficiently high quality

[full comments from WHaM are available on the BCC online planning portal]

BEDMINSTER BUSINESS IMPROVEMENT DISTRICT (BID) – SUPPORT

The Bedminster BID stated:

“Overall strongly in favour of development on condition:

1. Clear, attractive, safe (active ground floors) routes connecting the Green Bus Stops and East St (through SCP and one other (Little Paradise / Stafford?)
2. Metrobus diversion reviewed only when East St improves via: new demand and major physical improvements via s106 and CIL
3. High environmental standards particularly through limited car ownership (given poor air quality) and place making encouraging attractive walkable urbanism
4. The BID holds no views on building heights - but does have a preference for a scheme to be delivered quickly”

THE CONSERVATION ADVISORY PANEL – GENERAL COMMENT

The Conservation Advisory Panel commented:

“The site was only partly in the conservation area but would have a significant impact on the conservation area and East Street. The Panel considered that the buildings had no reference to the context as all the buildings were very rectilinear and all in the same orientation rather than responding to the site boundaries. The proposals were out of scale

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with their location. In addition, the proposals were not in accordance with the Urban Living SPD. The enormous new buildings would create extensive overshadowing to the north across the other properties on East Street.”

BRISTOL CIVIC SOCIETY – OBJECT

While supporting the principle of redevelopment and regeneration on the site, Bristol Civic Society object the application as proposed and raised concerns relating to:

- failure of the proposals to meet the design requirements of the Urban Living SPD, including the requirements for tall buildings
- failure of the proposals to demonstrate a high-quality design
- lack of affordable housing
- impact on views
- the relationship of this proposal with the wider Bedminster Green area

[full comments from Bristol Civic Society are available on the BCC online planning portal]

Response from external consultees**ENVIRONMENT AGENCY – OBJECTION**

The full response from the Environment Agency on the application as originally submitted is provided below:

“We object to the application as submitted in respect of flood risk and risk to controlled waters for the reasons outlined below:

1) Flood Risk

The applicant has failed to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change. We have reviewed the submitted Flood Risk Assessment (FRA) (Hydrock September 2018 C-08012-C 9 October 2018) has not assessed the impacts blockage of the culvert upstream of the site, ‘Main River’ Malago would have on flood depths/levels/flow routes at the site. The application fails to demonstrate the safety of the development for its lifetime. In the FRA, the 1 in 200 year (0.5%) event has only been considered with climate change up until 2110. For the lifetime of the development this should be extended until 2118 and a freeboard allowance of 300mm should be applied. Bristol City Council, as the Lead Local Flood Authority, should be consulted on the surface water drainage proposals for this site. The Local Authority Emergency Planner, must be consulted on the flood warning and evacuation proposals for this site.

The application as submitted is contrary to paragraph 155 of the National Planning Policy Framework (NPPF).

2) Groundwater and Contaminated Land

The submitted report provided to address contamination fails to provide reassurance that the proposals will satisfactorily address risks to controlled waters. We have reviewed the report by Hydrock ‘St Catherine's Place, Bedminster, Bristol - Desk Study and Ground Investigation’ dated September 2018. The report does not give the Environment Agency the confidence that, in accordance with the NPPF, this development will “enhance the natural

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and local environment" or that the risks will be adequately address in accordance with the relevant sections concerning land contamination within the NPPF.

We are concerned that the report highlights some potentially significant contamination in soils and groundwater. Hydrock state that this is likely associated with the wider area. However, this has not been adequately demonstrated as a plausible scenario. Additionally, based on the plan provided in Appendix E it would appear that there was poor exploratory hole coverage at the site, possibly due to obstructions? Despite what we feel is a less than adequate conceptual model and risk assessment and an apparent gap in site investigation data Hydrock have recommended no specific remedial action with respect to controlled waters and say that "as the whole site is proposed to be covered by hardstanding which will reduce the potential of leaching of contaminates form site and would results in a reduce contaminant loading within the groundwater". We do not accept this approach on the basis of the information available and feel that the applicant should fundamentally rethink the apparent gaps in site investigation and provide a plausible conceptual model and risk assessment. Once we have confidence that the applicant understands the risks then we can have confidence in any remedial approach presented, at which point we may be able to consider removal of our objection.

The application as submitted is contrary to paragraph 178 of the NPPF.

Overcoming our objection

It may be possible for the applicant/agent to overcome our objection by submitted information addressing the above points to our satisfaction. This should be submitted directly to the local planning authority. We will provide bespoke comments within 21 days of receiving your formal re-consultation. General guidance Any works within 16 metres of the Tidal Main River Avon and Floating Harbour and 8 metres of the Main River Malago, in addition to planning permission will also require a Flood Risk Activity Permit from the Environment Agency under the Environmental Permitting Regulations. Further details can be found on the following link: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Note to local planning authority

As you may be aware, the Environment Agency is developing a project to install a trash screen on this culvert upstream of the site which (subject to available funding) would benefit the proposed development by reducing blockage risk. This development offers the opportunity to work together to increase the certainty of installing a screen in this location. We are also discussing this with other plots as part of the wider Bedminster Green development. End 3 If you are minded to approve the application contrary to our objection and local/national planning policy, it is considered essential that you contact the Environment Agency using the details below to discuss the implications prior to determination of the application."

Comments from the EA in relation to the revised details is still awaited. No comment was provided in time for this report. An update to Members will be provided by way of the Amendment Sheet.

BRISTOL WASTE – OBJECTION

Bristol Waste have raised concern over the proposed provision within the scheme for residential waste and recycling storage and collection, which it states does not meet the recommendation levels of provision. Bristol Waste have raised concern with the location, access and size of the refuse areas within the scheme, including the safety and suitability of

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road access for collection operatives and their vehicles. Bristol Waste have also identified that the scheme does not specify any refuse or recycling arrangements for the commercial/retail units, which must be kept separate from any residential refuse storage. Arrangement for existing properties on the site have also not been identified by the applicant.

Bristol Waste consider that the Refuse Strategy submitted with the application is of insufficient detail and a more comprehensive Waste Management Plan should be produced.

[Full comments from Bristol Waste are available on the BCC online planning portal.]

HISTORIC ENGLAND – NO OBJECTION

Historic England have stated no objection to the application on heritage grounds. In conclusion, the response stated:

“Historic England has no objection to the application on heritage grounds. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. section 72(1) 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 conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.”

[full comments from Historic England are available on the BCC online planning portal]

Response from internal consultees**CITY DESIGN GROUP – OBJECTION**

The City Design Group provided initial comments to the application in December 2018, stating that a number of concerns with the design of the scheme that were raised at pre-application remain unresolved and that the scheme has had little positive change since pre-application discussion. In particular, CDG raised concerns relating to:

Block A

- the design of Block A, its depth and its relationship between its three components is of significant concern due to its landmark building nature
- the under-provision of public realm and approach to Block A at ground level
- the lack of legibility between the rear element of Block A and its surroundings, due to its height and scale
- CDG recommend that the number of residential units in Block A is reduced by approximately 42 to enable an increased set back from Malago Road.

Block B

- the height of the building has been increased by a storey from pre-application proposals, which CDG consider no longer creates a step-down from St. Catherine's House. CDG recommend that this building is reduced by a storey and returned to the pre-application design

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Block C

- concerns raised at pre-application regarding the retention or replacement of street trees and the closing of the service yard gap/improvement of the side elevation have not been resolved in the application design

Blocks D and E

- concerns were raised at pre-application relating to the opportunity of these blocks to add to the quality of East Street
- CDG recommend that these blocks are reduced by at least one storey (consistent with advice provided on application in the vicinity of this scheme – Little Paradise, reference: 18/06722/F and Leicester Street, reference: 19/01639/F)

Following the submission of revised plans in September 2019, the CDG provided further comments on the application in October 2019, setting out their final position on the proposals. The CDG objects to the proposed development on the basis of the development approach, the public realm, provision of outdoor space, children's play, internal configuration and circulation and the height, scale and massing.

CDG provided a summary of their comments, below:

"The scheme proposes the redevelopment of the site to provide 205 dwellings arranged over 4 to 16 storeys over 5 buildings and includes the refurbishment of existing retail units, new commercial space and a cinema. Please refer to previous comments for a description of the site and its context. The proposal has been subject to previous comments by CDG, the most recent of which in July 2019.

The proposal is distinct from a previously consented scheme for the site 13/05616/. The amount of development has increased significantly and the retention/conversion of St Catherine's House has fundamentally changed the nature of the site and therefore the manner in which redevelopment can occur. St Catherine's House has undone site layout principles established by the extant permission and importantly the Bedminster Green Framework (BGF). When establishing the principles and opportunities for the site, the BGF assumed the loss of St Catherine's House in favour of comprehensive redevelopment. Unfortunately, the proposal has failed to achieve an acceptable site layout that makes sense in relation to St Catherine's House. The tallest element (16 storeys) now crowds the site resulting in unacceptable compromises in several areas including living standards for existing residential units, shared amenity and key public realm aspirations identified within the BGF.

It is worth noting that the BGF was prepared following a clear policy shift in favour of higher densities and the acceptance of taller buildings. As such, the framework already embeds a high-density presumption and sets out a number of key principles required to achieve this. Therefore, any schemes seeking maximum development levels within the framework area must also achieve exemplary design quality and urban design response in relation to the Urban Living SPD.

Urban Living assessments have highlighted how the scheme has failed to resolve higher density through thoughtful design, identifying a number of core concerns summarised below. There are also concerns with regard to contextual response by way of height, scale and massing and overall design quality.

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Development Approach

- A 'maximised' development approach to the site which fails to deliver the place, context and liveability aspirations of urban living.

Public Realm

- Insufficient provision of new public realm and green infrastructure to support the intensification of the site and a failure to achieve the quality aspirations of the BGF.
- Unresolved treatment of existing public realm to successfully embed the scheme into its context and create successful public spaces.
- Public realm that lacks the qualities needed to mitigate the impacts of urban intensification. The scale of public realm does not meet the scale of new buildings.

Provision of Outdoor Space

- Insufficient and low quality shared amenity space, which is not successfully offset by the provision of onsite public realm or proximity to public space.

Children's Play

- Limited indication of how children have been considered in the design. The only meaningful amount of space accessible to children is in Block A. Block B, C, D and E will be forced to rely on access to public realm and offsite provision.

Internal Configuration and Circulation

- Unresolved internal configuration which fails to meet recommended liveability criteria.
- Significant negative sunlight/ daylight impact on existing dwellings.

Height Scale and Massing

- Unresolved scale, massing and architectural treatment which fails to appropriately respond to the existing character and the emerging context of which St Catherine's House now forms a part."

Conclusions/Recommendations

Whilst St Catherine's Place sustainable location and current low intensity usage, lends itself to a more intense form of development as part of a wider regeneration effort, there is a concern that the current proposals have 'maximised' rather than 'optimised' densities, and as such have negatively impacted on related goals of successful placemaking, relating to context and liveability; therefore representing an over-intense development of the site. The comments above highlight how the scheme departs from Local Plan policies and Urban Living SPD guidance, as well as the Bedminster Green Framework. As such a recommendation for approval could not be supported on design grounds.

[full comments from the City Design Group are available on the BCC online planning portal]

TRANSPORT DEVELOPMENT MANAGEMENT – OBJECTION

TDM consider this has been brought to committee prematurely and therefore cannot recommend approval in the absence of a completed Strategic Transport Assessment (STA) for the entirety of Bedminster Green.

The STA is being undertaken by PBA consultants on behalf of the wider Bedminster Green consortium (also including Dandara, A2 Dominion and Deeley Freed) and will confirm:
- an agreed corridor improvement scheme for the A38 Malago Road

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- an agreed series of options for a segregated cycle route on Whitehouse Lane, and
- an agreed package of section 106 contributions towards:
 - Restrictive parking measures in the surrounding area (potential RPS)
 - Travel Planning, Management, Engagement and promotion
 - The provision of electric-powered car club vehicles
 - Other impacts or accessibility requirements arising from the STA.

TDM is confident these matters can be resolved but unfortunately this will not be in time for 20th November. For the benefit of committee members, the current position on the above (and other internal site matters) is provided below:

A38 Malago Road Corridor Improvement scheme

TDM have been working collectively with the Bedminster Green (BG) developers and PBA on their evolving application proposals and the subsequent A38 highway corridor design. The objectives of the A38 improvements are required on the basis of the increased trips generated across the entirety of the 1,000+ residential dwellings that are proposed and the policy requirements to maximise sustainable travel and minimise negative impacts upon public health.

The key objectives of the A38 scheme are as follows:

- Prioritise public transport through the delivery of additional bus lanes
- Improve the experience of public transport user through high quality bus stop facilities
- Ensure sufficient access for pedestrians through 3m minimum-width footways
- Relocate / introduce new pedestrian / cycle crossings to fit future desire lines
- Provide safe and segregate cycle linkages to the city centre via Whitehouse Lane and Dean Lane
- Ensure the above interventions fit with the need to deliver a high quality and attractive public realm, safeguarding existing trees and providing safe and legible routes.
- Each of the above principles is set out in the Developer Framework document as agreed with the Bedminster Green developers and passed by cabinet in March of this year.
- TDM consider the A38 design is close to being finalised but at the time of writing a final drawing has not yet materialised and therefore is unable to inform what will be key and long-lasting planning decisions for this area. This also means the scheme cannot be costed and consequently, the CIL / s106 asks cannot be confirmed, creating further uncertainty and risk to BCC.

Elsewhere, there are unresolved matters associated with the future of Whitehouse Lane and Hereford Street which, whilst it does not affect the frontage of this site require to be discussed and reviewed with local members and other stakeholders - this cannot happen until the STA is finalised and shared more widely.

As such, TDM has been waiting a number of months for matters to be resolved, but the critical matter for this site relates to the A38, the location of the northbound bus stop and the completion of a general arrangement.

Delay to agreement of A38 scheme

Previous designs for the northbound bus stop provided by the developers' transport consultant located this within the bus lane alongside St Catherine's Place. However, scrutiny by BCC's highway engineers confirmed that a stationary bus located within this stop would obscure the visibility of the pedestrian crossing signal heads to oncoming traffic, whilst also

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resulting in stationary buses obstructing non-stopping buses where the general traffic running lane is congested as currently occurs.

Therefore, BCC TDM required this stop to move further into the St Catherine's Place site (via a layby). This was raised with the BG developers in January of this year. However, the applicant would not agree to it. An alternative was therefore required to be proposed, and has been agreed in principle, but awaits sign off from the BG consortium before wider circulation.

Until these matters are resolved and in the absence of the completed STA Transport Development Management are not in a position to offer a positive recommendation for this proposal. This is consistent with the recent application for the Pring & St Hill site. To do so represents an unacceptable risk to the highway authority and the ability to deliver the improvements bulleted above.

Drawings submitted by the applicant to attempt to address this are incomplete as they do not indicate the full extent of the works. Therefore, no tie-in to the remainder of the A38 works can be demonstrated.

Frontage

Notwithstanding the above, the submitted site plans do not accurately demonstrate the proposed A38 highway corridor. A full A38 composite drawing including each of the BG developers' proposed building footprints was requested at developer meetings in September and October. This is not a demand for detailed design but diligence on behalf of the highway authority who need to be assured that none of the developments will impact negatively on the need for each site to be accessible by sustainable modes of travel. This was requested for the length of the A38 between the Pring & St Hill site and Dalby Avenue.

A composite plan is required that demonstrates the emerging A38 highway corridor plans overlaid with the St Catherine's Place frontage plans. This composite plan must also demonstrate the highway extent. This will enable TDM to assess the impact the development would have on the A38 scheme and also understand which sections of land and current BCC structures will require stopping up/ dedicating as highway. It is unclear if the elevated section of the proposed building will be overhanging the highway given no composite plan has been provided.

It is also unclear if the developer will be responsible for the landscaping towards the frontage of the site along Dalby Avenue given the highway extent is not shown. TDM would in any case not seek to adopt this landscaping and would therefore not be responsible for its maintenance.

Along the northern section of the site the status of the street trees are unclear. If the trees are to remain, additional footway width is required along the site frontage to accommodate a 2m footway with an additional 0.5m of buffer. TDM seek clarity on which iteration of the A38 highway the scheme if any the proposal ties into given the status of the land to the front of the pumping station along this section of Dalby Avenue has yet to be finalised.

Once the A38 highway corridor is in a position to be finalised the discussions between the applicant and TDM regarding the frontage can be concluded.

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Servicing

TDM are disappointed with the lack of clarification provided on the servicing arrangements of the development. The largest vehicle to service the site has not been stated and TDM have no confidence the developer will be able to limit this given the status of the commercial units.

The applicant is aware that the servicing arrangements to the rear of the site are critical for the design and development of the surrounding streets, including Stafford Street, Little Paradise and Leicester Street. However, the lack of information provided will not inform this piece of work. Whilst a swept path analysis is provided for an 11.4m refuse vehicle for the emerging scheme (by the neighbouring developer) we are yet to receive surety (and a written confirmation) that the St Catherine's Place retail units will not require a larger vehicle.

The detail provided in the revised Transport Statement is unhelpfully scant in this regard and does not answer the question.

As discussed within the site-specific meeting held on the 15th August 2019 the applicant had stated they would be instructing their consultant to provide further assessment of the servicing regime of the site with specific consideration given to the link. This is critical in ensuring the design of the route can accommodate pedestrians, cyclists and servicing vehicles safely.

This information cannot be conditioned until later once building lines are set and given the critical nature in determining the outcome of these plans. TDM urge the applicant to work with the developer on Plot 4 of Bedminster Green and ourselves on this matter.

TDM therefore cannot support the development on the basis of failing to provide sufficient details of servicing requirements and as a consequence failure to inform the local infrastructure required between the St Catherine's Place and Little Paradise schemes.

Car Parking and prohibition of RPS permits

A total of 22 residential car parking spaces are proposed within the mezzanine level car park within Block A, for sole use as allocated parking by the residential dwellings. No resident parking scheme permits will be available to occupants of the proposed development and a standard advice would apply in this respect, informing the RPS team not to issue these.

In the event that all other matters are resolved, we would seek a condition that obligates the current or any future owner to inform prospective tenants or buyers of this as a matter of course. To not do so (as we have seen in other developments) results in future residents thinking they are entitled to permits, being refused and then taking up considerable officer time appealing / contesting this policy.

Car parking for the commercial uses will be reduced, with the 21 spaces in the north east car park being reduced to three, and the informal parking adjacent to Mill Lane being formalised into 15 spaces. For the residential spaces, a condition would be required ensuring active electrical charging provision for 20% of these and passive provision for the remaining 80%.

The updated transport statement states 3 disabled bays have been provided however it is unclear where these have been provided as the rear and side hatched markings have not been demonstrated. When applying BCC minimum standards a total of 12 disabled spaces are required. Furthermore TDM are unable to assess the suitability of the parking adjacent to

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Mill Lane is given the lack of information submitted regarding the size of the maximum delivery vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient disabled parking.

Parking Impacts

In this location and elsewhere in the City, the matter of overspill parking is causing considerable upset locally.

Low vehicular parking numbers are only effective when backed by strict on-street parking controls in areas that are likely to suffer the most from overspill parking. Financial contributions are expected from this development for BCC to implement measures to avoid this situation.

Without adequate restrictive parking measures it is without doubt that a development with such a low parking number would have an impact to on street parking. Areas outside of the residents parking zone already experience parking congestion, which is reflected in our own observations and by objectors in the consultation responses. Further intensification of parking (without mitigation) would create pinch points onto junctions and over drives, resulting in cars reversing, sometimes into junctions. The result would create unsafe overspill parking, increase the amount of footway parking and cause obstruction to the accessibility of pedestrians and wheelchair / pushchair users to the detriment of safety, contrary to policy DM23 of the Site Allocations and Development Management document.

A scheme of restrictive parking measures is therefore an essential piece of mitigation for each of the Bedminster Green developments, and as part of this TDM expects each development to contribute towards BCC delivering such a scheme in this area. However, until the size, scale and scope of any new RPS (and extensions to existing operating hours) is defined within the TA, the level of contribution cannot be calculated at this time, although the BG developers have been briefed on the basis of expecting a total outlay of up to £900,000 based on 2015 resource costs.

Cycle Parking

The submitted plans do not demonstrate sufficient cycle parking. The design of the cycle store is unclear and in any case it has not been demonstrated this store would be able to accommodate sufficient cycle parking numbers. As per BCC minimum standards 334 cycle parking spaces would be required for the residents of the development with a further 20 provided for visitors.

It is unclear how many seats the cinema will contain and therefore TDM are unable to infer the cycle parking standard for this use. In terms of commercial uses four spaces will be required, two for staff and two for visitors.

Cycle parking will need to be located at various locations around the site to enable adequate access and parking for both visitors and residents. Sheffield Stand cycle parking is required on site.

TDM is unable to recommend approval on the basis of the level of cycle parking shown and this is therefore contrary to policy.

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Travel Plan

Having consulted the travel plan officer the submitted travel plan is deemed to be insufficient. Interim targets are required and it is also essential to agree a travel plan budget before any approval. The action plan needs to be updated to include sustainable travel vouchers such as bus/bike/car club.

As part of the audit and management process BCC will need to be invited to an initial travel plan steering group meeting and then ongoing quarterly update meetings. Any changes to the action plan and budget will need to be approved by this group with approval of the local authority. This will need to commence at least 3 months before first occupation.

As part of the audit BCC will need to see evidence that the travel plan is being implemented. This will include copies of invoices and copies of travel information materials. Ongoing monitoring over 5 years will be required to ensure targets are being met.

Alternatively, Bristol City Council will undertake the implementation of the Travel Plan on the applicant's behalf for an Implementation Fee of £139 per dwelling, or £32,175. By paying the Travel Plan Implementation Fee the developer will be released from travel planning obligations over a 5-year period.

In the event that the applicant insists that they will undertake the travel plan, a separate monitoring fee will be required, and it is likely that a bond will be required to be able to be called in by the local authority in the event that compliance is not reached.

Highway Works (s278 and Structures)

As covered earlier, a scheme of developer-delivered highway works is required along Mill Lane, Leicester Street and Little Paradise in conjunction with Dandara on Plot 4 in order to access both of these developments. These works are directly related to the development and are required to be secured by condition and undertaken by the developer under a s278 highway works agreement.

As normal, this will require the appropriate technical approval and inspections process, the securing of a highway bond and the payment of technical approval and inspection fees to cover the council's costs in approving and inspecting the works. Any works to the highway are illegal in the absence of a signed agreement and the granting of technical approval. Similarly, this will apply to the stopping-up / filling in of existing subway and steps on the northern side of the A38. TDM is unaware that sufficient discussions have taken place with BCC Highway Structures concerning this matter. Any excavation / fill adjacent to the highway being retained needs a formal structural approval through the AiP process.

In relation to Mill Lane and Leicester Street, the extent to which this applicant delivers / designs such works has not been fully discussed with the neighbouring developer and TDM in sufficient detail, where this development is particularly reliant upon Mill Lane and Leicester Street for access. The current environment to the rear of St Catherine's Place in this location is poor and this matter needs to be resolved, with works and responsibilities agreed before TDM would be in a position to recommend approval of this development. In the absence of this it is not possible to write a suitably worded condition.

S106 Contributions

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As raised previously, section 106 contributions are required for the following as discussed in numerous meetings between BCC, TDM and the applicant. These are summarised below:

- Residential Parking Restrictions
- Car Clubs and the associated infrastructure
- Travel Plan Management / Delivery fees
- A38 and Whitehouse Lane scheme equitable costs over and above what CIL covers
- Additional measures arising from the outcome of the Strategic Transport Assessment

Recommendation

At this point in time TDM can see pathway forward that would make this development acceptable, subject to addressing the matters raised above.

However, at this moment in time and on the basis of the information provided to date, TDM is unable to recommend approval of the application which should be refused on the following grounds:

- 1) Compliance / fit with the A38 corridor works has not been demonstrated
- 2) Failure to agree a package of s106 contributions
- 3) Insufficient cycle parking provision
- 4) Failure to confirm / demonstrate servicing requirements
- 5) Submitted Travel Plan unacceptable

TREE OFFICER – OBJECTION

The Tree Officer stated an objection to the revised scheme:

“The proposed development seeks to remove 7 trees, 3 of which are category A & B trees, as defined within the arboricultural report, that have sufficient merit to warrant a tree preservation order. 30 replacement trees or a pro-rata financial contribution of $30 \times 765.21 = £22,956.30$ is required to mitigate the loss of these trees. Currently 4 indicative trees and 5 large shrubs have been proposed as mitigation for the loss. I do not agree with the comments made in section 8.3 of the Landscape and Visual Impact assessment.

Bristol city council is the first Local Authority in the country to state we are in climate emergency and have made a commitment to increase the canopy cover within Bristol by 25% by 2036 and to double the city's canopy cover by 2046. This cannot be achieved on BCC land alone and we now require high quality tree planting schemes within private development to achieve this target to reduce the impact of Bristol's climate Emergency statement.

The proposed has made no attempt to mitigate the loss of significant trees that contribute to the wider amenity of the area; even though the size of the buildings are maximising the development potential of the site.

Due to the lack of consideration of BCS9, DM15, DM17 and the Planning obligation SPD I strongly object to the proposal and recommend refusal on the above grounds.”

NATURE CONSERVATION – COMMENT

The Nature Conservation officer has commented on the application, stating:

“Demolition works are proposed to buildings which have the potential to support roosting bats. All species of bats and their roosts are legally protected. A bat building inspection

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which also includes a survey for signs of nesting birds should be undertaken by a qualified ecological consultant prior to the determination of this application and in accordance with central government guidance, the survey should not be conditioned. The bat building inspection survey should meet the current Bat Conservation Trust survey guidelines.”

As most of buildings onsite that are not proposed to be retained have already been demolished, it is considered that an advisory attached to any decision would be sufficient to ensure that no bats or bat roosts would be affected by the proposals.

FLOOD RISK TEAM – OBJECTION

The Flood Risk officer has objected to the application as submitted, stating:

“We have reviewed the above application and as it stands, as the Lead Local Flood Authority, we would object to this application. This is because the plans do not follow the framework flood risk assessment that was commissioned by the land owners. This should also follow the emerging New Urban Quarter Bedminster Green Place-Making Framework. It does not facilitate use of greener SuDS techniques, prioritised using the SuDS hierarchy. Nor does it reduce the existing site run off significantly.”

In response to the revised scheme and the submission of the Flood Risk Technical Note (Hydrock, September 2019), the Flood Risk officer provided the following comment:

On review of the Flood Risk Technical Note and Addendum, compared against the original comments provided below, it appears the FRA recommendations have been taken into account for the flood risk posed to the development. This is deemed as a main river issue though so the EA's verdict on this is most important due to their main river responsibilities.

There appears to not be an update on the drainage strategy which relates to surface water management that would come under the responsibility of BCC as the LLFA. We would still be looking for this aspect to be addressed with a preferred SuDS solution providing reduced run off rates.

PUBLIC PROTECTION (CONTAMINATED LAND) – COMMENT

The Public Protection (Contaminated Land) Officer stated:

“We refer to our previous comments, with respect to human health risk assessment we are broadly satisfied with the information provided thus far. Soft landscaping does appear to be a provision within the current reiteration of the scheme therefore some remedial works are to take place. Further sampling has been proposed with respect to the development site in correspondence with the consultants at Hydrock.

We are satisfied with the human health risk assessment however as the Environment Agency have previously objected to this application on 3rd December 2018 with respect to controlled waters therefore we cannot support granting of a decision at this time with respect to contamination as a whole.

If planning is granted by the committee conditions must be applied, however we cannot guarantee these conditions will be satisfactory in resolving the Environment Agency objection.

These would be the standard EA conditions:

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- Remediation strategy (including risk assessment)
- Verification
- Reporting of unexpected contamination”

ECONOMIC DEVELOPMENT – NO OBJECTION

The proposed development supports the aim to diversify the economy within the area by providing a cinema and a mix of restaurants and cafes, however we would query why the Planning Statement does not cite Policy DM7 (Town Centre Uses) and Policy DM8 (Shopping Areas and Frontages).

The above would help to increase footfall within the area and in turn support the existing centre. The retention of existing retail units is supported, however there seems to be a lack of information regarding whether it is intended for these to be refurbished or whether they will remain as existing.

POLLUTION CONTROL (ENVIRONMENTAL HEALTH) – COMMENT

The Pollution Control (Environmental Health) Officer commented as follows:

“An acoustic report has been submitted with the application and this largely deals with the insulation of the proposed residential buildings against the existing noise environment, predominantly traffic, along with giving noise limits for any external plant for the development. I would confirm that I am happy with the contents of report with regards to sound insulation and ventilation strategies for the residential and the noise limits proposed for plant noise.

The acoustic report does not however deal with the potential for noise from the commercial parts of the development, which includes a cinema and A3 uses, from affecting residents of this development or existing residents in the area. I would be happy for this information to be provided by condition.

I also have some concerns regarding the potential for nuisance from demolition and construction works at the site and would therefore ask for conditions should the application be approved.”

ARCHAEOLOGY – NO OBJECTION

The Archaeology Officer stated:

“This WSI is in accordance with previous discussions about the archaeology on the site. Therefore a pre-occupation condition to secure the completion of archaeological works in accordance with this WSI should be attached to any consent for development on this site.”

SUSTAINABLE CITIES TEAM – COMMENT

The Sustainable Cities team provided initial comment in May 2019, stating objection to the proposed development due to non-compliance of the proposed energy strategy with BCC policy. Further information was requested relating to various aspects of the energy strategy, including heat recovery, PV panel provision, overheating, BREEAM pre-assessment and construction waste management.

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In response to the additional information, submitted in September 2019, the Sustainable Cities team provided the following comments:

“Whilst some of the issues raised in my previous comments have been addressed there a number of outstanding issues which would need to be resolved prior to approval of the application.

Energy Strategy

The strategy for delivering heating and hot water may now comply with BCS14 given the proposal to use of CHP designed to allow connection to the heat network. However, according to the Energy Statement the Heating and Hot Water strategy in the residential units is still being developed. This needs to be clarified now and prior to approval. Further clarification is also required on the energy strategy in the non-residential units.

Clarification is also required on discussions with the council’s Energy Services team and specifically the date on which heat would be required and whether BCC is proposing to provide a day-one connection to the heat network.

BREEAM

A BREEAM pre-assessment of the non-residential elements of the scheme is still required, to demonstrate that these are capable of achieving BREEAM Excellent.

Overheating

The overheating assessment provided is noted.

This shows failures i.e. overheating, in bedrooms and a living room under the 2020 weather file and bedrooms under the 2050 weather file.

The Energy Statement and design specification should be revised to show how this risk will be addressed in order to ensure that all rooms are resilient to overheating during the lifetime of the scheme.”

AIR QUALITY – COMMENT

The Air Quality officer has recommended that conditions are applied to any consent if granted. The officer’s comments in full stated:

“I have reviewed the air quality assessment for this development...”

The assessment concludes that impact at all locations using the ADMS model is negligible under all scenarios. Using the AERMOD model, under a conservative scenario where road emissions do not improve between 2016 and 2019, a moderate impact is predicted at 2 locations. Our monitoring data already shows that concentrations have fallen since 2016, so it is reasonable to work on the basis that road emissions will improve further to 2019, when the development opens.

The scenario also includes a conservative assumption that the heating plant operates for every hour of the year, which is clearly unrealistic. The difference between the moderate and negligible impacts under these scenarios is small at 0.05 $\mu\text{g}/\text{m}^3$. In practice this is a difference that would be undetectable by measuring instruments and because of the

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conservative assumptions mentioned it is my judgement that a moderate impact will not arise in reality.

I recommend that the mitigation measures listed in section 7.1 and Appendix A are conditioned, especially the minimum exit velocity for stack emissions, which should give even greater certainty in terms of achieving a negligible air quality impact. If this is agreed, I offer no objection to the development on the grounds of air quality.”

[Full comments are available on the BCC online planning portal.]

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016, Lawrence Weston Neighbourhood Development Plan 2017, Urban Living SPD (November 2018) and Bedminster Green Framework (March 2019).

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 BCS5 sets out that the Core Strategy (2011) aims to deliver new homes within Bristol's existing built up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol. Of these, 8,000 new homes are to be delivered in South Bristol.

Policy BCS7 states that retail development and leisure/entertainment uses will be primarily located in or adjoining town, district and local centres as identified in the Core Strategy. It states that mixed-use development at accessible centres will be particularly promoted where it takes advantage of under-used land, and uses which contribute to the vitality, viability and diversity of centres will be encouraged. Active ground floor uses will be maintained and enhanced throughout the centres.

Policy BCS7 is supported by policies DM7 and DM8 of the Site Allocations and Development Management Policies Document (2014), which further sets out the expectation that town centre uses such as retail and leisure are located within centres identified by the plan and should protect and enhance existing Primary or Secondary Shopping frontages. The loss of retail in defined centres and shopping frontages is to be resisted under all policies.

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

Policy BCS20 of the Core Strategy states that development should maximise opportunities to re-use previously developed land.

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The proposed scheme would be situated on a brownfield mixed-use site, of which the existing commercial uses (retail units) are largely vacant and underused.

The principle of redevelopment of the site for a mixed-use scheme including commercial and residential uses has been established by an extant planning permission granted in 2017 (application reference: 13/05616/P). This permission granted consent for the construction of 188no. residential units and approximately 600sqm commercial floorspace.

Furthermore, the building known as St Catherine's House, which sits inside the site boundary, has recently been redeveloped from vacant offices to 54no. residential units under the Prior Approval office-to-residential system (application reference: 17/03849/COU) and a subsequent consent (17/05699/F).

In providing 205no. residential units, the proposed scheme would represent an increased density of development in comparison to the extant permission, however in pure land use terms, the proposals would not constitute a material change of use from that of the existing site or the scheme previously consented. The principle of residential development is therefore found acceptable in land use terms and would contribute positively to the stock of housing in Bristol in accordance with policies BCS5.

In terms of housing mix, the proposed development would provide 76no. one-bedroom dwellings, 122no. two-bedroom dwellings and 7no. three-bedroom dwellings. This demonstrates that the prevailing dwelling-type would be smaller residences, rather than family-sized accommodation.

Whilst more family sized dwellings (three-bedroom and above) would be preferred, Officers have considered the extant consent and the Bedminster Green Framework which notes that: *"The Bedminster Green area is suited to smaller households due to its constrained urban nature close to the centre of Bristol. Provision of this nature will contribute to the housing mix within the wider area and provide opportunities for a range of people choosing an urban living lifestyle with proximity to town and city centre facilities, green space and public transport."* As such, the housing mix is considered to be acceptable.

The proposed development also proposes to retain and enhance existing retail units on the site (approximately 2500sqm), while also developing 844sqm of new A1, A3 and D2 uses comprising a cinema, a café and retail. The site is located within the defined Bedminster Town Centre and Primary Shopping Area. The principle of enhancing the existing retail offer and providing new retail, leisure and food and drink uses within a defined town centre, is wholly supported by and in accordance with policies BCS7, DM7 and DM8.

The proposed non-residential uses, including the cinema, are considered to be complimentary to the existing retail uses and considered to support both the regeneration of the Bedminster Town Centre and the aims of the Bedminster Business Improvement District (BID).

It is concluded that the development is acceptable in principle.

B. IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

The proposed scheme is a mixed-use development including a significant level of residential accommodation that falls within Use Class C3 of the Use Classes Order, meaning that it is required to address the Council's Affordable Housing Policies. 205 dwellings are proposed

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and therefore the scheme is required to comply with Core Strategy Policy BCS17, which seeks the provision of up to 30% affordable housing (62 affordable dwellings in this case) from development schemes in South Bristol, subject to scheme viability.

It should be noted that when the application was originally submitted, the proposed scheme comprised 271 dwellings. It has subsequently been reduced in scale due to design concerns.

The approach to be taken in assessing whether a scheme is viable is set out in the Viability section of the government’s Planning Practice Guidance (PPG). This was most recently revised in May 2019.

In simple terms, a development is considered to be viable if the Residual Land Value (RLV) of the development is greater than the Benchmark Land Value (BLV).

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

The revised PPG includes the following statement about BLV:

To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUUV) of the land, plus a premium for the landowner.

The applicant has consistently claimed that the proposed scheme (both in its originally submitted and subsequently amended form) is unable to provide any affordable housing and has commissioned Avison Young to produce Viability Reports evidencing this. Officers commissioned Lambert Smith Hampton to assess the viability information and advise the Council as to whether the conclusion of the Avison Young Viability Reports was reasonable.

The following paragraphs of this Key Issue deal with the viability of the 205-dwelling scheme; though it should be noted that the viability of the originally submitted 271-dwelling scheme was also assessed.

Avison Young submitted a Viability Report in respect of the 205-dwelling scheme in September 2019, and this has been assessed by Lambert Smith Hampton. Many of the inputs into the Avison Young Viability Report are agreed, including the BLV, which is so often an area of disagreement.

However, there are three main areas of disagreement, which make a significant difference to the viability of the proposed scheme and these are set out in the table below.

Input	Avison Young	Lambert Smith Hampton
Residential Sales Values	£59,999,364	£66,916,000
Price to be paid for affordable dwellings	50% of open market value	55% of open market value
Build Costs	£43,245,227	£41,890,175

Based on the Lambert Smith Hampton inputs, it is concluded that the scheme could provide 43 affordable dwellings (21%). The Council’s need is for 77% of affordable housing to be

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social rent and 23% of affordable housing to be shared ownership, and this would result in 33 social rent dwellings and 10 shared ownership dwellings.

The applicant is not prepared to offer to provide the level of affordable housing recommended in the Lambert Smith Hampton Report. At the point of drafting this Key Issue, the applicant has provided a response to the Lambert Smith Hampton evidence (which is in the process of being reviewed). Based on the Lambert Smith Hampton evidence, officers recommend that the scheme be refused as it fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

However, should committee resolve to approve the proposed scheme with no affordable housing provision, then it is recommended that a review mechanism is required to be included in a Section 106 Agreement. This will ensure that the viability of the scheme can be reassessed at various points during its development to see if it is able to provide affordable housing, either on-site or via a financial contribution.

It is important that committee is aware that much of the difference of opinion in respect of sales values relates to benchmarking against prices from very recently released developments in the vicinity of St. Catherine’s Place. These developments show a significant uplift in values from those previously achieved in the local area. Discussions remain ongoing between Avison Young and Lambert Smith Hampton in respect of this matter, and the outcome of these discussions may result in changes to the affordable housing position.

Any updated position will be set out in the Amendment Sheet, and a verbal update will also be provided to committee.

It is also important for committee to be aware that the applicant is in discussion with the Council’s Housing Team regarding the provision of affordable housing using grant funding. This means that the developer would be providing affordable housing, but at no cost to the development, as the use of grant funding would mean that the housing association would be paying nearly full open market values for the affordable properties. This affordable housing would be provided outside of the planning system, would not be secured through any s.106 agreement and as such, it is not a material consideration in the determination of this planning application. The Council’s planning policies are clear that affordable housing provided through the planning system should be provided by the developer with no grant being applied.

The recommendation in respect of Affordable Housing provision is that the application be refused as the proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.

C. WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND SUPPORT THE AIMS OF THE BEDMINSTER GREEN FRAMEWORK?

Policy BCS21 advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets

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and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The Bedminster Green Framework sets out the requirement for new development within the framework area to provide distinctive, high quality architecture and public realm to create a strong sense of place, vitality and identity for the area. This is in recognition of the current lack of identity in Bedminster Green and the opportunity available through appropriate development to create a new urban quarter which is also legible, active and enjoyable at street level.

The City Design Group have objected to the proposed development on design grounds. The CDG states that the Bedminster Green Framework embeds a presumption for high density development and taller buildings at this site, whilst also setting out a number of key principles required to achieve it, including exemplary design quality and an urban design response relating to the Urban Living SPD. The CDG raise concerns in particular relating to public realm, outdoor amenity and play, internal configuration and the overall height, scale and massing. These are considered below in turn.

i) Public realm

Policy DM28 sets out how development should create high quality public realm which is appropriate in terms of space for movement and the relationship with the building edge. Policy DM27 sets out how development should provide streets and spaces that allow convenient access and choice of movement modes, at a scale appropriate to the size of development. The Urban Living SPD provides further guidance, acknowledging that as densities increase, the need to invest in a high quality public realm grows. This need for high quality public realm is reiterated in the Bedminster Green Framework, and the application site in particular is noted as a key location in the Framework area which would contribute to distinctive character in the area.

The CDG identifies that all four frontages on the edges of the proposed development fail to meet the requirements set out in policy to deliver a sufficiently high quality public realm, particularly given the scale of the development proposed. For example, the set-back of the development along Malago Road (fronting onto Bedminster Green) is insufficient to create the vision of the Bedminster Green Framework for an 'Avenue of Trees' and which would create a functional, comfortable pedestrian environment along what would be a main transport corridor on the A38. This is particularly evident at Block A whereby the footpath width to the front of this 16-storey building is only 1.9 metres in width at its narrowest point, increasing to 3.6 metres at its widest point.

Concerns are also raised over the quantum of public realm at the base of Block B along Dalby Avenue and the 'pocket space', the amenity of which is questionable given its location between two tall elements of the scheme. While improvement to the public realm within the square of St Catherine's Place is noted, it is considered that opportunities to improve the public realm at Mill Lane have also not been sufficiently explored.

In summary, the maximised footprint of the development is considered to have inhibited the design quality and the quantum of the public realm at the site frontages, which fail to meet the requirements and policy aspirations set out in DM27, DM28, the Urban Living SPD and the Bedminster Green Framework.

ii) Outdoor space and children's play

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Policy DM27 sets out the requirement for “the provision of adequate appropriate and usable private or communal amenity space”. The Urban Living SPD provides further guidance on this and recommends 1282sqm of private open space for the scheme as currently proposed. Approximately 1329sqm is proposed to be provided as a mix of private and communal open space.

While it is noted that the quantity of amenity space is met in accordance with the Urban Living SPD, the function and quality of this space is also an important consideration. The location of communal roof terraces on the 9th and 11th floor of Block A, without any indication of wind protection, would result in an unpleasant environment. Further communal space at the mezzanine of Block A is considered likely to be overshadowed by surrounding tall buildings and subject to wind tunnel effects. Balconies on the residential units are also considered likely to be affected by air and noise pollution from Malago Road. The quality and utility of this outdoor amenity space is therefore considered insufficient.

The Urban Living SPD sets out how children's play is expected to be integrated into residential development schemes, enabling and facilitating opportunities for play and informal recreation. According to the Child Yield Calculator, as least 27 children would live across the scheme, yet there are limited opportunities for play within it. Particular concern is raised over the lack of private or communal amenity space for residents of Blocks C, D and E, which is not compensated for by sufficient access to high quality public realm across the rest of the site.

In summary, it is considered that the design does not demonstrate how children and children's play has been accommodated as per the requirements of the Urban Living SPD, providing a suitably high-quality environment for residents of all ages.

iii) Internal configuration

Policy BCS21 of the Core Strategy seeks to ensure new development is of a quality design, including safeguarding the amenity of existing development and create a high quality environment for future occupiers.

It is considered that the utilisation of standard floor plate arrangements in the development design fails to provide an appropriate response to the site context and create a high-quality living environment. For example, the layout of Block A creates a high proportion of single aspect units with potential for obstructed light and outlook, particularly at lower levels. This is not in accordance with the high-quality design requirements of Policy BCS21, nor the expectations set out for higher density development in the Urban Living SPD and the Bedminster Green Framework.

iv) Height, scale and massing

Policies DM26 and DM27 set out the policy expectations for development to respond positively to local character and create healthy, safe and sustainable places through an appropriate response to the immediate context, site constraints and the character of adjoining street and spaces. The Urban Living SPD provides further guidance, particularly in areas undergoing significant change with an emerging context and the need to provide an appropriate transition to existing context and communities. The Bedminster Green Framework sets out principles for taller buildings, stating that well-designed tall elements can provide identity, character and landmark buildings. However, it emphasises the importance of composition of taller buildings, to 'step down' and transition toward lower adjoining areas.

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Whilst recognising that the extant permission establishes the principle of a taller building on this site (at 16 storeys), the retention and conversion of St. Catherine's House provides a different context to that in which the previous scheme was consented. It is a constraint to the development and the location of a new 16 storey block (Block A) ca. 17m from the 8-storey St Catherine's House is considered likely to severely compromise the living environment of its occupants and affect the quality of the outdoor amenity space.

Furthermore, it does not provide a sufficient transition that acknowledges the contextual height of the converted St Catherine's House and existing development on Stafford Street.

The transition between the proposed development and its surroundings is considered of insufficient quality at other locations; namely between Block C and St Catherine's House, between Stafford Street and Mill Lane and between Block E and East Street (particularly notable as the edge of the Conservation Area). By virtue of the height and massing of the development, across the scheme, it is considered that it fails to appropriately respond to, and transition with, the surrounding lower height development, appearing overbearing in some locations and with potential harmful effects on existing and future occupiers in some cases (see Key Issue D for more detailed consideration on residential amenity).

Consequently, the development is not considered to meet the requirements of DM26, DM27, the Urban Living SPD or the Bedminster Green Framework.

v) 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." [48].

Section 16 of the National Planning Policy Framework (NPPF) 2019 states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing heritage assets, and the desirability of new development to make a positive contribution to local character and distinctiveness. It also 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.

Policy BCS22 states that development proposals will safeguard or enhance heritage assets and their character and setting. This includes conservation areas and historic buildings, including those locally listed.

Policy DM31 sets out that where a proposed development would impact the significance of a heritage asset (including those locally listed) the applicant will be required to justify the extent of proposed works and demonstrate how the features of the heritage asset and the local character of the area will be retained.

The northern part of the application site is located within the boundary of the designated Bedminster Conservation Area.

Historic England have raised no objection to the proposed development on heritage grounds. However, as detailed above, the CDG have raised concern over the impact of the

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height and scale of the buildings on the character area of East Street within the Conservation Area, where a 5-storey element at Block E exceeds the prevailing height of 2-3 storeys characterising the area, appearing incongruous. Whilst there may be some scope for increasing height at this location applying the principles of intensification (to 4 storeys), it is considered that there is not sufficient justification for such an increase in this case and the overall massing is out of character with the Conservation area.

vi) Trees

Policy DM17 of the Site Allocations and Development Management (2014) sets out that all new development should integrate important existing trees; that development resulting in the loss of ancient woodland, aged or veteran trees will not be permitted; and, that where tree loss or damage is essential for appropriate development, replacement trees should be provided of an appropriate species and in accordance with the tree replacement standard. Policy DM15 requires that provision of additional trees or improved management of existing trees is an expectation of the landscape treatment of new development. Policy BCS9 requires that an appropriate type and amount of new or enhanced green infrastructure in new development.

The applicant proposes to remove 7 trees as part of the development. As per the Bristol Tree Replacement Standard, the removal of these trees would require 30 replacement trees or a pro-rata financial contribution of $30 \times 765.21 = \text{£}22,956.30$ to mitigate their loss. The applicant has currently proposed to provide 4 trees and 5 shrubs as mitigation, which is considered insufficient, particularly given that 3 of the trees to be lost have been identified by the BCC Tree Officer as providing a contribution to the visual amenity of the Bedminster Conservation Area.

These three trees are Category A and B trees along Dalby Avenue and provide one of the only significant sections of mature green infrastructure locally, contributing to the character and appearance to the area. Furthermore, the Tree Officer considers that there is insufficient evidence in the application to support the removal of these trees over their retention.

The proposed development is considered to fail to meet the requirements for trees and green infrastructure in new development as per policies DM17, DM15 and BCS9, and does not sufficiently mitigate the loss of trees as per the Bristol Tree Replacement Standard, resulting in adverse impacts to the character and visual amenity of the area.

Summary

The application site is considered suited to a higher density development than its existing use, given its sustainable location and position within the Bedminster Green regeneration area. The principle for taller buildings on the site has also been established by the extant permission.

However, it is considered that the proposals of the current application have sought to 'maximise' rather than 'optimise' density and as a result, do not achieve the goals of successful placemaking, high quality design and liveability which are set out in the Local Plan Policies BCS21, DM26, DM27, DM28 and DM29, the Urban Living SPD and Bedminster Green Framework.

The proposed development, by nature of its height, scale and massing would be incongruous in relation to the character of the Conservation Area and would fail to safeguard or enhance the Conservation Area. This would be contrary to Policies BCS22 and DM31.

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The proposed development would fail to sufficiently mitigate the loss of trees as required by Policies DM17 and result in an adverse impact on the character of the area.

D. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY?

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers. Policy DM29 sets out that new buildings will be designed to ensure that the existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

BRE Report 209, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" outlines the approach for three tests to assess whether adequate levels of daylight can be achieved as a result of a development proposal, based upon Vertical Sky Component (VSC), Average Daylight Factor (ADF) and No Sky Line (NSL).

VSC is a measure of the amount of diffuse daylight reaching a window. In respect of VSC, the BRE guide explains that diffuse daylight may be adversely affected if, after a development, the VSC is both less than 27% and less than 0.8 times its former value.

ADF is a measure of the amount of daylight in the affected room. The BRE guide recommends an ADF of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary electric lighting is provided. There are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

The BRE guide explains that the daylight distribution, assessed by plotting the position of the existing and proposed 'No Sky Line' (the point within the affected room where the sky can no longer be viewed) of a neighbouring property may be adversely affected if, after the development, the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

In respect of sunlight, an assessment should take account of the Annual Probable Sunlight Hours (APSH). APSH is amount of sunlight the affected window can receive with and without the new development. The BRE guide explains that sunlight availability may be adversely affected if the centre of the window: receives less than 0.8 times its former sunlight hours during either period (summer or winter).

A Daylight and Sunlight Assessment has been undertaken by Avison Young (October 2019). The results of which, set out within Appendix III of that Report are relied upon within this section of the Committee Report.

i) Daylight for neighbours

The results of the VSC, ADF and NSL assessments are included within Pages 71-81 of the Avison Young Report. A total of 345 windows were considered in the adjoining area, including approximately 139 windows at St. Catherine's House.

When applying the BRE Guidance to the results, a total of 189 of the 345 windows assessed pass the test whereby VSC is either greater than 27% or the reduction in daylight is less than 20% of existing. This demonstrates that 156 of the windows within the assessment

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would be adversely affected. When solely considering the results for St. Catherine's House, a total 88 out of 139 of windows were considered to be adversely affected.

It is noted within the Avison Young Report that the BRE Guidance is 'advisory', and whilst frequently relied upon by Bristol City Council, it is the conclusion of Officers that a degree of flexibility should be applied when considered the impacts of development on daylight. As such, the results of the assessment were also tested against a less stringent approach, whereby a 'significant adverse effect' would result from those windows which suffered a reduction in daylight (VSC) of more than 40%.

Under this test, a total 103 of the 345 windows within the study area and 77 of 139 of the windows at St. Catherine's House were considered to be significantly adversely affected.

The Avison Young Report references the assessment approach undertaken at Malago Road (19/00267/F), however it should be noted in the context of that application much fewer properties were affected and the rooms affected were either kitchens or bedrooms for which the BRE guidelines acknowledge daylight for these rooms is less important. The Report sets out that acceptable VSC values were 11-14% at ground floor, 16-17% at first floor and 18-20% at second floor.

When applying the thresholds above, assuming that 18-20% VSC is acceptable at second floor and above, a total of 79 windows of the 345 windows within the assessment would still fail the tests.

The results for ADF and NSL were also reviewed and assessed. When applying the minimum ADF of 1%, which is usually considered only acceptable for bedrooms, a total of 50 rooms in the study area failed to achieve this minimum standard.

The NSL assessment indicates that 83 rooms would fail to meet BRE Guidance and result in a reduction of the area of the working plane which receives direct skylight of less than 0.8 times its former value.

It is considered that the proposed development would result in unacceptable overshadowing to existing dwellings by obscuring daylight to a high proportion of windows when applying both the BRE Guidance and principles previously applied to other developments within Bristol.

ii) Sunlight for neighbours

The results of the APSH assessment are included on pages 82-87 of the Avison Young Report. The APSH assessment demonstrates that a total 129 rooms windows assessed would fail to meet BRE Guidance in either summer, winter or both.

In the interests of applying flexibility to the approach and the guidance, the threshold was increased to 100% of room area. This threshold means that as a result of the development affected rooms would be completely void of sunlight, where there previously had been at least some sunlight in either summer or winter.

A total of 56 rooms would have 100% of the floor area void of sunlight in either winter, summer or both. 54 of the rooms in St. Catherine's House would not receive any sunlight as a result of the proposal, with all of these rooms currently achieving APSH coverage of between 20% and 40% (without the proposed development).

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It is considered that the proposed development would result in unacceptable harm to residential amenity by blocking sunlight to a high proportion of habitable rooms of neighbouring properties.

iii) Overlooking

Although specifically produced to guide householder alterations and extensions, Supplementary Planning Document 2 includes useful guidance on overlooking for new development. It states that where habitable rooms face each other, as a 'rule of thumb', a gap of 21 metres should generally be provided.

'Site Plan Proposed Rev P03' demonstrates that Block A would be located between 13 and 17 metres from the existing St. Catherine's House. Whilst less than ideal, a distance of ca. 17 metres could be considered acceptable given the urban nature of the surrounding area.

The proposed distance between flats in the southernmost part of St. Catherine's House and Block A would be unacceptable and likely result in overlooking between existing neighbours and future occupiers.

iv) Amenity for future occupiers

The Urban Living Assessment indicates that each of the proposed dwellings would meet the nationally described space standards in terms of total floorspace, bedroom sizes and built-in storage.

The results of VSC, ADF, NSL and APSH assessments for the proposed development are included on pages 88 to 101 of the Avison Young Report.

Within Block A, 136 windows were assessed as failing to meet the BRE Guidance of providing 27% VSC, and a total of 24 windows would not achieve a ADF of 2% or 1% dependent on use. This would mean approximately half of the 264 windows proposed within Block A would fail to meet the guidance.

21 windows out of a total of 37 windows within Block B were assessed as failing to meet BRE Guidance in terms of VSC but most of the windows would achieve an acceptable ADF.

With the exception of Floor 1, Block C and Block E would be largely compliant with the BRE Guidance.

Block D would be less than ideal in terms of daylight, with 6 of the 9 windows assessed to fail to meet the BRE Guidance on VSC. 3 of these windows would also fail the BRE Guidance on ADF.

Overall, it is considered that the proposed development would fail to create a high-quality living environment for future occupiers as required by Policy BCS21.

Summary

The proposed development would result in an unacceptable impact upon residential amenity in terms of overshadowing and overlooking, contrary to Policies BCS21 and DM29.

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**E. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND
HIGHWAYS ACCEPTABLE?**

The application site is bounded by the A38 Dalby Avenue to the east and south and East Street to the north. To the west, Stafford Street and Mill Lane run adjacent to the site. The proposed scheme would provide 27no. car parking spaces including 3no. disabled car parking spaces. These spaces would be split between a car park underneath Block A and adjacent to Block C.

In total, 347no. cycle spaces would be provided on the site, including provision for visitors to the residential accommodation. One service yard would be situated behind Block C, accessed off the A38 Dalby Avenue and another service yard would be situated off Mill Lane adjacent to Block A and is intended to serve all of the commercial units.

i) Strategic road network

Policy BCS10 of the Core Strategy (2011) states that:

“Land required for the implementation of transport proposals will be safeguarded to enable their future provision. Corridors with the potential to serve as future routes for walking, cycling and public transport will also be safeguarded. Appropriate existing transport facilities such as transport depots will be safeguarded where required.”

The explanatory text for Policy BCS11 of the Core Strategy states:

“Without appropriate measures to mitigate impact and investment to enable the provision of infrastructure improvements, the proposed level of development will be neither sustainable nor acceptable.”

Policy DM27 of the Site Allocations and Development Management (2014) states that:

“Proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a comprehensive scheme or, by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future”.

The application site is within the Bedminster Green regeneration area in which five individual plots are expected to deliver significant mixed-use development. In order to avoid piecemeal development and to ensure new residents benefit from high quality public transport, walking and cycling provision connectivity, a development framework approach has been advocated by Bristol City Council.

As part of this, a Strategic Transport Assessment (STA) is being carried out by Peter Brett Associates (PBA) to consider a number of infrastructure improvements including an A38 Public Transport Corridor (additional bus lanes), an upgraded rail facility at Bedminster Station and Public Realm design and adjustments to a number of surrounding streets, to create a more attractive environment and enhanced cycle linkage.

The Transport Development Management (TDM) team have noted that they consider this scheme has been brought to committee prematurely and therefore cannot recommend

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approval in the absence of the completed Strategic Transport Assessment (STA) for the entirety of Bedminster Green.

The critical matters for this site relates to the A38, the location of the northbound bus stop and the completion of a general arrangement plan. Until these matters are resolved and in the absence of the completed STA, TDM is not in a position to offer a positive recommendation for this proposal.

ii) Provision of car and cycle parking

Policy DM23 of the Site Allocations and Development Management Policies document (2014) sets out the requirement for developments in relation to transport, including the parking and cycle parking provision expected to be provided.

A total of 22 residential car parking spaces are proposed within the mezzanine level car park within Block A, for sole use as allocated parking by the residential dwellings. No resident parking scheme permits will be available to occupants of the proposed development and a standard advice would apply in this respect, informing the RPS team not to issue these. In the event that all other matters are resolved, TDM would seek a condition that obligates the current or any future owner to inform prospective tenants or buyers of this as a matter of course.

The updated Transport Statement states 3 disabled bays have been provided however it is unclear where these have been provided as the rear and side hatched markings have not been demonstrated. When applying BCC minimum standards, a total of 12 disabled spaces are required. Furthermore, TDM are unable to assess the suitability of the parking adjacent to Mill Lane given the lack of information submitted regarding servicing / confirmation of the size of the maximum delivery vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient disabled parking.

In relation to cycle parking, TDM consider that the submitted plans do not demonstrate sufficient cycle parking. The design of the cycle store is unclear, and it has not been demonstrated this store would be able to accommodate sufficient cycle parking numbers.

As per BCC minimum standards 334 cycle parking spaces would be required for the residents of the development with a further 20 provided for visitors. In terms of commercial uses four spaces will be required, two for staff and two for visitors.

Cycle parking will need to be located at various locations around the site to enable adequate access and parking for both visitors and residents. Sheffield Stand cycle parking is required on site.

TDM is unable to recommend approval on the basis of the level of cycle parking shown.

iii) Recycling and waste provision

Policy DM32 of the Site Allocations and Development Management Policies document (2014) sets out the expectations for development with regards to refuse and recycling storage and collection.

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The servicing arrangements to the rear of the site are critical for the design and development of the surrounding streets, including Stafford Street, Little Paradise and Leicester Street. However, there is limited detail provided in the revised Transport Statement. A swept path analysis is provided for an 11.4m refuse vehicle for the emerging scheme (by the neighbouring developer) TDM is yet to receive surety (and a written confirmation) that the St Catherine's Place retail units will not require a larger vehicle.

TDM therefore cannot support the development on the basis of failing to provide sufficient details of servicing requirements and as a consequence failure to inform the local infrastructure required between the St Catherine's Place and Little Paradise schemes.

iv) Travel Plan

The submitted Travel Plan is deemed to be insufficient by TDM. Interim targets are required and it is also essential to agree a travel plan budget prior to determination. The action plan needs to be updated to include sustainable travel vouchers such as bus/bike/car club.

v) Summary

On the basis of the information provided to date, TDM is unable to recommend approval of the application which should be refused on the following grounds:

- 1) Compliance / fit with the A38 corridor works has not been demonstrated
- 2) Failure to agree a package of s106 contributions
- 3) Insufficient disabled car parking provision and cycle parking provision
- 4) Failure to confirm / demonstrate servicing requirements
- 5) Submitted Travel Plan unacceptable

As noted in TDM detailed comments, matters 1 – 2 listed above will remain outstanding in the absence of the completed Strategic Transport Assessment for the entirety of Bedminster Green. However, it is considered that in advance of the Committee meeting the applicant will respond to / clarify matters 3 – 5 listed above. An update to Members will be provided by way of the Amendment Sheet.

**F. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE WITH REGARDS TO
CONTAMINATION, FLOOD RISK, DRAINAGE AND AIR QUALITY?**

i) Contaminated land

Policy DM34 sets out that new development should demonstrate that any existing contamination on a site would be addressed by appropriate mitigation measures and that there is no unacceptable risk of pollution within the site or surrounding area. The policy also requires that the development will not cause land to become contaminated.

The applicant has submitted a desk study and ground investigation, and a flood risk assessment, and a foul and surface water drainage strategy.

The Public Protection (Contaminated Land) officer has stated that they are broadly satisfied with the information provided thus far by the applicant in relation to human risk and has advised recommended conditions. However, the Officer notes that as the Environment Agency have objected to the application with respect to controlled waters, the application cannot be supported with respect to contamination as a whole, and the recommended conditions may not be satisfactory in overcoming the Environment Agency objection.

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Comments from the EA in relation to the revised details is still awaited. No comment was provided in time for this report. An update to Members will be provided by way of the Amendment Sheet.

ii) Flood risk and drainage

Regarding flood risk, Policy BCS16 of the Core Strategy states that developments need to be resilient to flooding through design and layout and incorporate sensitively designed mitigation measures to ensure the proposed development remains safe from flooding over its lifetime. The requirement to incorporate Sustainable Drainage Systems (SuDS) into new development is highlighted, as is the expectation that new development would incorporate water management measures to reduce surface water run-off and ensure flood risk is not increased elsewhere.

The applicant submitted a flood risk assessment and a foul and surface water drainage strategy. An updated Flood Risk Technical Note was submitted in September 2019.

The Flood Risk Officer objected to the application as originally submitted (October 2018) because the plans did not follow the framework flood risk assessment commissioned by the land owners, or the Bedminster Green Framework. The officer expressed concern that the scheme did not facilitate use of greener SuDS techniques, prioritised using the SuDS hierarchy, nor does it reduce the existing site run off significantly.

On review of the Flood Risk Technical Note and Addendum, the Flood Risk Officer was satisfied that the FRA recommendations have been taken into account for the flood risk posed to the development, however there has been no update to the drainage strategy to address concerns about the lack of a preferred SuDS solution providing reduced run-off rates.

Whilst the LLFA consider the issue of flood risk has been addressed, an agreed SuDS solution for the site that meets BCC's requirements has not been resolved. It is considered that this aspect could be conditioned so that an acceptable SuDs strategy could be submitted prior to the commencement of development.

Comments from the EA in relation to the revised details are awaited. An update to Members will be provided by way of the Amendment Sheet.

iii) Air quality

Policy DM23 states that development in designated Air Quality Management Areas should take account of existing air pollution and include measures to mitigate its impact on future occupiers where possible.

The application site is located within a designated Air Quality Management Area. The applicant has submitted an Air Quality Assessment for the proposed development. The Air Quality Officer has recommended that provided mitigation measures listed in the AQA are secured via conditions attached to any consent, the development would be acceptable with regard to air quality impact.

Summary

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The proposed development fails to provide a sufficient sustainable drainage strategy to meet the requirements of Policy BCS16, however whilst not ideal this aspect could be secured by way of a condition. Comments on the revised scheme are awaited from the Environment Agency. An update to Members will be provided by way of the Amendment Sheet.

G. DOES THE PROPOSED DEVELOPMENT GIVE SUFFICIENT CONSIDERATION OF SUSTAINABLE DESIGN AND CONSTRUCTION?

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaptation, material consumption and biodiversity should be included as part of a sustainability or energy statement.

The Energy Strategy and Sustainability Report as originally submitted was considered to be insufficient by the Sustainable Cities team. A revised statement was provided setting out a strategy for heating and hot water utilising combined heat and power (CHP). The revised strategy for delivering heating and hot water utilising CHP now complies with BCS14 and this could allow a future connection to the heat network.

The overheating assessment provided is noted. This shows failures i.e. overheating, in bedrooms and a living room. The Energy Statement and design specification should be revised to show how this risk will be addressed in order to ensure that all rooms are resilient to overheating during the lifetime of the scheme.

According to the Energy Statement the Heating and Hot Water strategy in the residential units is still being developed. Whilst the heating/cooling details have not been provided, given the scheme now incorporates a system in accordance with the heat hierarchy, that these heating/cooling details could be secured by way of a condition.

At the time of publishing this report, a BREEAM pre-assessment for the non-residential elements of the scheme is still outstanding (commercial units in Block A and Block B). Whilst the pre-assessment has not been provided, Officers consider that this could be secured by way of a condition.

Given the issues flagged above, the proposed development subject to conditions could give sufficient comfort that it would mitigate and adapt to climate change and minimising energy requirements.

OBLIGATIONS

The applicant has proposed the following Heads of Terms for a Section 106 Agreement (if planning permission were to be granted):

- Transfer of Land for Strategic Highways Improvements

Development Control Committee A – 20 November 2019**Application No. 18/05310/F: St Catherine's Place Shopping Centre East Street
Bedminster Bristol BS3 4HG**

- Delivery of the Residential Travel Plan (not quantified nor specified whether this would be undertaken by BCC on behalf of the applicant)
- Contribution to the Windmill Hill Residents Parking Scheme (not quantified)

The items identified by the applicant are related to the development in terms of scale and kind, however, more work would be required to quantify and agree the scope of any draft Heads of Terms. Aside from there being no agreement on the level of Affordable Housing to be provided subject to s.106 Agreement, TDM would require contributions to the Travel Plan, Car Club and any other contributions resulting from the findings of the Strategic Transport Assessment to be quantified and agreed.

CONCLUSION

In terms of adopted policy, whilst the principle of development is supported, it is considered that:

- the proposed development fails to make an appropriate contribution towards the provision of affordable housing;
- the scheme is not acceptable in design terms and would result in unacceptable impact on the amenity of existing residents; and
- compliance with the A38 corridor works has not been demonstrated and a package of s106 contributions has not been quantified or agreed.

This application has been considered and assessed by Officers against the Development Plan, taking into account material considerations. For these reasons the application is recommended to Members for refusal.

COMMUNITY INFRASTRUCTURE LEVY

This development is liable for CIL totalling £1,418,821.88.

RECOMMENDED REFUSE

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

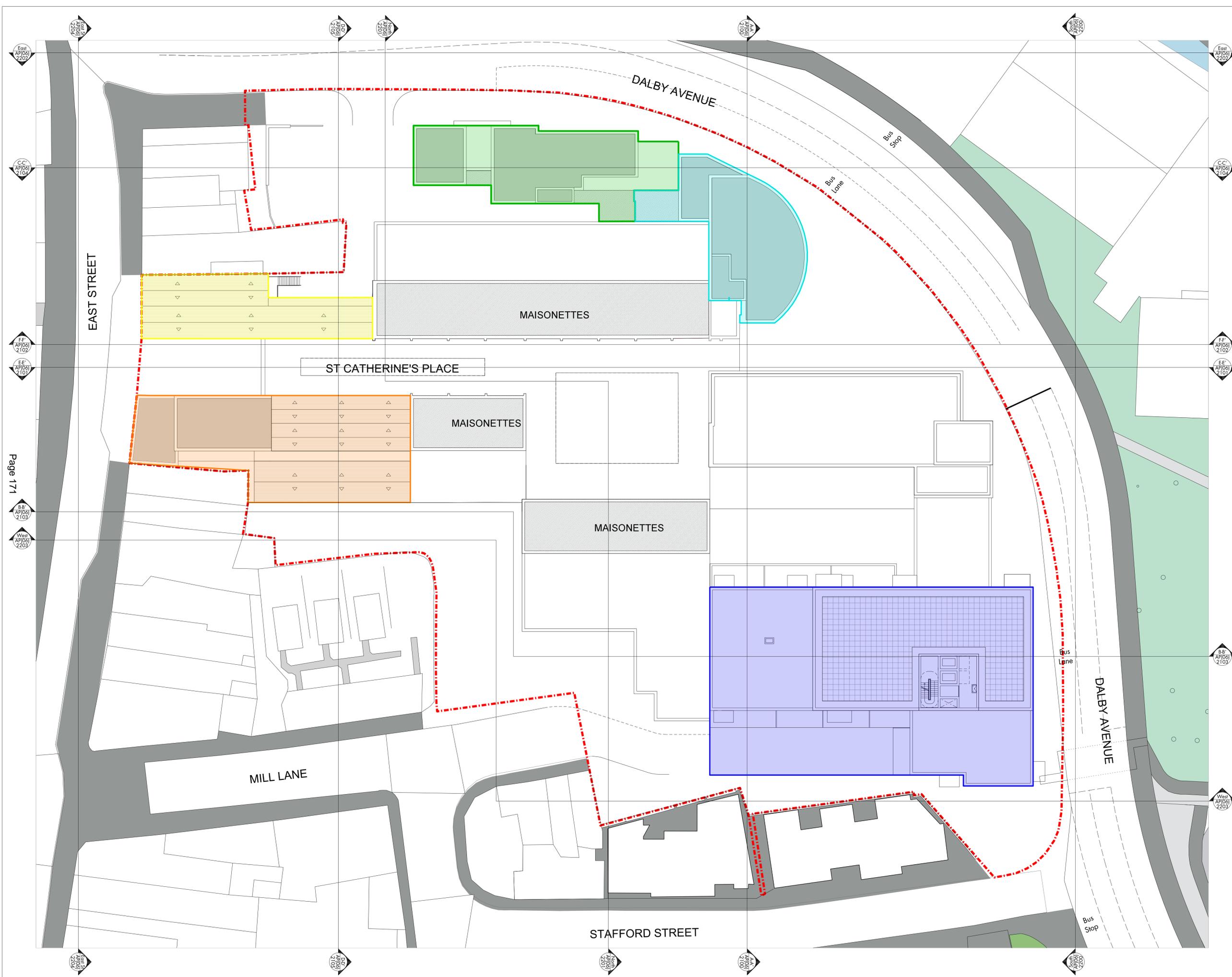
Reason(s)

1. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.
2. The proposed development by reason of its height, scale, massing and overall design quality would be unacceptable in design terms and impact on existing residential amenity. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019).
3. The proposed development would be unacceptable in terms of transport and highways as compliance with the A38 corridor works has not been demonstrated and there is an absence of an agreed package of s106 contributions contrary to Policies BCS10 and BCS11 of the Bristol Core Strategy (June 2011); and Policy DM27 of the Site Allocations and Development Management Policies (July 2014).

Supporting Documents

1. St Catherines Place Shopping Centre, East Street, Bedminster

1. Key Plan
2. Upper Ground Floor Plan
3. Typical Upper Floor Plan
4. East Street Section
5. East Street (North) Elevation
6. Dalby Avenue (West) Elevation
7. Dalby Avenue (South) Elevation



Drawing Record

Rev	Date	By	Comments	Checked
P01	17.07.2018	LR	FIRST ISSUE	BT
P02	24.07.2018	LR	GENERAL UPDATES	BT
P03	06.08.2018	LR	BLOCKS A&B UPDATED	BT
P04	21.09.2018	LR	PLANNING ISSUE	BT
P05	26.06.2019	LR	UPDATED	BT
P06	13.09.2019	LR	PLANNING ISSUE	BT



Key

- - - - BOUNDARY LINE
- BLOCK A
- BLOCK B
- BLOCK C
- BLOCK D
- BLOCK E

SIGNIFICANT HEALTH AND SAFETY RISKS (UNUSUAL AND DIFFICULT TO MANAGE ONLY)

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PLANNING ISSUE

Client
FIRMSTONE CONSORTIA ONE

Consultants

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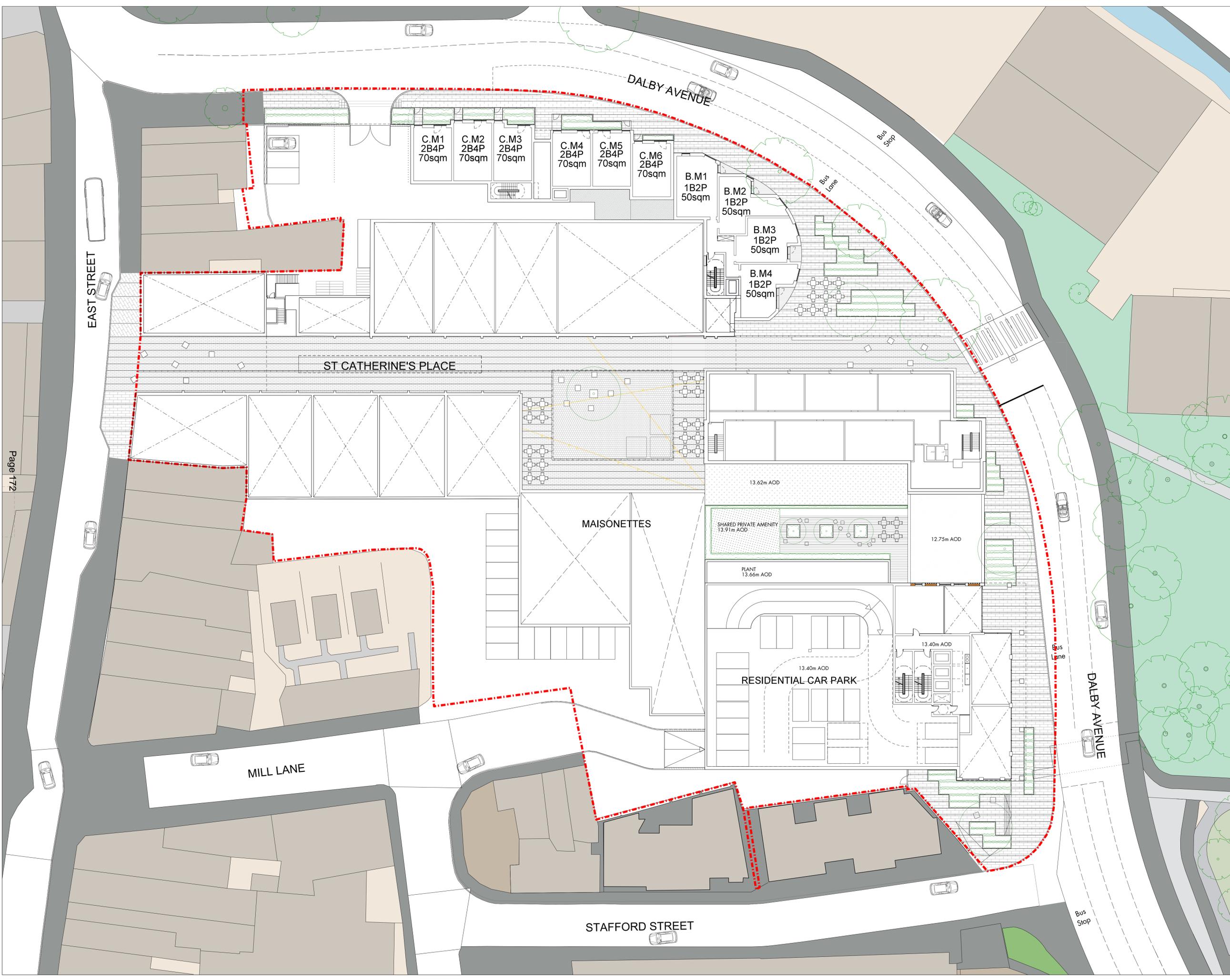
Job Title
ST. CATHERINE'S PLACE
BEDMINSTER

Drawing Title

KEY PLAN

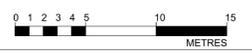
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Job No.	Drawing No.	Revision
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Drawing Record

Rev	Date	By	Comments	Checked
P01	29/01/2018	LR	FIRST ISSUE	RR
P02	12/02/2018	LR	CAR PARK UPDATE	RR
P03	21.06.2018	LR	UPDATED SCHEME	BT
P04	12.07.2018	LR	UPDATED SCHEME	BT
P05	17.07.2018	LR	UPDATED SCHEME	BT
P06	24.07.2018	LR	UPDATED SCHEME	BT
P07	01.08.2018	LR	AFTER PRE-APP COMMENTS	BT
P08	06.08.2018	LR	BLOCKS A&B UPDATED	BT
P09	28.08.2018	LR	CINEMA UPDATED	BT
P10	21.09.2018	LR	PLANNING ISSUE	BT
P11	21.06.2019	LR	A38 REALIGNMENT WITH BUS LANE	BT
P12	13.09.2019	LR	PLANNING ISSUE	BT



Key Plan



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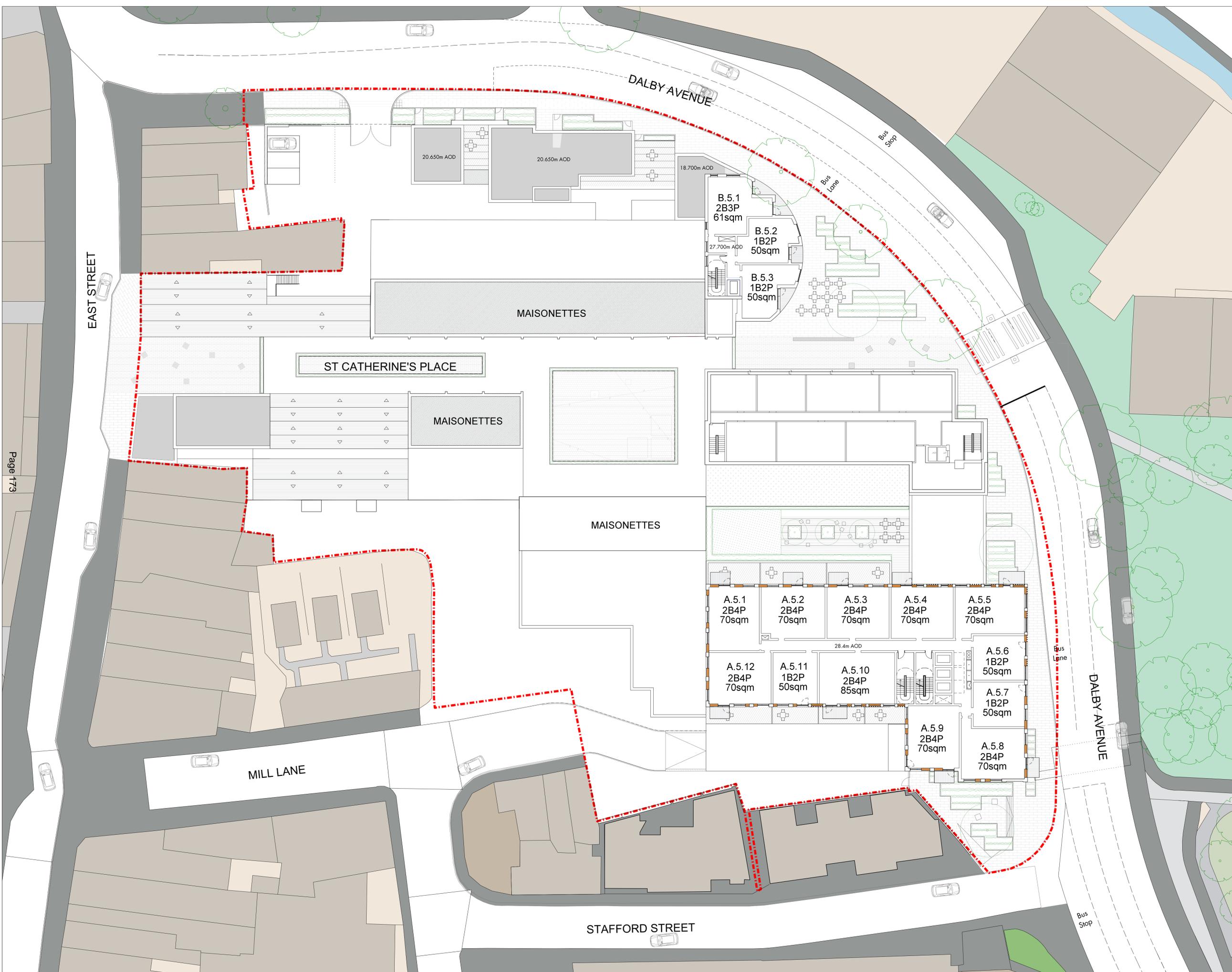
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Job Title
ST. CATHERINE'S PLACE
BEDMINSTER

Drawing Title
PROPOSED RESIDENTIAL SCHEME
UPPER GROUND FLOOR

Scale @ A1	Date	Drawn	Checked
1:250	JAN 2018	LR	RR

Job No.	Drawing No.	Revision
3 6 4 6	AP(0.4)2.0.0.3	P 1 2



Page 173

Drawing Record

Rev	Date	By	Comments	Checked
P01	17.07.2018	LR	FIRST ISSUE	BT
P02	24.07.2018	LR	UPDATED SCHEME	BT
P03	05.08.2018	LR	BLOCKS A&B UPDATED	BT
P04	21.09.2018	LR	PLANNING ISSUE	BT
P05	21.06.2019	LR	A38 REALIGNMENT WITH BUS LANE	BT
P06	13.09.2019	LR	PLANNING ISSUE	BT



Key Plan

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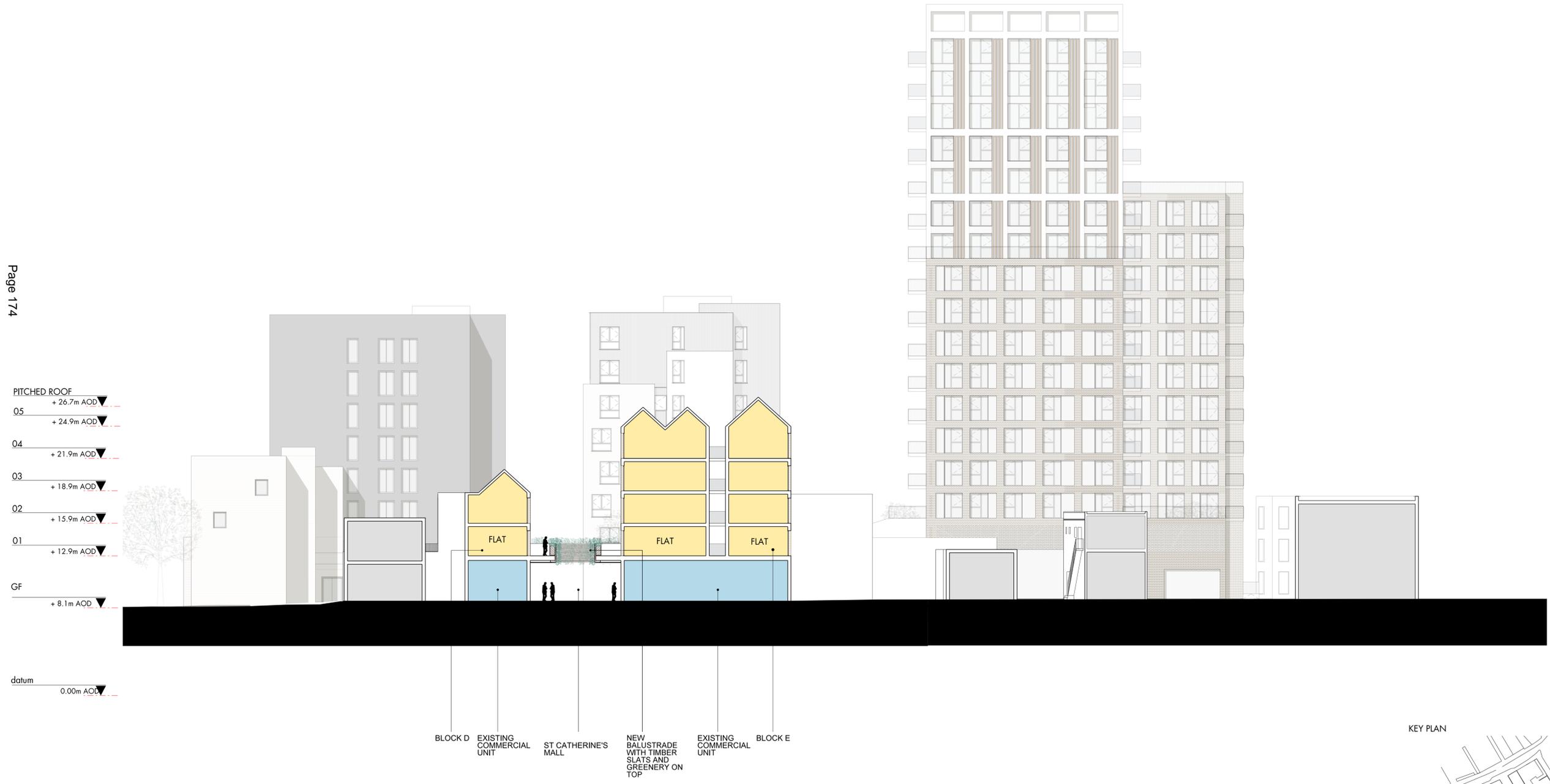
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 W106AD

Job Title
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BEDMINSTER

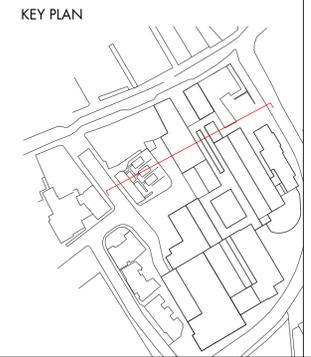
Drawing Title
PROPOSED RESIDENTIAL SCHEME
05 TO 08 FLOOR

Scale @ A1	Date	Drawn	Checked
1:250	JULY 2018	LR	BT
Job No.	Drawing No.	Revision	
3 6 4 6	AP(0 4)2 0 0 8	P 0 6	



PITCHED ROOF	+ 26.7m AOD
05	+ 24.9m AOD
04	+ 21.9m AOD
03	+ 18.9m AOD
02	+ 15.9m AOD
01	+ 12.9m AOD
GF	+ 8.1m AOD
datum	0.00m AOD

BLOCK D EXISTING COMMERCIAL UNIT
 ST CATHERINE'S MALL
 NEW BALUSTRADE WITH TIMBER SLATS AND GREENERY ON TOP
 EXISTING COMMERCIAL UNIT
 BLOCK E



Rev	Date	By	Comments	Checked
P01	11.07.2018	LR	FIRST ISSUE	BT
P02	06.08.2018	JG	BLOCKS A&B UPDATED	BT
P03	21.09.2018	LR	PLANNING ISSUE	BT
P04	26.06.2019	LR	UPDATED	BT
P05	13.09.2019	LR	PLANNING ISSUE	BT



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Job Title
 ST. CATHERINE'S PLACE
 BEDMINSTER

Drawing Title			
SECTION D,D (EAST STREET)			
Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	BT
Job No.	Drawing No.	Revision	
3646	AP(06)2,1,0,5	P,0,5	



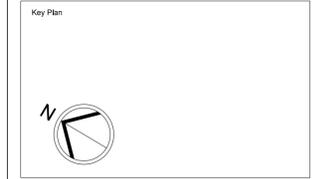
PARAPET
 05 + 26m AOD
 + 24.9m AOD
 04 + 21.9m AOD
 03 + 18.9m AOD
 02 + 15.9m AOD
 01 + 12.9m AOD
 GF + 8.1m AOD

datum
 0.00m AOD

BLOCK D FLOOR TO CEILING WINDOWS WHITE BRICK FINISH ST CATHERINE'S PLACE ENTRANCE
 BLOCK E TIMBER SLATS CLADDING WHITE BRICK FINISH EXISTING FAÇADE BOLT - ON BALCONIES WITH GLASS BALUSTRADE

Drawing Record

Rev	Date	By	Comments	Checked
P01	11.07.2018	LR	FIRST ISSUE	BT
P02	17.07.2018	LR	GENERAL UPDATES	BT
P03	24.07.2018	LR	GENERAL UPDATES	BT
P04	07.08.2018	LR	BLOCK A & B UPDATED	BT
P05	21.09.2018	LR	PLANNING ISSUE	BT
P06	03.06.2019	LR	UPDATED	BT
P07	13.09.2019	LR	PLANNING ISSUE	BT



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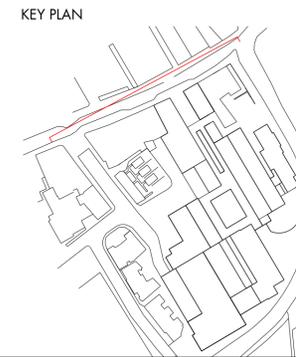
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Job Title
 ST. CATHERINE'S PLACE
 BEDMINSTER

Drawing Title
 NORTH ELEVATION (EAST STREET)

Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	BT

Job No.	Drawing No.	Revision
3 6 4 6	AP(0 6)2 2 0 4	P 0 7



Pages 17/6

07
06
05
04
03
02
01
GF

datum



PARAPET + 35.2m AOD
+ 30.7m AOD
+ 27.7m AOD
+ 24.7m AOD
+ 21.7m AOD
+ 18.7m AOD
+ 15.7m AOD
+ 12.7m AOD
+ 8.9m AOD
0.00m AOD datum

PARAPET
+ 22.15m AOD
+ 20.65m AOD
+ 17.65m AOD
+ 14.65m AOD
+ 11.65m AOD
+ 8.65m AOD
03
02
01
MEZZ
GF
0.00m AOD datum

GLASS BALUSTRADE
STANDING SEAM METAL CLADDING
PROPOSED COMMERCIAL UNIT
BLOCK B ENTRANCE HALL
BIN / RECYCLE STORAGE
INDIVIDUAL ENTRANCE TO DUPLEX
JULIET BALCONIES
BLOCK C ENTRANCE HALL
FLOOR TO CEILING WINDOW
BRICK FINISH
SERVICE YARD ENTRANCE

ALUMINUM BALUSTRADE. SHARED PRIVATE AMENITY
TILE BRICK FINISH
ALUMINUM BALUSTRADE. PRIVATE AMENITY

Drawing Record

Rev	Date	By	Comments	Checked
P01	20.03.2018	LR	FIRST ISSUE	RR
P02	04.07.2018	LR	GENERAL UPDATES	RR
P03	17.07.2018	LR	GENERAL UPDATES	BT
P04	24.07.2018	LR	GENERAL UPDATES	BT
P05	06.08.2018	LR	BLOCK A & B UPDATED	BT
P06	21.09.2018	LR	PLANNING ISSUE	BT
P07	03.06.2019	LR	UPDATED	BT
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Job Title
ST. CATHERINE'S PLACE
BEDMINSTER

Drawing Title
GENERAL EAST ELEVATION

Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	RR
Job No.	Drawing No.	Revision	
3 6 4 6	AP(0 6)2 2 0 2 P 0 8		

Drawing Record

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P01	20.03.2018	LR	FIRST ISSUE	RR
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P03	17.07.2018	LR	GENERAL UPDATES	BT
P04	24.07.2018	LR	GENERAL UPDATES	BT
P05	06.08.2018	LR	BLOCK A & B UPDATED	BT
P06	21.09.2018	LR	PLANNING ISSUE	BT
P07	03.06.2019	LR	UPDATED	BT
P08	13.09.2019	LR	PLANNING ISSUE	BT



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Drawing Title

GENERAL SOUTH ELEVATION

Scale @ A1	Date	Drawn	Checked
1:200	JULY 2018	LR	RR

Job No.	Drawing No.	Revision
3 6 4 6	AP(0 6)2 2 0 0	P 0 8



Amendment Sheet
20 November 2019

**Item 1: - St Catherine's Place Shopping Centre East Street Bedminster Bristol
 BS3 4HG**

Page no.	Amendment/additional information
31	<p>RESPONSE TO PUBLICITY AND CONSULTATION</p> <p>Since finalisation of the Committee Report on 11 November 2019, 12 further responses to the application have been received.</p> <p>Of the further responses received, six responses were in objection to the scheme and six responses in support of the proposals.</p> <p>The comments in objection to the scheme raised the following planning issues:</p> <ul style="list-style-type: none"> - Concerns about the density of the proposals and overdevelopment of the site. - Concerns the proposals are out of character with the area in terms of scale and massing. - Objection to the lack of affordable housing. - Concerns that the redevelopment won't provide sufficient regenerative benefits. - Concerns about traffic and parking. - Concerns about pollution. - Concerns about flooding and the Environment Agency objection. - Concerns about the standards of accommodation proposed and the negative impact of living within high-rise blocks. <p>The comments in support of the scheme cited the following reasons:</p> <ul style="list-style-type: none"> - The cinema would attract people to the area. - The proposals would support local businesses. - Concerns that the developer will walk away from the development if refused. - Supported by Bedminster BID and a major leisure company. <p><u>Officer's Note:</u> In reviewing these points of objection, it is considered that the Committee Report already considers these points.</p>
49	<p>KEY ISSUE B: IS THE PROPOSED DEVELOPMENT VIABLE, AND DOES IT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?</p> <p>As set out in the Committee Report, discussions have been ongoing between Lambert Smith Hampton on behalf of the Council and Avison Young on behalf of the applicant. The applicant has now agreed to accept the Lambert Smith Hampton Build Costs, meaning that the main area of difference related to Residential Sales Values.</p> <p>In the past couple of weeks a range of information has come to light that results in changes to the opinion on Residential Sales Values. Firstly, the applicant has provided pricing schedules from two local agents, Ocean and Knight Frank, which set out the values that the properties in the proposed development could be expected to achieve. Secondly, it transpires that prices at recently released developments in the vicinity of St. Catherine's Place, which are significantly above previous prices achieved in the area, have achieved very limited reservations. On this basis, it is considered that these constitute less reliable</p>

Page no.	Amendment/additional information										
	<p>evidence than previously considered, particularly for larger units.</p> <p>Lambert Smith Hampton had taken account of the original marketed prices in coming to their view of values in respect of two bedroom dwellings at St. Catherine's Place. Lambert Smith Hampton remain of the opinion that the scheme will achieve a premium above existing stock in the area. However the levels of firm offers on nearby developments impacts significantly on Lambert Smith Hampton's view of the achievable values at St. Catherine's Place, particularly as the majority of dwellings in St. Catherine's Place consist of two or more bedrooms.</p> <p>The revised Residential Sales Values (including those achieved on the St. Catherine's House element of the scheme, which forms part of the viability report, and also including a premium for parking spaces) are as follows:</p> <table border="1" data-bbox="296 703 1406 909"> <thead> <tr> <th data-bbox="296 703 512 842">Avison Young</th> <th data-bbox="512 703 715 842">Ocean</th> <th data-bbox="715 703 917 842">Knight Frank</th> <th data-bbox="917 703 1120 842">Lambert Smith Hampton (original)</th> <th data-bbox="1120 703 1406 842">Lambert Smith Hampton (revised)</th> </tr> </thead> <tbody> <tr> <td data-bbox="296 842 512 909">£59,999,364</td> <td data-bbox="512 842 715 909">£61,873,500</td> <td data-bbox="715 842 917 909">£61,076,000</td> <td data-bbox="917 842 1120 909">£66,916,000</td> <td data-bbox="1120 842 1406 909">£63,793,500</td> </tr> </tbody> </table> <p>Whilst Lambert Smith Hampton consider that sales values will be higher than those put forward by the applicant and their pricing agents, their amended values do result in a reduction of in excess of £3 million in the overall scheme value.</p> <p>Unfortunately, this reduction results in the Residual Land Value of the scheme being lower than the Benchmark Land Value, and this means that the scheme is not considered to be viable in planning terms.</p> <p>Consequently, based on the new information that has come to light and the advice from Lambert Smith Hampton, officers now consider that the scheme is unable to provide affordable housing. <u>It is therefore recommended that the lack of provision of affordable housing no longer comprises a reason for refusal.</u></p> <p>The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses. Therefore, it is recommended that viability reviews are required and that they are based on the revised Lambert Smith Hampton Viability Appraisal of November 2019, with all inputs remaining unchanged with the exception of build costs and sales values, which are to be adjusted to take account of changes in costs and values.</p>	Avison Young	Ocean	Knight Frank	Lambert Smith Hampton (original)	Lambert Smith Hampton (revised)	£59,999,364	£61,873,500	£61,076,000	£66,916,000	£63,793,500
Avison Young	Ocean	Knight Frank	Lambert Smith Hampton (original)	Lambert Smith Hampton (revised)							
£59,999,364	£61,873,500	£61,076,000	£66,916,000	£63,793,500							
55	<p>KEY ISSUE C: WOULD THE PROPOSED DEVELOPMENT BE OF A SUFFICIENTLY HIGH-QUALITY DESIGN AND SUPPORT THE AIMS OF THE BEDMINSTER GREEN FRAMEWORK?</p> <p>vi) Trees</p> <p>In updated Draft Heads of Terms provided by the Applicant (15 November 2019), they have identified a financial contribution of £22,956.30 for the implementation of 30 replacement trees in accordance with Policy DM17.</p> <p>In response to this the Tree Officer has commented as follows:</p> <p><i>"My objection relates to the removal of the high quality category A & B trees they are seeking to remove along Dalby Avenue.</i></p>										

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	<p><i>The proposed seeks to maximise ground space by removing high quality trees with very little poor quality mitigation on site. This goes against DM15 & DM17. I will maintain my objections unless the London Plane on Dalby Avenue are retained with sufficient space and protected root environment to secure future.</i></p> <p><i>We cannot allow the removal of green infrastructure assets with no site mitigation just so the site can be developed to its maximum potential. This is the first site of many involved in the redevelopment of the area in accordance with the Bedminster Green Strategy and on the first site the proposal is to remove all green infrastructure.</i></p> <p><i>I strongly object to this proposal as outlined in my initial comments. The Mayor has designated Bristol as the first Climate crisis city in the country and therefore Green infrastructure has to take a priority, not over development.”</i></p>
59	<p>KEY ISSUE E: IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?</p> <p>A response to TDM Comments was provided on 7 November 2019. In addition to this, Draft Heads of Terms were provided by the Applicant (15 November 2019).</p> <p>In response to this, TDM has commented as follows:</p> <p><i>“Frontage – We are unclear on which sections of frontage will be adopted and stopped up. We have no confidence this does not preclude the A38 corridor works without a plan.</i></p> <p><i>Servicing – The applicant has stated again this should be conditioned with no comfort regarding the limitation of larger vehicles. The applicant has acknowledged the link from Little Paradise will be designed to accommodate an 11.4m refuse vehicle. DM23 states developments will be expected to ‘Provide appropriate servicing and loading facilities’. A condition in combination with a TRO may be required to limit vehicle size to protect the highway on Mill Lane, Leicester Street, Stafford Street and Little Paradise.</i></p> <p><i>Disabled Spaces – Our standard states ‘5% of the parking standard to be provided in addition – minimum of one space’. This leads to a requirement for 12 spaces, 9 more than the 3 proposed. This is contrary to DM23.</i></p> <p><i>Cycle Parking – It is unclear if this level of cycle parking could be accommodated within the site. No design of the cycle parking is demonstrated just rectangles marked on a plan. In terms of level of provision required, this should be:</i></p> <ul style="list-style-type: none"> <i>- 76 spaces for 76no. one-bedroom dwellings;</i> <i>- 244 spaces for 122no. two-bedroom dwellings;</i> <i>- 21 spaces for 7no. three-bedroom dwellings; and</i> <i>- 20 visitor spaces.</i> <p><i>Therefore a total of 361cycle spaces are required. The proposed level of cycle parking (347) is below minimum standard and this does not include cycle parking for the cinema or retail, however, this would be minimal.</i></p> <p><i>Travel Planning – We would require an updated travel plan to address comments previously made (included in the Committee Report) and clarification on who would undertake monitoring.</i></p>

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	<p><i>Highway Works – Nothing has been proposed by the applicant (only remedial works to make good any damage). This could be conditioned through an extensive condition.”</i></p>
61 – 63	<p>KEY ISSUE F: WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE WITH REGARDS TO CONTAMINATION, FLOOD RISK, DRAINAGE AND AIR QUALITY?</p> <p>Since finalisation of the Committee Report on 11 November 2019, a further response to the application has been received from the Environment Agency.</p> <p><i>“Environment Agency Position: We maintain our objection to the proposal as submitted for the reasons outlined below.”</i></p> <p><u>Officer’s Note:</u> We have addressed each aspect of the EA objection in turn below.</p>
61	<p>i) Contaminated Land</p> <p><i>“Groundwater and Contaminated Land</i></p> <p><i>We have considered the response to our most recent response, from Hydrock, dated 25 January 2019. We note this does provide further clarity concerning the possible source of significant metals contamination at the site. Their response also further summarises potential conceptual scenarios that might account for observed hydraulic gradients and inferred flow direction. We note also the comments from Hydrock concerning the difficulty of remediating the site to address risks to controlled waters. Hydrock have said that the most viable approach to remediating the site would be source removal, i.e. excavation of soils. However at this time it is not clear what level of risk the identified contamination poses.</i></p> <p><i>The need to remediate, or otherwise, should in the first place be driven by a robust understanding of the risk to controlled waters, which we do not consider has been demonstrated in the information submitted. We are therefore of the view that the proposal fails to comply with national planning policy. The applicant has failed to demonstrate that any risks to the water environment will be adequately addressed in accordance with the relevant sections concerning land contamination within the National Planning Policy Framework.</i></p> <p><i>Remedial action, or non-action, should be driven by risk assessment. We therefore maintain our objection to this application until such a time that the level of risk has been adequately assessed and that an informed and robust remedial strategy, which addresses to our satisfaction, the risks to controlled waters, has been presented to Bristol City Council.”</i></p> <p><u>Officer’s Note:</u> In relation to controlled waters, it is considered that further works required to assess the appropriate remediation strategy could be secured via planning condition. This would be consistent with previous approach taken to the extant planning permission on the site (application reference. 13/05616/P), of which condition 4 required further site-specific risk assessment to minimise risks from land contamination. As such Officers consider that no change to the recommendation on contaminated land is made.</p>
62	<p>ii) Flood Risk</p> <p><i>“Flood Risk</i></p> <p><i>We have reviewed the submitted Flood Risk Assessment (FRA) Technical Note -</i></p>

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	<p><i>Hydraulic Modelling Status, dated September 2019, accompanying flood risk mapping and the revised proposed residential ground floor plan (drawing no. AP(04)2002 Rev. P19).</i></p> <p><i>The Technical Note suggests a flood risk condition should be imposed, in light of the emerging Bristol City Council hydraulic modelling not being available yet. Given that this information is fundamental to the principle of development and that this is a full planning we object to the proposed condition in the absence of sufficient clarity on the proposed finished floor levels.</i></p> <p><i>We note drawing no: AP(04)2002 Rev. P19 shows the proposed finished floor levels, which appear to be exclusively commercial on the ground floor. We require confirmation this is the case and that residential uses are limited to above ground floor level? This should be based on the emerging hydraulic modelling once this has been made available to the Environment Agency and we agree that it is suitable for the purposes of site specific flood risk assessment.</i></p> <p><i>We therefore maintain our flood risk objection to the proposed development as insufficient information has been submitted to demonstrate that the development can be made safe for its lifetime taking into account the impacts of climate change as required by national planning policy and associated planning practice guidance.”</i></p> <p>Officer’s Note: The only area of the development where residential use is proposed at ground floor level is within Block C, where 6 dwellings have living areas at the ground floor. There are no bedrooms at ground floor level. The Framework Flood Risk Assessment completed for the Bedminster Green area concluded that finished floor levels should be no lower than 9.3m AOD.</p> <p>In recognition that the final hydraulic model could result in a minor but slight alteration to the Finished Floor Levels for Block C, a planning condition was proposed by the Applicant to ensure that the FFL is set 300mm above the ‘worse case’ modelled design event.</p> <p><i>“For residential uses, building Finished Floor Levels should be elevated 300mm above the tidally dominated design flood level (1 in 200 year tide event in 2119 with a 2 year along Dalby Avenue, as detailed on page 2 of the Technical Design Note dated 21 March 2019 and drawing no. SCP-HYD-PH1-XX-DR-D-5002 P01, or 300mm above the revised Bristol City Council baseline modelling for the same design event (in preparation) once approved by the Environment Agency, whichever is the higher.”</i></p> <p>Officers consider that the condition proposed above would cover the worst case scenario in adapting Finished Floor Levels in accordance with the most severe flooding experienced. The recommendation follows a similar approach to the EA standing advice; as such Officers consider that no change to the recommendation on flood risk is made.</p>
63	<p>OBLIGATIONS</p> <p>The applicant has proposed updates to the Draft Heads of Terms for a Section 106 Agreement (if planning permission were to be granted).</p> <p>Items added have been underlined for ease of reference:</p> <p style="padding-left: 40px;">Transfer of Land for Strategic Highways Improvements</p>

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	<p>Delivery of the Residential Travel Plan (including monitoring fees)</p> <p>Contribution to the Windmill Hill Residents Parking Scheme (not quantified)</p> <p><u>Contribution to Replacement Trees</u>: financial contribution of £22,956.30 for the implementation of 30 replacement trees</p> <p><u>Car Club</u></p> <p><u>Revised Viability Appraisal</u>: The applicant has indicated that they would agree to viability reviews to identify whether affordable housing could be provided if the scheme viability improves as it progresses.</p>
64	<p>RECOMMENDATION</p> <p>Amendments have been made to the reasons for refusal in the published Committee Report:</p> <p>Reason 1 – relating to the lack of provision of affordable housing no longer comprises a reason for refusal.</p> <p>1. The proposed development fails to make an appropriate contribution towards the provision of affordable housing and is therefore contrary to Core Strategy Policy BCS17.</p> <p>Reason 2 – is now Reason 1 and amends have been made to the wording of this reason for refusal.</p> <p>Reason 3 – is now Reason 2 and amends have been made to the wording of this reason for refusal.</p> <p>The updated recommendation is set out below. For ease of reference, amendments to the reasons for refusal have been underlined.</p> <p>RECOMMENDED REFUSE</p> <p>The following reason(s) for refusal are associated with this decision:</p> <p>Reason(s):</p> <ol style="list-style-type: none"> 1. The proposed development by reason of its height, scale, massing, <u>inadequate public realm</u> and overall design quality, would be unacceptable in design terms and impact on existing residential amenity. This would be contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019). 2. The proposed development would be unacceptable in terms of transport and highways as compliance with the A38 corridor works has not been demonstrated and there is an absence of an agreed package of s106 contributions. <u>Cycle parking and disabled parking has not been provided in accordance with the minimum standards as set out within Appendix 2 of The Bristol Local Plan.</u> The development is therefore contrary to Policies BCS10 and BCS11 of the Bristol Core Strategy (June 2011); and Policies DM23 and DM27 of the Site Allocations

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	and Development Management Policies (July 2014).

WARD: Ashley

SITE ADDRESS: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

APPLICATION NO: 19/01892/F & 19/01893/LA Full Planning

DETERMINATION DEADLINE: 27 January 2020

Demolition of existing warehouse, partial demolition, conversion and restoration of nos. 31 and 32 Portland Square to form student apartments (sui generis) and development fronting Portland Square, Cave Street and Surrey Street with associated refuse and cycle storage.

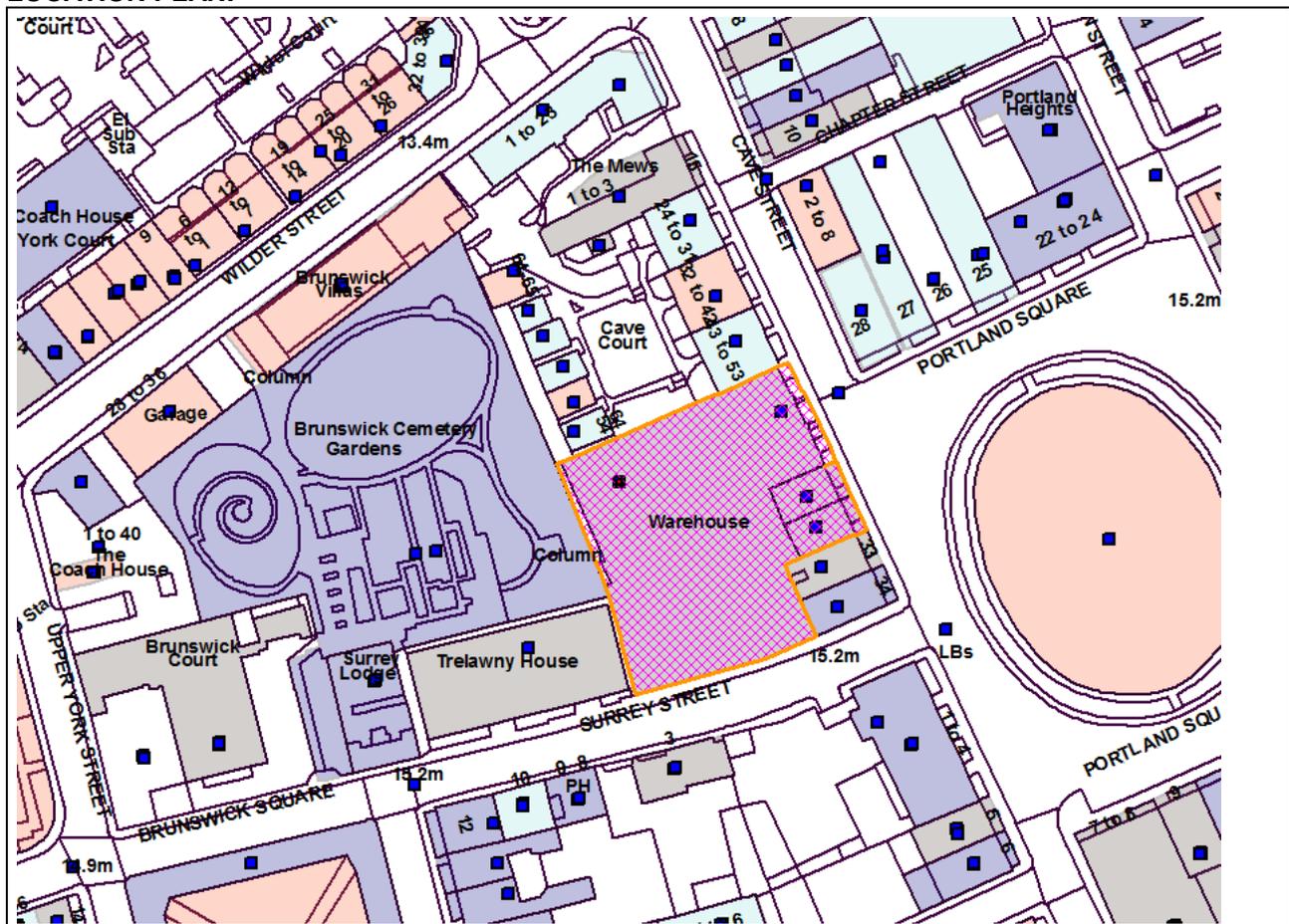
RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: Aspect360 Ltd
45 Oakfield Road
Clifton
Bristol
BS8 2AX

APPLICANT: The Portland Square 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 – 22 January 2020**Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS****SUMMARY**

The proposals relate to a site with frontages to Surrey Street, Portland Square and Cave Street. The site is presently occupied by a 1960s warehouse, and two Grade I listed buildings forming part of a short terrace of four.

This application follows the previous applications 17/05290/F & 17/05291/LA that were granted planning consent by Development Control (DC) Committee A on 5th September 2018. That scheme for full planning and listed building consent, sought to demolish the warehouse and redevelop the site to provide 94 self-contained flats that comprised of a mix of 1, 2 and 3-bed apartments. This involved refurbishing and converting the existing Listed Buildings (no's. 31 and 32 Portland Square), reinstate the remaining terrace that presently forms a gap in the street-scene (formally no's. 29 and 30 Portland Square and no. 1 Cave Street), and erect new build development fronting Surrey Street, to the rear of 31-32 Portland Square and adjacent to the Brunswick Cemetery.

The current proposal differs from the last application in terms of its use which now proposes a 267-bed purpose built student accommodation. The development is identical in scale, form and design of the application granted planning consent.

The current application is being reported to committee following the significant public interest the proposals have generated, in particular with regard to the proposals for student accommodation and the potential impact on the existing community. Consequentially the application has generated concerns from the local ward councillor Mike Davies (Ashley) who requested that the applications are referred to committee. The application has also generated interest from a local amenity groups and Historic England who are concerned that the proposal in terms of the new build elements, would have a significant impact on both the setting of the listed building and Brunswick Cemetery, with consequences for the wider conservation area.

Given the above issues, it is considered that the proposal would merit consideration at committee.

SITE DESCRIPTION AND BACKGROUND

The application site comprises a 1960s warehouse building (Sandhu's warehouse), together with the Grade I Listed Buildings 31 and 32 Portland Square, and the neighbouring gap site (formerly occupied by 29 and 30 Portland Square). 31 and 32 Portland Square form part of a terrace of four Grade I Listed Buildings comprising numbers 31-34 (consecutive) standing on the west side of Portland Square. The Grade 1 listed buildings date from 1789-1820 and were each constructed in limestone ashlar with a slate Mansard roof, each is of five storeys, including basement and attic, mid Georgian in style with a double depth plan. On the opposite side of the square is St Paul with St Barnabas Church, which is also Grade 1 Listed.

To the north of the site is a modern residential development at Cave Court. To the west is Trelawney House, a modern office building, and to the rear of the site on the western boundary is the open space of Brunswick Cemetery. The whole of the site falls within the Portland Square Conservation Area. Beyond the formal composition of Portland Square itself the surrounding area is characterised by a mixture of land uses and buildings of differing age and architectural styles.

Both the Grade 1 Listed Buildings on the site are vacant and in a poor state, each is 'at risk' being identified on both the Historic England National Buildings at Risk register and Bristol City Council's 'Listed Buildings At Risk in Bristol (2005 Register) (Risk Category 1: Priority A)'. This report refers to both a full application for redevelopment of the site, and a listed building application for works to the retained listed buildings on the site.

Development Control Committee A – 22 January 2020

Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

RELEVANT PLANNING HISTORY

84/02687/F & 84/02897/L - Refurbishment of existing buildings for office use with rear yard and under-pavement storage ancillary to office use. Granted.

99/03896/F - Change of use of basement from storage to food and drink use (Class Use A3) and associated external alterations including replacement roof and new balustrading to front. Refused on the following grounds:

- The proposed development, by maintaining the gap and installing a flat roof and railings, would fail to preserve or enhance the character or appearance of the Portland Square Conservation Area which is characterised by four storey terraces with mansard roofs. This would cause and perpetuate harm contrary to policies of the Bristol Local Plan.

- Insufficient information has been provided in relation to the location or appearance of plant vents or flues top enable the local planning Authority to fully assess the impact of this on the character or appearance of the Portland Square conservation Area or the amenity of nearby residents.

- The location of the proposed cycle parking is considered to be unsuitable for visitor use, being accessed by a flight of steps, and accordingly the proposal is considered substandard in regard and contrary to policy of the Bristol Local Plan.

99/01995/F - Change of use of basement area from storage to licensed nightclub. The application was withdrawn.

03/04925/F and 03/04924/LA - Conversion of 31/32 Portland Square to form eight self-contained flats with roof terrace in connection with the construction of 68 self-contained flats together with associated car parking accessed from Surrey Street. Refused for the following reasons:

- The proposals by reason of the combination of the scale and excessive massing of the buildings, together with their detailed design would be detrimental to the historic character and visual amenity of the area to include the character and setting of Grade 1 Listed terrace to Portland Square both upon and adjacent to the site. Proposals would also be prejudicial to the existing and emerging townscape evident within this part of St Paul's and would fail to preserve the character and appearance of this part of the Portland Square Conservation Area. For the reasons given the proposals are contrary to policies.

- The proposals by reason of the combination of the scale and excessive massing of the buildings, together with their detailed design would be detrimental to the historic character and visual amenity of the area to include the character and setting of Grade 1 Listed terrace to Portland Square both upon and adjacent to the site. Proposals would also be prejudicial to the existing and emerging townscape evident within this part of St Paul's and would fail to preserve the character and appearance of this part of the Portland Square Conservation Area. For the reasons given the proposals are contrary to policies of the Bristol Local Plan.

- The proposals fail to make any contribution toward the provision of an appropriate combination of affordable homes together with improved public transport and/or environmental improvement to the public realm to include enhanced pedestrian and cycle links with the neighbourhood. The proposals are therefore contrary to Policies of the Bristol Local Plan.

- In the absence of an appropriate and satisfactory archaeological evaluation of the site insufficient information has been presented to fully assess the impact of development upon archaeology.

Development Control Committee A – 22 January 2020

Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

- The scheme fails to provide both a satisfactory quality of landscape design within the confines of the site and to provide a pedestrian link to and from the neighbouring Brunswick Square cemetery to serve the needs of future occupiers, visitors and public alike. For the reasons given proposals are contrary to policies of the Bristol Local Plan.

- The proposals fail to provide an active street frontage to Surrey Street and instead the combination of the chosen site layout and detailed design will result in an unduly defensive, inward looking and unattractive form of development on a prominent corner site. For the reasons given proposals will not make the necessary positive contribution to the safety and security of future residents and pedestrians alike and would be contrary to policies.

- The residential mix of one and two bed flats and maisonettes proposed within the scheme, taking into account the existing provision of single person accommodation and the availability of extant planning permissions for single person accommodation within the St Paul's neighbourhood, would add to the over provision of small units of accommodation in the area, to the detriment of the character and amenity of the locality and the sustainability of the local community.

05/01109/F - Residential development to form 62 flats comprising conversion of 31 and 32 Portland Square to form 10 flats, the demolition of the existing warehouse and redevelopment of 29 and 30 Portland Square and 1 Cave Street comprising a further 52 flats, erection 1 retail shop, provision of 23 car parking spaces and associated landscaping.

The applicants appealed against non-determination. However following discussions between the applicant's agent and the Council, in which both parties agreed to attempt to negotiate a more acceptable scheme through a new planning application, the Planning Inspectorate put the appeal in abeyance and the full application was subsequently withdrawn.

06/00483/F/C & 05/01106/LA - Conversion and restoration of 31 and 32 Portland Square to form 10 no. flats, demolition of existing warehouse and redevelopment of 29 and 30 Portland Square and 1 Cave Street to provide a further 49 no. units, erection of 1 no. retail shop, provision of 24 car parking spaces and associated landscaping. Granted via committee.

12/01064/R - Extension of time for planning permission 06/00483/F- Conversion and restoration of 31 and 32 Portland Square to form 10 no. flats, demolition of existing warehouse and redevelopment of 29 and 30 Portland Square and 1 Cave Street to provide a further 49 no. units, erection of 1 no. retail shop, provision of 24 car parking spaces and associated landscaping. Granted.

15/00328/Q - Removal of affordable housing obligations contained in consent 12/01064/R. An application was submitted under Section 106BA of the Town & Country Planning Act 1990 (as amended) to review the affordable housing planning obligations that were secured under the extant permission 12/01064/R. The applicant sought to provide evidence to show that the affordable housing obligation at 17% was unviable. On considering the evidence the Council concluded that it was not necessary to remove the affordable housing obligation in order to make the scheme viable. The application was subsequently refused.

17/05290/F & 17/05291/LA - Demolition of existing warehouse, partial demolition, conversion and restoration of nos. 31 and 32 Portland Square to form 93 residential flats and development fronting Portland Square, Cave Street and Surrey Street with associated refuse and cycle storage (Major Application). Granted via committee on 5th September 2018.

Development Control Committee A – 22 January 2020**Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS**

APPLICATION

Full planning (19/01892/F) and Listed Building Consent (19/01893/LA) is sought to demolish the warehouse buildings that front Surrey Street and wrap around to Portland Square (Sandhu's warehouse), partially demolish, convert and restore the listed buildings to numbers 31 and 32 Portland Square, and erect new replica-style buildings to the gap along the adjacent Portland Square/Cave Street frontage (historically numbers 29 and 30 Portland Square/ number 1 Cave Street). At the rear of the site and fronting Surrey Street will be new contemporary modern 5-6 storey building. The combination of the conversion and new build would provide a total of 267 student bed spaces. These would comprise of 25 studio apartments of which 3 would be wheelchair accessible, with the remainder comprising of cluster flats in the form of 13 two-bed flats, 1 three-bed flat, 12 four-bed flats, 26 five-bed flats, 3 six-bed flats and one 7-bed flat. The building is identical externally to the building approved under planning applications 17/05290/F and 17/05291/LA.

The main entrance to the new building is from Surrey Street that provides access to the central communal garden. The cycle and refuse stores are accessed from Surrey Street along with the communal lobby. Communal facilities will be provided on the ground floor adjacent to the main entrance. The main entrance door from Portland Square will enter into a communal lobby and staircase. A secondary external door below the stair half landing at lower ground floor level will give access to the lower courtyard garden. The main entrance door from Cave Street will enter into a communal lobby and staircase.

This is a car-free development with the applicant stating that the site is within a highly sustainable location, close to the city centre with good transport infrastructure. Cycle parking is proposed to be provided in a sheltered, secure, overlooked cycle store in the communal area. Refuse storage will be contained in a single refuse store which will be sheltered and secure and with direct and convenient access from Surrey Street. The number, size and type of refuse containers will provide a range of refuse storage for general waste and recycling. The central courtyard space will be landscaped to provide a communal amenity space that is accessible to all occupants and which the applicant states would provide progressive privacy to the occupants.

Since the current application was submitted the following information has been added or revised/updated.

- Travel plan
 - Travel Plan Framework
 - Revised site and ground floor plan showing additional cycle parking at the request of TDM
 - Student Management Plan
 - General Arrangement Plan indicating required works to the highway
 - Revised Sustainability Statement
- (See plans for details)

PRE APPLICATION COMMUNITY INVOLVEMENT

i) Process - There was a brief exhibition of plans for their previous application, (but exhibitions do not constitute valid Community Involvement as described in the BCC Guidelines). However for this application there has been no community involvement at all. The applicant has stated that as the design, external appearance and proposed student residential use are very similar to that given a resolution to approve in September 2018, no further consultation was considered necessary. As such the Neighbourhood Planning Network considers that the community involvement has been poor.

ii) Fundamental Outcomes – Given that no feedback was sought on the latest proposals for the student accommodation, there were no further design changes as a result of this.

Development Control Committee A – 22 January 2020

Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

RESPONSE TO PUBLICITY AND CONSULTATION

The application was publicised through a site notice and a press advert, along with extensive individual neighbour notifications to all surrounding properties. There were two letters in support and a total of 27 letters of objection received on grounds including the following.

- It would not comply with the Council's development policies in terms of land-use (see key issue A)
- It would constitute an over-concentration of student accommodation in the area (see key issue B)
- The healthy balance of community life will suffer in an area mainly comprising of families and young professionals (see key issue B)
- The character of the conservation area will be irrevocably damaged (see key issue C)
- It would result in an increase in noise and disturbance in the area (see key issue E)
- It would result in a loss of light to neighbouring Cave Court, there has been a lack of sunlight/daylight assessment (see key issue E)
- The proposed balconies would result in overlooking and loss of privacy to some of the properties in Cave Court (see key issue E)
- This will impact on the nearby music venue (Cosies) as a result of potential complaints from the student accommodation (see key issue F)
- It would exacerbate existing parking pressures in the area (see key issue H)
- It does not provide much needed affordable housing
- This would generate construction noise and disturbance to neighbouring residents
- There has been a general lack of community engagement on these proposals

Councillor Mike Davies (Ashley) considered the scheme proposed to be an over-intensive form of development and inappropriate use, which would cause harm to the conservation area. In particular, the only grade-1 listed Georgian square in the city - and local community. In the new Local Plan, a number of areas are designated as suitable for large student developments, and St Pauls is not one of them. The area has suffered in recent years from an unchecked proliferation of student accommodation, and has reached the point of over-concentration. This should be refused so that the previous proposal for 93 C3 apartments with affordable housing can be built out.

The Portland & Brunswick Association (PBA) which is a voluntary group of local residents, object to proposals stating that they welcomed the approval of planning application 17/05290/F to create 94 residential flats. However, this new application to create accommodation for 257 students completely ignores all of the advice and guidance put forward to protect this historic area and has sent a shockwave through the community. The PBA feel nervous about the impact of this, and other student developments in the area, so you will appreciate that an additional 257 students would be detrimental to the character of the square. The PBA feels that there is already enough student accommodation here and that granting any more would be a failing of Bristol City Council in its duty to safeguard the character and appearance of both Portland and Brunswick square.

The chair of the **St Pauls Planning Group** strongly objects to the proposals siting that:

- The scale and mass are inappropriate for a conservation area.
- There is an oversupply of this type of housing in the area.
- There is no internal amenity space.
- Insufficient community consultation.
- There would be overshadowing property on Cave Street.

The Cave Court Residents Group are disappointed that, even until the final days of consultation, immediate neighbours, often elderly, disabled and vulnerable, have not been informed or consulted by either by developers or the Council. Instead a public consultation for a 2017 application on the site has been allowed to stand, giving the impression that neighbours approve of this development, which they do not. The impact on the lives of the mostly elderly/disabled/vulnerable residents could be

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completely devastating and detrimental to the quality of their lives. In addition the proposed development is in Conservation Area and would further brutally modernise an area of period dwellings and would have detrimental impact on the view of the Portland Square Church from Surrey Street.

The development would also be likely to cause severe disruption to local parking and traffic for local residents and businesses, not just during the demolition/construction but well into the future if 250+ students are granted permits. This huge concentration and high density of students is also likely to bring with it severe and ongoing costs to both local residents/businesses and the local Council in terms of noise and litter pollution. The group also ask that the Council consider the social mix of the area and the number of student blocks that are already under construction in St Pauls.

We question whether this proposed development has fulfilled its legal requirements in terms of full and proper notification of all interested parties and whether proper and legal consultation has actually taken place.

Officers understand that the above concern raised by the Cave Court Residents group on public notification is in regard to the lack of community involvement at the pre-application stage. As mentioned extensive neighbour letter notification of all neighbouring properties which included Cave Court, was carried out along with a site and press notice.

OTHER COMMENTS

The Bristol Civic Society broadly welcomes the proposed residential development of this commercial site including the derelict northeast corner of Portland Square. In particular, the Society supports the re-instatement of the Georgian terrace at 29-32 Portland Square. The Society welcomes the commitment to replicate the original plan form of 31 and 32 Portland Square and hopes a similar approach will be taken with 1 Cave Street. However the Society considers that the elevation to Surrey Street does little to preserve or enhance the character of this conservation area. The applicants own illustrations show the significance of Surrey Street in leading the eye towards Portland Square and the elegant spire of St Pauls. A façade with more vertical articulation would jar less with this view. The Society objects to the use of the premises for student accommodation. There is a concentration of student accommodation developing in the area from Stokes Croft to Portland Square.

A retail/café use on the Surrey Street frontage could contribute to the broader vitality of this area. The Society also considers that the Portland Square public open space will be under greater pressure and that CIL funding should be negotiated for its improvement and upkeep. Whilst the Society supports the redevelopment of this site for residential use and the positive aspects of this proposal, we urge the Council to take into consideration our constructive criticism in their determination of this application.

Pollution Control has commented as follows:-

I have some concerns with the potential for noise from Cosies Wine Bar at 34 Portland Square affecting some of the residents of this proposed development. Cosies are licensed for entertainment until 4 am. There is therefore potential for residents in parts of the development near to Cosies to be affected by noise from Cosies.

I would therefore ask for conditions for the submission of a detailed acoustic report, should the application be approved. The application should also include a site specific Construction Management Plan and premises management plan as part of any approval of the scheme.

Nature Conservation Officer has commented as follows:-

Any approval of the application should be subject to an advisory reminding the applicants of the necessity for careful clearance during the nesting bird season. It should also be subject to conditions

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including the submission of bird and bat box specifications prior to commencement of development.

Contaminated Land Environmental Protection has commented as follows:-

The proposed development is sensitive to contamination and is situated on and adjacent to land which has been subject to land uses which could be a potential source of contamination. We do concur with the requirements for a unexploded ordnance assessment, part of the site was subject to bomb damage during the Second World War.

Approve subject to standard contamination conditions and the requirement of an unexploded ordnance survey as part of further investigation works.

Historic England has commented as follows:-

Numbers 31 & 32 Portland Square forms an integral part of the uniformly designed square. Therefore, greater weight should be given to its conservation. The condition of no.31 and 32 continues to be of significant concern to us, and these remain on the national Heritage at Risk Register, and therefore a high priority to Historic England. We fully support the aims of the development to fully repair and complete this side of Portland Square, and recognise not only the benefits to the significance of the heritage asset, but the wider regeneration of the Conservation Area.

The current application proposes an almost identical scheme (to applications 17/05290/F & 17/05291/LA) with the same design approach of the block onto Surrey Street and Brunswick Gardens, for which we have previously raised concerns (although we note the marginal elevational changes to provide for a more active street frontage). Regarding impact upon the Grade I building and character and appearance of the conservation area, we retain our concerns over the previous iteration. Therefore Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined above need to be addressed in order for the application to meet the requirements of paragraphs 193, 194 and 200 of the NPPF, although concede that this may now be consented.

In determining this application the LPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) 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 conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The LPA should take these representations into account and should seek amendments, safeguards or further information as set out in our advice.

Flood Risk Manager has commented as follows:-

In principle the proposed drainage strategy is suitable for the site however further information is required. I would recommend that the standard SuDS condition is applied.

Transport Development Management has commented as follows:-

The area is predominantly residential in nature. It is very centrally located with good access to shops and transport facilities. It is within a controlled parking zone with permits available to existing resident and businesses, as well as pay and display parking. There is no objection in principle to the proposal for residential use in this location.

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A General Arrangement (GA) plan is required and this can subsequently be attached to a highway works condition. The capacity/form of provision for refuse/recycling is acceptable. The double stacked provision raises concern given the limited space available behind the racks for its use. A further two short-stay and undercover cycling parking spaces are provided at the entrance off Surrey Street for visitors. These must be demonstrated on the proposed ground floor plan [Now addressed following the submission of revised plans].

As with the previous application the financial measures listed for the Travel Plan shall be secured within any s106/UU agreement. A condition would be sought should permission be granted requiring a construction management plan be submitted prior to commencement.

City Design did not wish to add any further comment referring to their previous response to the extant permission (17/05290/F & 17/05291/LA). The proposal completes frontage along Portland Square and brings a longstanding empty site back to use. It meets the policy threshold of preserving or enhancing the character and appearance of the conservation area and other design considerations. The harm caused by the excessive scale and massing of the block facing Brunswick Cemetery Gardens is balanced by bringing this longstanding derelict site back to use. There is therefore no objection to the proposed development from urban design perspective.

Conservation Section has commented as follows:-

We have concerns that the historic fabric of the existing building appears to be shown in far worse condition than previously understood, and the scale of demolition is worrying. We also have concerns over the increased and revised subdivision of No.32 Portland Square in particular, which deviates for the consent and internal walls now relate less well to features such as the remaining chimney breasts.

We are most concerned about the change of proposed use from residential to student flats. This no longer represents that same degree of social or economic public benefit that was part of our original consideration in weighing against the significant harm posed by development. Whilst the proposals would continue to bring the Grade I Listed buildings back into use, and restore the original appearance of the Square, there is now weaker justification for the excessively scaled rear wing overlooking the Listed cemetery assets, and impacting negatively on the special character of the Conservation Area.

We also note that the proposed street frontage to Surrey Street would include a less responsive façade at pavement level to that approved.

We do not wish to substantially change our previous assessment beyond noting the above issues have a significantly different planning balance.

Bristol Waste Company has commented as follows:-

The recommended waste and recycling provision for the 257 is different from the size, number and type of bins proposed on the plans [This has subsequently amended buy the applicant].

Residents should not be expected to travel further than 30m to dispose of their waste and recycling. It may therefore be advisable to have multiple bin stores so that all units have an easily accessible store. If crews are to access the bin store(s) directly please can this be via a coded entrance rather than with a key or fob.

We would urge at this stage of the planning process that the developers refer to the Planning Guidance for Waste and Recycling produced by Bristol Waste Company. When considering the layout, access and the design of the bins stores, this guide contains a wealth of information regarding

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the bin volumes, requirements etc.

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

EQUALITIES ASSESSMENT

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

KEY ISSUES

(A) IS THE PRINCIPLE OF DEVELOPMENT ACCEPTABLE IN TERMS OF LAND USE?

The application land forming 31-32 Portland Square, the adjacent gap site (that was formally 1 Cave Street, 29-30 Portland Square) and Sandhu's Warehouse, siding onto Surrey Street, is allocated (SA503) and falls within the St Paul's & Stokes Croft Neighbourhood under the provisions of the Bristol Central Area Plan. The suggest use for the site is for housing and states that any development should:

- Take account of the Portland and Brunswick Square conservation area;
- Retain and sensitively restore the Grade I listed buildings fronting Portland Square;
- Aim to reinstate the historic appearance of the west side of Portland Square across the full width of the site;
- Provide a significant element of green infrastructure to Surrey Street as part of the proposed green link shown on the Policies Map.

Careful consideration also needs to be given to whether the proposed student accommodation is the appropriate type of housing for this site. Regard will also be had to the additional considerations set out in SPD10 (Planning a sustainable future for St Paul's) in considering any proposals for this site. The SPD states that the site is identified as being part of a "mixed commercial area" where residential use is accepted with active ground floor uses along Surrey Street. It adds that the residential component should provide a mix of housing types to meet local demand, although an element of family housing should be included.

Under the extant permission (17/05290/F) it was established that the allocation sets out that the suggested use for the site for housing and that the site no longer provides any significant employment benefit in terms of local employment opportunities. This would accord with government policy on

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housing contained within Paragraphs 59 to 66 of the National Planning Policy Framework (NPPF) February 2019, which encourages the use of brownfield land within urban areas for new quality residential development.

The application for student accommodation (sui generis use) is not included in the definition of housing under the allocation. Whilst the allocation does not exclude student housing on the site it still needs to be demonstrated that the housing allocation can be met and that the proposed development would not prejudice the delivery of the policies of the local plan. On considering this the following is noted.

The site would not result in the loss of any existing housing and mainstream residential accommodation alone would be constrained by factors including the low availability of parking provision. The city has applied a positive policy approach to locating student housing within the city centre on the basis that this will help to relieve the pressure on local housing stock being converted to houses in multiple occupation (HMOs) and given the sustainable location of the city centre. It is estimated that for every 1000 students residing in HMOs, 200 homes are lost from the local housing supply. Any existing/ additional concentration of students in this area would therefore not be considered by officers to result in any unacceptably harmful residential amenity or character impacts or a reduction in the mix or housing choice in this area.

It is noted that the proposed development will create a range of apartment sizes (including purpose designed one for those with disabilities) and in this respect, is regarded to be fully in accordance with Core Strategy Policy BCS2 which seeks to secure significant new homes in the City Centre, BCS18 (Housing Type) and which seeks a range of unit sizes. The site is situated in a highly prominent, historic location within the City Centre, close to local amenities and public transport facilities and is a previously developed site. As such, the site is considered to be highly sustainable.

The applicant has drawn attention to the fact that students could have occupied the previously approved scheme (17/05290/F). On balance, therefore, it is concluded that the housing allocation can be met and that the proposal for student accommodation would not prejudice the delivery of the policies of the local plan. As such, it is not considered that this proposal would conflict with the local plan allocation.

It is therefore concluded that the principle of development is acceptable in land-use terms.

(B) IS THE PROPOSED STUDENT HOUSING APPROPRIATE IN THIS LOCATION?

Policy BCS5 sets out that the Core Strategy aims to deliver new homes within Bristol's existing built up areas. Policy BCS18 supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents. More specifically, policy DM2 sets out that specialist student housing schemes will be acceptable within the city centre. It states that specialist student housing schemes will not be permitted where they cause excessive noise and disturbance, unacceptable levels of on-street parking, and a detrimental impact to existing buildings or inadequate storage for refuse and cycles.

Policy BCAP4 sets out that specialist student housing schemes that contribute to the diversity of uses within the local area will be acceptable within Bristol City Centre, unless it would create or contribute to a harmful concentration of specialist student housing within any given area. The policy also acknowledges the benefit of growth of specialist student accommodation in the city centre in relieving pressure on the general housing stock.

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With regard to emerging policy (H7 and DS3) within the Bristol Local Plan Review, this seeks a more directive approach to the location of specialist student accommodation. However relevant policy within this document remains at an early stage in its preparation, with unresolved issues, such that it cannot reasonably be afforded significant weight at this time. As with current adopted policy, the issue of harmful concentration of specialist student accommodation remains a consideration within emerging policy.

The need for specialist student housing, demand and provision

The 2014 Student Accommodation Topic Paper (Bristol City Council) sets out that UCAS data shows an increase of undergraduates of some 30% between 2011 and 2013 at the University of Bristol (UoB), with accepted applications to the University of the West of England (UWE) remaining generally static. Outline planning permission was granted for a new UoB Campus for up to 3,500 students in July 2018. This would provide accommodation for up to 953 students consequentially leaving a demand for student accommodation required elsewhere within Bristol.

It is understood that both UoB and UWE provide a guarantee of accommodation for new full-time undergraduate students. The topic paper sets out that future requests for accommodation not subject to guarantees would not be met by the university. These students would be referred to independent private landlords, potentially putting pressure on the existing stock of family housing in Bristol.

The applicants have confirmed that they have been in discussions with Bristol University regarding their need for student accommodation. The applicants add that on the basis of these discussions, the accommodation in their student scheme has been designed to meet the requirements of the University. The applicants state that it is their intention to enter into an agreement with the University, subject to planning permission being granted for the proposals.

Concentration of similar uses: character and choice of housing /impact on residential amenity

The proposal for student accommodation has generated significant public interest, with respondents citing the inappropriateness of student accommodation in this location and its likely impact on the area as the overriding reason for objection. This has also been raised as a concern from the local ward councillor and local amenity groups. The general consensus reached from the responses is that a saturation point for purpose-built student accommodation has been reached in the area. On considering this issue and applying the above policy considerations the following is concluded.

The area surrounding the application site comprises of a mix of commercial office development and residential apartments either in the form of converted period properties or purpose-built new build blocks. Historically the immediate area was commercial in its nature, however this is changing as a result of a number of former offices being converted to apartments. The area is also in close proximity of a number of local amenities including Cabot Circus.

This is reflected in the last census figures which show that flatted development accounted for 90% of the total accommodation type in the within the St Pauls Portland Square Lower Super Output Area (LSOA). This is a highly developed urban location with a densely developed street pattern and therefore does not lend itself to traditional family sized housing which only accounts for 10% of the total housing stock. On considering the above background it is considered that the proposed student accommodation would add to the mix of uses in the locality. The majority of housing in the locality is either purpose-built or sub-divided in nature which the proposed student accommodation would reflect.

In respect of the above it is considered that the proposed student use would contribute the vitality and vibrancy of the area, benefiting the area and businesses economically through accessing their services and supporting commercial activity.

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The application site is located within central Bristol which as a whole has an abundance of purpose-built student accommodation. An analysis of area shows that there approximately 700 existing student bed spaces within 400m of the application site. However within the immediate context of the application site the following is noted. As of 2017, students made up 9% of population within the St. Paul's Portland Square Lower Super Output Area (LSOA). The site is also in close proximity to the St. Paul's City Road and St. James Barton LSOAs. Within these areas, students made up 6% and 36% of the population respectively. It is noted that proposals for student accommodation have been approved within the immediate locality since 2017, including the development at 7-29 Wilder Street, 1-2 Backfields which includes 345 student bed-spaces which was approved following appeal (18/02548/F & 18/02549/LA). The current proposal would add a further 257 bed-spaces to these numbers within the locality.

In the recent 7-29 Wilder Street and 1-2 Backfields appeal decision (APP/Z0116/W/18/3212806), the emerging policy was not afforded any significant weight at the appeal. Council officers reported that the proposal would increase the share of student population in the St Paul's Portland Square Lower Layer Super Output Area ('LSOA') from 9% in 2017 to 34% on completion. However, the 34% figure does not allow for the office to residential conversions implemented and approved to the south of the appeal site such as the recently implemented office-to-residential schemes to the south of Wilder Street at Wilder House, Kenham House and Decourcy House for 34, 26 and 25 new residential dwellings (Use Class C3), which will further increase the population of non-students in the St. Paul's Portland Square LSOA. Consequentially the actual proportion would be lower. That figure would be directly comparable with other nearby LSOAs and considerably lower than the 73% found in The Centre LSOA.

The planning inspector expressed that "there are no absolute limits in what would represents a harmful concentration" and that potential adverse amenity impacts "can generally be addressed by the efficient management of the complex and enforcement of tenancy agreements." The planning inspector also found that the appeal proposal would not result in harm to the local housing mix and overall found the scheme to comply with policies DM2 and BCAP4.

The recent appeal decision is a material consideration in relation to the current planning application, and relates to a site in close proximity of this proposed development. The issue of principle of student accommodation in this location has therefore been recently tested by the Planning Inspectorate, with the planning inspector concluding that additional student accommodation in this location is acceptable in principle. The proposal would not result in the loss of existing housing, and whilst the housing mix would be altered in percentage terms, given that this would not be at the cost of family housing, and given the recent conclusions of the Planning Inspector in this regard, it is considered that the proposal would not result in local housing imbalance.

The concerns about student accommodation by virtue of the existing concentration of such accommodation in this locality are acknowledged. However this is not borne out by the recent findings of the Planning Inspectorate in relation to this issue locally. As such a refusal of the proposal on grounds of over-concentration or harm could not be justified.

The provision of specialist student accommodation, such as the proposed development, would work alongside Policy DM2 and the existing Article 4 Direction that removes permitted development rights for dwelling house to small HMO conversions. Together, these components can help to improve the choice of housing in the area by reducing pressure on private landlords and HMOs (which is very much an issue throughout the wider Ashley ward), ensuring that the housing market is more likely to provide for the needs of different groups within the local community.

In terms of residential amenity/ character; officers are satisfied that the proposal would not result in any harm noise/ disturbance impacts, parking impacts, physical alterations or failure to provide

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satisfactory refuse/ recycling storage in accordance with Policy DM2. Further details of this are set out under key issue E.

On considering the above it is concluded that this site is an appropriate location for student accommodation, away from areas with a predominantly residential character, that would be surrounded by and contribute to a diverse mix of uses and in accordance with Policy BCAP4, which is clear that refusal would only be justified on the grounds of evidence of a harmful concentration of uses based on either demonstrable harm to residential amenity or harm to housing choice. The choice of homes in this area would not be reduced but increased as there would be no loss to the existing housing stock. The proposal would also improve the prospects of housing stock in other parts of the city (particularly family-sized homes) remaining available for family uses. In addition, the benefits of the expansion of UK and Bristol universities in terms of contribution to research and development and the economy through supply of a degree level workforce are substantial.

Among the considerations, development should take account of the Portland and Brunswick Square Conservation Area, retain and restore the Grade I listed buildings fronting Portland Square along with reinstating the historic terrace, and provide a significant element of green infrastructure to Surrey Street as part of the proposed green link shown on the policies map. These considerations will be set out in more detail under the key issues below.

(C) **WOULD THE PROPOSAL PRESERVE THE HISTORIC FABRIC, ANY ARCHITECTURAL FEATURES, AND THE SETTING OF THE LISTED BUILDINGS WITHIN THE TERRACE?**

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent and 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].

The Heritage Statement details the special character and appearance of the Portland Square Conservation Area. This includes an analysis of the contribution made by the buildings and external spaces to the historic interest and character of the Conservation Area and how this should be respected and incorporated within the proposed development.

Numbers 31 and 32 which are included in the study are in a poorer condition, with number 31 in particular in a state of neglect. The City's Conservation Officer states that the latest supporting information reveals that the condition of the buildings is in an even poorer state than indicated previously. Most of the original sash windows have been removed and the openings boarded up, the front entrance door and fanlight have also been removed and boarded. A modern pantile mansard roof has replaced the original to both 31 and 32. The limestone ashlar facade is missing to 31 and one third of number 32. The study also finds that both listed properties are in a poor state of repair internally as evident from the site visit undertaken by officers. The details of which are set out in the Heritage Statement.

According to the details it is proposed to replicate the original townhouses in terms of external appearance. Within No. 31, a number of the original internal partitions still exist although a number of the original partitions have been removed. The applicants propose to record the exact locations of the original fabric as soon as the buildings have been cleared of debris and have been made safe. The

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applicant states that the existing floors and staircases that are in a structurally unsound condition would be removed. The applicants propose to remove all of the concrete floors and beams to number 32 citing that none of original internal features remain. New partitions to bathrooms, bedrooms will be visually 'new' according to the applicant, so that the legibility of the original plan form can be read within the building.

It is proposed that architectural details are to be retained and restored where possible. Whilst new architectural details will be installed within both 31 and 32 that replicate the original details and that are appropriate to the room in which they are installed. It is also proposed that casts will be made of surviving cornicing with new cornicing installed in the appropriate room of the new buildings. The adjacent 33 Portland Square is one of the original townhouses that shares the Grade I listing and has more of its internal fabric that is original, including the staircase, cornices and joinery details. According to the applicants, the owners of No. 33 Portland Square have offered the applicant access to the building to copy architectural details for the reuse within No. 31 and 32.

On considering this element of the proposals, the Council's Conservation Officer was satisfied that there would be no negative impact from development on Portland Square. The required demolition would prove harmful to the remaining architectural integrity of the grade I listed building. However it is absolutely necessary to stabilise the remaining fabric and allow for its reuse and integration into new structure in order to secure the special interest into the future. The roof form will be consistent with those on the rest of the terrace.

It is also the view of the Council's Conservation Officer that the increased subdivision of number 32 Portland Square deviates from the original consent citing that the internal walls would now relate less well to features such as the remaining chimney breast. This is given the more intensive nature of the proposed student accommodation compared to the extant permission for the self-contained flats (17/05291/A). The Conservation Officer advised that their concerns could be addressed through the reduction in the number of student beds in these areas and the retention of the spaces closer to their original proportions.

In response the applicant states that any reduction in the number of beds to number 32 Portland Square would have wider implications for the viability of the development. The applicant adds that the consented scheme (17/05291/LA) already includes many partitions that sub-divide what would have been the original rooms and so the principle for this has been established. All of the new partitions will be constructed in accordance with good heritage practice as recommended by Historic England.

With regard to the comments from Historic England, they have made it clear that there is urgency in ensuring these buildings are conserved quickly before further deterioration occurs. The buildings are on the "at risk" register and their total loss as a result of continuing inaction would be inconsolable.

On given careful considerations to the issues above it is considered that the proposals would have a less than substantial harm to this heritage asset. However this needs to be balanced with the prospect of the reinstatement of original terrace listed buildings that will be enabled as a result of the proposal, the improvements to elements of the building fabric and the applicant's intention to connect the development to the District heat Network, these would all bring a wider public benefit as a result. As such and subject to conditions that ensure the proposed repairs and reinstatements to the listed building are secured, the proposals would preserve the historic fabric, architectural features and the setting of the listed buildings within the terrace.

(D) WOULD THE PROPOSALS UNACCEPTABLY HARM THE CHARACTER OR APPEARANCE OF THIS PART OF THE PORTLAND AND BRUNSWICK SQUARE CONSERVATION AREA, AND IS THE PROPOSED DESIGN AND LAYOUT ACCEPTABLE?

Section 16 of the national guidance within the National Planning Policy Framework (NPPF) February

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2019, states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

The Portland and Brunswick Square Conservation Area is characterised by its formal Georgian terraces set in a regular grid street layout. Within Portland Square the majority of buildings are Georgian, or modern reproductions. The northeast corner contains a concentration of post-war low-rise industrial buildings. To the elevation of Surrey Street lie the associated buildings of Sandhu's Warehouse, along with Trelawney House and County House which were built as red brick office blocks. Currently this section of Surrey Street, Sandhu's Warehouse, the poor condition of the Grade I listed building and adjacent gap site (which has been so for the last 70 years following the bombing of the original buildings during the second world war), are identified as negative features within the conservation area under the Portland & Brunswick Square Character Appraisal.

Portland Square elevation

The principle of demolition of the unlisted 1960s warehouse building was established under the extant permission (17/05290/F & 17/05291/LA). The design and form of the buildings to Portland Square replicate the extant permission, which would see the repair and restoration of the existing facades at 31 and 32 Portland Square. The gap site (29-30 Portland Square & 1 Cave Street) would be infilled with a new terrace, which the applicant states would reproduce the existing elevations facing Portland Square and Cave Street. The elevations will comprise of materials such as ashlar limestone and limestone detailing to door and window features as previously consented.

The new block to the rear would replicate the design and scale of the building approved under the extant permission externally. Whilst this is considered to be large, it has previously been demonstrated that it would not project into view above the restored roofline in the immediate context of Portland Square. Overall it is considered that this element of the proposals would enhance the conservation area in accordance with policy BCS22 of the Core Strategy, BCAP45 and BCAP SA5 of the Bristol Central Area Plan.

Surrey Street elevation

The height of the elevation has raised concerns by Historic England and the Council's Conservation Officer as previous. The Conservation Officer has also made reference to the changes to fenestration at ground floor, citing a loss of quality. However this is the only change from the previously approved scheme along this elevation and which has been brought about as a result of the requirement for the bin and cycle storage areas which use louvered doors, and the changes to the internal layout. Whilst this is noted, overall it was acknowledged that the façade design would better respond to the modulation of nearby Georgian Facades. The design quality is generally good, politely articulated, and could add to the streetscape. Therefore on balance officers concluded that the proposed block would cause less than substantial harm to the conservation area.

Elevation to Brunswick Cemetery Gardens

The new build as per the extant permission would represent the largest element of the scheme at up to six storeys in height. The form and design of the building would follow the extant permission, which at six storeys would make it the tallest building within the conservation area, with the exception of the church tower. Both the Conservation Officers and English Heritage strongly encouraged the removal

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of the sixth storey as per their previous comments. However it was established that the contemporary elevational treatment and architectural rhythms would not be out of place. The block facing both Surrey Street and Brunswick Cemetery Gardens presents simple design with vertical proportioned floor to ceiling windows set within the brick façade. There are also elements of the design which will enhance the conservation area in an improved relationship with the graveyard. As such, officers concluded that the harm would be less than substantial to the conservation area to warrant any refusal.

Elevation to Cave Court

The details of the Planning Statement show that the existing Sandhu's Warehouse is the equivalent of a three storey building directly on the boundary, which provides an overbearing aspect to the communal garden. It is proposed that the boundary wall is retained at its current height that will retain the sense of enclosure and privacy to this garden but with the benefit of creating longer views towards Surrey Street. The proposed building is lower in height adjoining the boundary with Cave Court and only steps up in height away from the boundary. Overall this would enhance views from the north.

Benefits of Development

It is considered that the less than substantial harm to the conservation area through the new block, and the setting of the listed buildings through their demolition would be outweighed by bringing the Grade I Listed buildings into beneficial use and the reinstatement of the square as a key element of the Conservation Area. It is noted that that the height of the proposed block is dictated by the number of units being proposed. However the proposal would bring a long dilapidated brownfield site back into active use it would see the repair and reinstatement of the listed buildings (which are at structural risk) that front onto Portland Square.

Whilst it is noted that a number of comments have raised that the benefits of a student scheme are less than that of a residential development (that included the provision of affordable housing), the development would be connected to the heat network with the benefits that would bring (see key issue I). The applicants have stated any reduction in scale and therefore number of units sought was likely to impact on them being able to deliver the scheme.

On considering the above it is concluded that the design and external appearance are fundamentally unchanged from the approved scheme. Whilst there are different benefits under this latest proposal, they are still considered to outweigh the less than substantial harm to the listed buildings and wider conservation area. As required by the relative legislation, officers have given great weight to any harm to heritage assets, and it is concluded that these are either required to secure the long term restoration of the heritage assets, or would be outweighed by the public benefits of the development.

(E) WOULD THE PROPOSED DEVELOPMENT HARM THE AMENITY OF THE ADJOINING PROPERTIES?

Policy DM2 requires development to provide a good standard of accommodation by meeting relevant requirements and standards and not adversely impacting neighbouring amenity or the character of the area through noise and disturbance from levels of activity. Policy DM29 expects new buildings to safeguard the amenity of the host premises and neighbouring occupiers. Policy BCS23 expresses that in locating and designing new development, account should be taken of the impact of existing sources of noise or other pollution on the new development, and the impact of new development upon the viability of existing surrounding development.

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Overlooking/loss of privacy

The proposed development has been carefully orientated to avoid creating problems of loss of privacy, due to overlooking, as was the case under the extant permission (17/05290/F). The rear windows on to the new block would provide views across Brunswick Cemetery Gardens and of the adjoining Cave Court communal amenity area. However there would be no significant loss of privacy due to the distances involved. With regard to inter-visibility across the courtyard and terraced properties, there would be a window to window distance of at least 16 metres between the student apartments to the rear of 1 Cave Street to 32 Portland Square and the east facing accommodation to new block. Whilst this is less than the 21 metres set out in the Council's supplementary planning documents, the distances for developments such as this are not uncommon given the higher densities in central Bristol. The distance is still considered to be acceptable and would not be visually intrusive to occupiers in the respective blocks.

Overbearing/overshadowing

The proposed building is identical in height adjoining the boundary with Cave Court to the scheme under the extant permission (17/05290/F & 17/05291/LA) and only steps up in height away from the boundary. The corner of the new building directly adjacent to the Cave Court gardens is chamfered to reduce the effective mass of the building. The external doors to the apartments on the corner of the building have been provided with inset balconies and the windows have been provided with angled bays to ensure that they face towards the application site and not towards the Cave Court gardens. The removal of the existing warehouse and the arrangement of the new buildings will help open up the views from the Cave Court garden. The existing boundary wall is to be retained at its current height that will retain the sense of enclosure and privacy to this garden but with the benefit of creating longer views towards Surrey Street. It is therefore not considered that the block would appear overbearing when viewed from Cave Court.

The proposed block would sit south of Cave Court and concern has been raised that at six storeys at its highest point the block would cause loss of light to these neighbouring properties. However over two-thirds of the width of the block would align with the side of Cave Court which contains no side window therefore not impacting on any daylight. Although standing at four storeys in height, the part of the block immediately adjacent to Cave Court remains unchanged from the approved scheme (17/05290/F & 17/05291/LA) and still is marginally lower (approximately 1.3m) than the height of the previously approved scheme before that (06/00483/F /05/01106/LC & 12/01064/R).

As mentioned, the higher fifth and sixth storey elements are stepped back as was under the extant permission (17/05290/F). It was established that any shadow impacts the highest storeys would cause would mainly be over the lower four storey part of the block. It was established from the sun calculations carried out by officers under the approved scheme, that any impact in terms of overshadowing would be restricted to the earlier part of the day to Brunswick Cemetery Gardens and very little impact to the grounds of Cave Court gardens during the spring and summer months. At worse there would be two hours of shadow to the grounds of Cave Court gardens in the morning during the winter months. This is comparable with the impact of the residential block approved under the previous permissions (06/00483/F /05/01106/LC & 12/01064/R).

Given the above it is considered that the level of impact on existing daylight/sunlight levels current received to the Cave Court and Cave Street would be negligible due to the position of this block in relation to the courtyard.

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Noise/disturbance

Concern from nearby residents has been raised on grounds of increased noise and possible anti-social behaviour in the area due to the level of student accommodation proposed. The site is located within close proximity of vibrant city centre location, with existing noise and activity throughout the day and from nearby licenced establishments such as Cosies club at night. Whilst increased occupancy increase the number of residents, and hence level of activity within the area, it is considered that any such increase would not be harmful and would be compatible with the existing busy nature of the location. The applicant has submitted a premises management plan for the proposed student accommodation at the request of the Local Planning Authority. This sets out details of the day to day management of the building and its facilities, security and reporting any complaints. Students would be expected to follow conduct and house rules as part of their tenancy. Consequentially were any consent granted for the development then the requirements of the premises management plan can be secured under condition.

Concerns with regard to construction noise and disturbance have been raised, however the Council's Pollution Control Officer is satisfied that this can be controlled through a Construction Management Plan which would be submitted to the Council and secured under planning condition for compliance.

In conclusion, it is considered that the distances between adjacent buildings and the proposed residential blocks would be satisfactory within a compact urban area, and would not have any adverse impact on the amenity of adjoining properties. Therefore subject to the proper management of the building, the proposal would not result in any significant loss of amenity.

(G) WOULD THE PROPOSED DEVELOPMENT CONSTITUTE AN ACCEPTABLE LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?

Policy BCS21 expects development to safeguard the amenity of existing development and create a high quality environment for future occupiers. Policy DM35 expects noise sensitive development in locations likely to be affected by existing sources of noise to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers.

When considering future residents of the proposed development, it is noted that the site is located within a busy urban environment, with significant noise levels emanating from vehicles using Surrey Street and Portland Square, along with noise associated with the night-time economy, including Cosies nightclub which has a late licence to operate up to 4am. This has raised a concern from the Council's Pollution Control Officer as there is the potential for residents to be disturbed by the club. Officers advise that an acoustic report setting out the required noise insulation measures should be submitted to the Council and which can be secured by planning condition should the proposals be approved.

Within the development internal and external communal spaces would be incorporated providing amenity space for all students. This includes a courtyard garden in the centre of the development. There would also be communal living/kitchen areas for each of the larger student cluster flats (1 to 7 bed units). Each student bedroom would have adequate living space to sleep and study, along with private en-suite bathroom. Each student bedroom would have a good outlook comprising of at least one window. Each of the smaller studio student apartments would have the addition of a kitchenette. As discussed previously there would be a total of 81 apartments, 22 (25%) of which would be studios with the remaining 59 (75%) comprising larger cluster flats. This is considered to be a an appropriate mix of sizes.

Given the above considerations it is concluded that the proposed development would constitute an acceptable living environment for future occupiers.

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Development Plan policies are designed to promote schemes located where sustainable transport patterns can be achieved, which includes pedestrians as the highest priority and private cars as the lowest (BCS10). In addition, policy DM23 requires development to provide safe and adequate access to new developments. It also includes parking standards for residential and non-residential development.

The scheme like the extant permission would be a car-free development. Given its sustainable location in close proximity with the city centre and key public transport interchanges, the applicant states that walking or cycling will be mode of choice for the future occupiers. The site is within a Controlled Parking Zone (CPZ) and is surrounded by other controlled parking zones. Residents would not be eligible for a parking permit and this should discourage students from bringing a vehicle given the only option would be parking a long distance away or paying for on-street parking. The applicant has stated that students applying for accommodation will be informed that zero car parking is provided on site, that they will not be eligible for an on-street permit.

Site specific design relating to access, movement and cycle parking and other highway related issues is provided in the Transport Statement and Framework Travel Plan. Both of these were revised on the advice of the Local Planning Authority. The Travel Plan states that the developer will implement the Travel Plan and can be secured as part of a S106 which commits the applicant to the provision of a monitoring fee. The applicant has confirmed that the Framework Travel Plan will be adapted to a full Travel plan to be submitted within 3 months of occupation.

Cycle parking would be provided within a large enclosed store accessed via Surrey Street which would provide up to 85 cycle spaces, with two spaces for visitors provided within the entrance lobby to the building. The level of provision would accord with the standards set out in the Site Allocations and Development Management Policies. 22 of the spaces would comprise of Sheffield stands and the remaining would comprise of vertical cycle racks. Whilst the Council's Transport Development Management Team (TDM) raised reservations about the vertical racks there is no objection to their use as it is acknowledged that the constraints of the development make the provision of 100% Sheffield stands not possible. Refuse would be located in a dedicated store to Surrey Street, with both the level of provision and accessibility considered to be acceptable.

The applicant has provided a Student Management Plan which they state identifies arrangements for managing student arrivals/departures at the start and end of each semester/academic year, together with the overall management of the accommodation. However on assessing the document, this has not been explicitly set out including any information on drop-off and departure procedure as requested by TDM. In response the applicant has agreed to submit a more appropriate and reasonable method of securing specific information regarding drop-off/pick-up arrangements which they requested can be secured under a pre-commencement condition as part of any planning consent. By which time they state that we would know the specific arrangements/timeframe of the organisation whose students would be occupying the building. In response to this TDM whilst still preferring to see the details have advised that this is conditioned as part of any approval.

This is considered to be acceptable from a highway perspective. The applicant has also submitted General Arrangement (GA) Plan has been requested indicating works to the highway at the request of TDM and which can be secured via condition.

In conclusion subject to S106 to secure the Travel Plan payment and initiatives, and works for the refurbishment of the footway along the frontage, the proposal would satisfactorily address transport and movement issues.

Development Control Committee A – 22 January 2020**Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS****(I) WOULD THE PROPOSAL MAKE AN ADEQUATE CONTRIBUTION TO THE CITY'S OBJECTIVES WITH REGARD TO SUSTAINABILITY AND CLIMATE CHANGE?**

Policies BCS13, BCS14, BCS15 and BCS16 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement. The Central Area Plan policies also apply, with relevance to sustainability including BCAP20, BCAP21, BCAP22, and BCAP25.

Policy BCS14 of the core Strategy expects major development to incorporate, where feasible, infrastructure for district heating, and to connect to existing systems where available. The previous application (17/05290/F) did not provide affordable housing, however that was very much an on balance decision of bringing a dilapidated site back into use and providing much needed affordable housing. As the latest scheme does not provide this it is considered paramount that the development fully complies with policy BSC14.

The applicant has submitted revisions to the Sustainability Statement on the advice of the LPA which included addressing overheating with regard to the new build element and agreement to comment to the district heat network (DHN) from day 1 on the proviso that there is an available connection from Surrey Street at the date that the development commences on site. The applicant confirms that the DHN will be utilised to provide hot water and heating into the development from its first occupation. The specifics of the DHN including connection, timescales and the heads of terms would be secured through a S106. According to the energy summary table this along with the proposed use of PV solar panels (which is considered to be the most plausible system given the site constraints) and the proposals to the building fabric, would yield up to a 48% savings in residual energy complying with the Council's policy requirements.

The applicant has demonstrated that the site is well served with internet connectivity with Portland Square served with Superfast broadband (defined as 300Mbps+) at one or more properties and across 29 providers.

The application is supported by a report which makes recommendations for how surface water drainage can be improved with use of permeable paving and appropriate attention. The proposals accord with the principles of adopted Council policy as the West of England Sustainable Drainage guidance. The applicant states that if strictly necessary, further details could be provided as a condition of any future consent.

Given the above considerations it is concluded that the proposal would contribute to the City's policy objectives with regard to sustainability and climate change.

(J) WOULD THERE BE ANY SAFETY AND SECURITY ISSUES AS A RESULT OF THE PROPOSAL?

It is important that, where appropriate, development recognises the issue of crime prevention and helps to create safer, more secure development. This principle may include deterrent effects of good design, layout and lighting.

The general layout and access arrangements would prevent unauthorised access as was the case under the approved scheme (17/05290/F & 17/05291/LA). The proposed boundary treatment to the cemetery is considered to be appropriate and would provide a good level of security to the ground floor courtyard to the rear of the block. Furthermore the block would overlook the Brunswick cemetery gardens providing additional natural surveillance. This in turn would help reduce incidents of anti-

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social behaviour. Surveillance of the street-scenes would be enhanced as a result of the proposal. The Premises Management Plan sets out the general security arrangements that would be put in place as part of the day to day running of the student accommodation.

(K) DOES THE PROPOSAL RAISE ANY LAND CONTAMINATION ISSUES?

The site's history with regard to the former industrial uses means that the proposed development is sensitive to contamination, being situated on and adjacent to land which has been subject to land uses which could be a potential source of contamination. The applicant has provided a desk study which the Land Contamination Officer considers to be adequate. Furthermore the officer notes the requirements for an unexploded ordnance assessment; part of the site was subject to bomb damage during the Second World War. Consequently the Land Contamination Officer recommends that any approval should be subject to an intrusive investigation and risk assessment, the submission of a remediation scheme and the commissioning of an unexploded ordnance survey all prior to commencement of any development. These can be secured via planning conditions.

(L) DOES THE PROPOSED DEVELOPMENT SECURE A PACKAGE OF PLANNING OBLIGATIONS TO OFFSET THE IMPACT OF THE DEVELOPMENT ON THE LOCAL INFRASTRUCTURE?

Policy BCS11 of the Core Strategy requires that planning obligations should be secured through the planning process in order to offset the impact of the proposed development on the local infrastructure. With the exception of site specific requirements, this policy is met through the application of the Community Infrastructure Levy (CIL) which is mandatory. The flat rate for student accommodation is based on of £100/m² and is subject to index linking with the Building Cost Information Services rate, and this is likely to generate £584,500.

With regard to financial contributions the applicant has agreed to implement their Framework Travel Plan where the audit & management fee will apply at a cost of £5,165 (as index linked), to be secured via a bilateral S106 Agreement. Connection to the District Heat Network (DHN), the heads of terms and conditions would also be secured under the S106.

OTHER ISSUES

The site was investigated for bats in August 2017 with a report accompanying the submission. It was concluded that no further surveys or mitigation measures are required in relation to bats or ecology at the site. The Council's Nature Conservation Officer on considering the application raised no objection subject to an advisory reminding the applicant of the nesting bird season with regard to site clearance and a condition to secure the installation of bird and bat boxes.

The site has been investigated by an archaeological consultant with a desk-based assessment accompanying the application. The report concludes that due to the presence of below ground deposits which may have some importance that prior to groundworks commencing an archaeological evaluation is carried out. The Council's Archaeologist has previously recommended that approval is subject to conditions for a programme of works and a watching brief.

CONCLUSION

The principle of residential accommodation in this location is established by planning permission and listed building consent (17/05290/F and 17/05291/LA) granted in 2018. The design, scale, character and impact on the listed buildings and conservation area of the current student scheme are virtually identical to the approved residential scheme. The restoration of the listed buildings and terrace is particularly welcomed. The significant townscape and conservation benefits of the proposal along with the wider public benefits of bringing a vacant site back into use are considered to be positive outcomes.

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Recent planning permissions and an appeal decision have demonstrated that there is no evidence of an over-concentration of student accommodation in the area around the application site at the present time. The continuing demand for new specialist student accommodation is published in the Council's Student Accommodation Topic Paper. The development will create a range of apartment sizes (including purpose designed one for those with disabilities) and in this respect, is regarded to be fully in accordance with Core Strategy Policy which includes securing significant new homes in the City Centre and in particular the need for student housing.

The proposed development would provide an adequate level of living occupation for its future users, whilst it has been established that the design, scale and orientation of the development would not have any adverse impact on the amenity of adjoining properties. Measures such as the implementation of a construction management plan during development and premises management plan thereafter would ensure that any impacts are mitigated and development monitored.

With regards to sustainability issues, it is accepted that measures are restrained given the constraints in regard to the listed buildings. Nevertheless the development would still provide improvements to the building fabric, renewable energy in the form of solar PV panels and agreement to connect to the heat network.

The nature of the proposed development does not pose a highway hazard. The development would be situated in a very sustainable location close to the city centre. The applicant has offered planning obligations towards a travel plan which is acceptable to the Council's Transport Development Management Officers. The fact that there is not 100% provision of Sheffield stand storage is borne out of the constraints of the site.

Therefore on balance, this application is acceptable given the resulting wider benefits in terms of the merits of the scheme and is recommended for approval. This is subject to a list of conditions including safeguarding the grade I listed building in the long-term, highway works, construction management plan, archaeological works, design details, landscaping, sustainable drainage, public art, mitigation for contamination, noise mitigation, the completion of cycle and refuse, sustainability, and lighting requirements. A Section 106 agreement that seeks financial contributions towards Travel Plan contributions and connection to the district heat network would also be subject of any permission.

(A) PLANNING APPLICATION 19/1892/F

RECOMMENDED GRANT subject to Planning Agreement

- (A) That the applicant be advised that the Local Planning Authority is disposed to grant planning permission, subject to the completion, within a period of six months from the date of this committee, or any other time as may be reasonably agreed with the Service Director, Planning and Sustainable Development and at the applicant's expense, of a planning agreement made under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended), entered into by the applicant, Bristol City Council and any other interested parties to cover the following matters:
- i) The a financial contribution £5,165 (as index linked) to be made to Bristol City Council in order to finance the Travel Plan.
 - ii) Connection to the District Heat Network
- (B) That the Head of Legal Services be authorised to conclude the Planning Agreement to cover matters in recommendation (A).

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- (C) That on completion of the Section 106 Agreement, planning permission be granted, subject to the following conditions:

Time limit for commencement of development

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Site Specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been 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:

- * Procedures for maintaining good public relations including complaint management, public consultation and liaison
- * Arrangements for liaison with the Council's Pollution Control Team
- * 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.
- * Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- * Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- * Procedures for emergency deviation of the agreed working hours.
- * 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.
- * 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 the amenities of surrounding occupiers during the construction of the development.

3. Phasing and Programme of Works

Prior to the commencement of development, a detailed Phasing Plan and Programme of Works (detailing the works to be undertaken, including the commencement and completion

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timetable of each unit proposed within both existing and new structures), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the phasing plan as agreed. Prior to occupation of any unit hereby permitted, restoration and rebuilding of 29-32 Portland Square and 1 Cave Street shall be substantially completed, to the written satisfaction of the local planning authority, in line with the approved Phasing Plan and Programme of Works.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area. and secure public benefits as part of development.

4. Prior to commencement of relevant elements - method statement

Prior to the commencement of the relevant element the following method statements shall be submitted to the Local Authority and approved in writing:

- a) All temporary structure required for the support of 31 and 32 Portland Square, its method of erecting, fixing to the Listed fabric, and retention during construction
- b) All demolitions of existing fabric as consented to ensure the use of appropriate hand tools, dismantling, and disposal of fabric removed
- c) Reclamation and safe storage on site of all materials proposed for reuse or to act as models for new and replacement work including stonework, floorboards, plasterwork, roof fabric, and stone and joinery details.
- d) Forming new openings within existing historic fabric, any proposed temporary structural support, and all proposed insertions of new structure.

The development shall be constructed in accordance with the approval.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

5. Further details of before relevant element started

Prior to the commencement of the relevant element the following detailed drawings for 29- 32 Portland Square and 1 Cave Street shall be submitted to the Local Authority and approved in writing:

- a) 1:5 section details and 1:10 elevations of all proposed internal and external doors to for 29-32 Portland Square and 1 Cave Street and showing all proposed frames, materials, moulding details, panelling, and fabric connections at head, reveals and thresholds.
- b) 1:5 section details and 1:10 elevations of all proposed windows, fanlights, and skylights to for 29-32 Portland Square and 1 Cave Street and showing all proposed frames, materials, moulding details, and fabric connections at head, reveals and cills.
- c) 1:5 section details and 1:10 elevations of all proposed dormers for 29-32 Portland Square and 1 Cave Street, showing proposed external materials, moulding details and methods of construction
- d) 1:5 section details of all architectural stone mouldings for 29-32 Portland Square and 1 Cave Street including cornice, plat band, voissoirs, cills, lesenes, rustication, parapets and verges showing all proposed materials, their method of keying into existing and proposed new fabric
- e) 1:5 section details and 1:10 elevation details of all proposed new staircases for 29- 32 Portland Square and 1 Cave Street showing proposed materials, treads and risers, skirting, panelling, balustrade, handrails and landings.

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- f) 1:5 section details and 1:10 elevation details of all proposed internal joinery for 29-32 Portland Square and 1 Cave Street including all shutters, panelling, wainscot , and/dado and picture rails
- g) 1:5 section and elevation details of all proposed new railings and supporting pennant stone upstands for 29-32 Portland Square and 1 Cave Street, their method of fixing, materials, fabrication, and moulding details.
- h) 1:15 and 1:10 section details of the proposed roofs for 29-32 Portland Square and 1 Cave Street showing proposed materials, structure, flashing, drainage, ridges and fabric connections with party walls, eaves and parapets.
- i) 1:10 elevation details of all proposed chimney stacks and pots for 29-32 Portland Square and 1 Cave Street showing all proposed materials, construction, weatherproofing and flashing.
- j) Details of all proposed door furniture within 31 and 32 Portland Square, and all front doors onto Portland Square and Cave Street.
- k) 1:5 section details of all proposed dry-lining of existing walls within 31 and 32 Portland Square
- l) 1:5 section details of all proposed floor treatments within the basement areas of within 31 and 32 Portland Square
- m) 1:5 section details of all proposed skirting within 31 and 32 Portland Square
- n) 1:15 section details of all proposed new partition and load-bearing walls within 31 and 32 Portland Square showing proposed fabric connections at ceiling, wall, and floor with existing fabric.
- o) 1:5 section details off all proposed new ceiling and floor fabric within 31 and 32 Portland Square including proposed joists, materials, and construction.
- p) Details to an appropriate scale of all proposed rainwater goods, downpipes, gutters and hoppers for 29-32 Portland Square and 1 Cave Street
- q) Details to an appropriate scale of all proposed external vents, flues, external soil, or other services proposed for external elevations
- r) Service strategy plans to an appropriate scale detailing all insertion of new soil, ventilation, and any other penetrations within the retained and restored portions of the building.

The development shall be carried out in accordance with the approved plans.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

6. Samples panels before specified elements started

Prior to the commencement of the relevant elements the following materials shall be made available on site to the Local Authority in their intended colour, texture, finish, face bond, pointing, the junctions between adjacent materials and workmanship, are to be approved in writing and thereafter retained until the completion of work in order to act as a references:

- a) Minimum 2m x 2m of ashlar limestone with mortar and jointing of stonework
- b) Minimum 1m x 1m of all proposed render
- c) Minimum 1.5m x 1.5m of all proposed brickwork with its respective mortars
- d) Limestone for Portland Square and Cave Street facades
- e) All proposed brick for use on for 29-32 Portland Square and 1 Cave Street
- f) All proposed mortar for use with limestone and brick
- g) Brick for Surrey Street and Brunswick Garden elevations
- h) Metal cladding for cave street and Brunswick Garden elevations
- i) All proposed roof coverings including natural slate, and clay tiles.
- j) All proposed external render
- k) All pennant stone to front curtilage and railings

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- l) All new hard landscaping materials to Portland Square, cave Street, and Surrey Street including pavers, steps and thresholds.
- m) Limestone for Portland Square and Cave Street facades
- n) All proposed brick for use on for 29-32 Portland Square and 1 Cave Street
- o) All proposed mortar for use with limestone and brick
- p) Brick for Surrey Street and Brunswick Garden elevations
- q) Metal cladding for Cave Street and Brunswick Garden elevations
- r) All proposed roof coverings including natural slate, and clay tiles.
- s) All proposed external render
- t) All pennant stone to front curtilage and railings
- u) All new hard landscaping materials to Portland Square, Cave Street, and Surrey Street including pavers, steps and thresholds.

Development shall be carried out in accordance with the approved materials.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

7. Further details before relevant element started

Detailed drawings at the scale of 1:20 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Details of thresholds interface between the edge of the building and the public realm along Portland Square and Surrey Street.
- b) Details of the interface of development with Brunswick Cemetery Gardens
- c) All external door sections and elevations including frame and reveal.
- d) All window sections and elevations including reveal and surrounds

Reason: In the interests of visual amenity and to ensure the character and appearance of this part of the Brunswick and Portland Square Conservation Area is not harmed.

8. Highway Works

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

- Refurbishment of footway to full height kerbs in conservation materials across all of the frontage of the site in Surrey Street and Portland Square, to a standard satisfactory to the Highway Authority, and return to Highway Authority's store of any conservation materials including steel kerbs and pennant paving
- Associated ancillary works including but not limited to lining, signing, street furniture, resurfacing, drainage, lighting

Indicating proposals for:

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

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

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

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the City Council's technical approval and inspection fees paid before any drawings are considered and approved and formal technical approval is necessary prior to any works being permitted.

9. Public Art

Prior to the commencement of the development hereby permitted, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. All public art works shall be completed in accordance with the agreed scheme and thereafter retained as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that public art is integrated into the design and build of the development.

10. Site Characterisation

Following demolition no construction shall take place until an intrusive investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets,
 - o woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

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11. Submission of Remediation Scheme

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

Reason: To ensure that risks from land contamination 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.

12. Unexploded Ordnance

Prior to commencement of development an unexploded ordnance survey shall be carried out at the site to establish whether there is any unexploded ordnance, the details of which shall include any necessary mitigation measures and shall be submitted to the local planning authority for approval. The development shall be undertaken in full accordance with any approved mitigation measures.

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

13. 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.

14. Noise Sensitive Premises Assessment

No development shall take place until a detailed acoustic report on the existing noise climate at the development site has been submitted to and approved in writing by the Council.

The report shall include a scheme of noise insulation measures for all residential accommodation. The noise insulation measures shall be designed to achieve noise insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by noise from the following:-

Cosies Wine Bar

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Traffic

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

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. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

15. To ensure implementation of a programme of archaeological works

No development shall take place within the area indicated on plan number 1812- 0120 revision 01 until the applicant/developer has secured the implementation of a programme of archaeological work to include historic building recording and watching brief during ground works, 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:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

Pre occupation condition(s)

16. Energy and Sustainability in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the Sustainability and statement (Darren Evans Assessments, revision D April 2019) prior to occupation. A total 48.25% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 20% reduction/or other agreed % reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14

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(sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings) and BCAP20 (Sustainable design standards).

17. Renewable energy - PV

Prior to implementation, details of the PV panels (including the exact location, dimensions, design/ technical specification) together with calculation of energy generation and associated CO2 emissions to achieve 20% reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to the Local Planning Authority and approved in writing. The renewable energy technology shall be installed prior to occupation of the dwellings and thereafter retained.

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

18. Completion of Pedestrians/Cyclists Access - Shown on approved plans

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

Reason: In the interests of highway safety.

19. Bird and bat 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 for the specification, orientation, height and location of built-in bird nesting and bat roosting opportunities. This shall include eight built-in swift bricks or boxes and two built-in bat boxes. The development shall be completed in full accordance with the approved details.

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

20. Reinstatement of Redundant Accessways - Shown on approved plans

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

Reason: In the interests of pedestrian safety.

21. 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.

22. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

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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, at any time.

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.

23. To secure the conduct of a watching brief and historic building recording during development works

The applicant/developer shall ensure that all groundworks, including geotechnical works and demolition works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation approved under condition 15.

Reason: To record remains of archaeological interest before destruction.

24. 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 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.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

25. Student Moving In/ Moving Out Strategy

Prior to the first occupation of the development hereby permitted, an updated 'Student Moving In/ Moving Out Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The student residential accommodation use hereby permitted shall be carried out only in accordance with the approved and updated 'Student Moving In/ Moving Out Strategy' in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safe operation of the public highway at the start/end of semester/academic year

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Post occupation management

26. Premises Management Plan

The student accommodation hereby permitted shall only be carried out fully in accordance with the measures set out in the approved premises Management Plan (Portland Square Limited) dated 19th July 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the general amenity of neighbouring occupiers.

27. Travel Plan - Submitted

Prior to occupation or use commenced, evidence that the pre-occupation elements of the approved Travel Plan have been put in place shall be prepared, submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan to the satisfaction of Local Planning Authority unless agreed in writing by the Local Planning Authority.

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

List of approved plans

28. 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.

- 1812-0120-01 Site location plan, received 1 May 2019
- 1812-0109-01 Existing block plan, received 1 May 2019
- 1812-2159-01 Proposed block plan, received 1 May 2019
- 1812-0100-01 Existing site plan, received 1 May 2019
- 1812-2150-06 Proposed site plan, received 15 August 2019
- 1812-0101-01 Existing basement plan, received 1 May 2019
- 1812-0102-01 Existing ground floor plan, received 1 May 2019
- 1812-0103-01 Existing first floor plan, received 1 May 2019
- 1812-0110-01 Existing basement plan, received 1 May 2019
- 1812-0111-01 Existing ground floor plan, received 1 May 2019
- 1812-0112-01 Existing first floor plan, received 1 May 2019
- 1812-0113-01 Existing second floor plan, received 1 May 2019
- 1812-0114-01 Existing third floor plan, received 1 May 2019
- 1812-0205-01 31 and 32 Portland square - detail references, received 1 May 2019
- 1812-2110-01 Lower ground floor demolition plan, received 1 May 2019
- 1812-2111-01 Ground floor demolition plan, received 1 May 2019
- 1812-2112-01 First floor demolition plan, received 1 May 2019
- 1812-2113-01 Second floor demolition plan, received 1 May 2019
- 1812-2114-01 Third floor demolition plan, received 1 May 2019
- 1812-2115-01 Roof demolition plan, received 1 May 2019
- 1812-2151-05 Proposed lower ground floor plan, received 1 May 2019
- 1812-2152-07 Proposed ground floor plan, received 15 August 2019

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1812-2153-05 Proposed first floor plan, received 1 May 2019
 1812-2154-05 Proposed second floor plan, received 1 May 2019
 1812-2155-05 Proposed third floor plan, received 1 May 2019
 1812-2156-06 Proposed fourth floor plan, received 1 May 2019
 1812-2157-05 Proposed fifth floor plan, received 1 May 2019
 1812-2158-01 Proposed roof plan, received 1 May 2019
 1812-2400-01 32 Portland square front portico survey details sheet 1, received 1 May 2019
 1812-2401-01 32 Portland square front portico survey details sheet 2, received 1 May 2019
 1812-2402-01 32 Portland square window survey - ground floor, received 1 May 2019
 10912-sk-0002 Side elevation and typical section, received 1 May 2019
 10912-sk-0003 Ground floor and basement plans, received 1 May 2019
 10912-sk-0004 First and second floor plans, received 1 May 2019
 10912-sk-0005 Third floor and roof plans, received 1 May 2019
 1812-2403-01 32 Portland square window survey - first and second floor plans, received 1 May 2019
 1812-2404-01 32 Portland square window survey - ground floor components, received 1 May 2019
 1812-2405-01 32 Portland square window survey - details, received 1 May 2019
 1812-2406-01 32 Portland square window survey - panelling, received 1 May 2019
 1812-2407-01 32 Portland square survey stone details, received 1 May 2019
 1812-2408-01 31 and 32 Portland square parapet moulding detail, received 1 May 2019
 10912-sk-0001 Front elevation, received 1 May 2019
 1812-0201-01 Existing Portland square front and rear elevations, received 1 May 2019
 1812-0202-01 Existing Brunswick garden and Cave Court elevations, received 1 May 2019
 1812-0203-01 Existing Surrey street elevation, received 1 May 2019
 1812-0206-01 31 and 32 Portland square existing front elevation demolition, received 1 May 2019
 1812-2206-01 Detailed elevations - existing buildings, received 1 May 2019
 1812-2251-01 Proposed Portland street front and rear elevations, received 1 May 2019
 1812-2252-02 Proposed Brunswick garden and Cave Court elevations, received 1 May 2019
 1812-2253-02 Proposed Surrey street elevation, received 1 May 2019
 1812-2254-02 Proposed Courtyard elevations, received 1 May 2019
 1812-0301-01 Existing site sections A-A and B-B, received 1 May 2019
 1812-2303-02 Proposed sections 33 and 34 Portland square, received 1 May 2019
 1812-2351-01 Proposed site sections A-A and B-B, received 1 May 2019
 1812-2352-01 Proposed sections C-C, D-D and E-E, received 1 May 2019
 Sustainability and Energy Statement Rev D, received 18 December 2019
 Travel Plan (Highgate Transport), received 15 July 2019

Reason: For the avoidance of doubt.

Advices

1. Construction Environmental Management Plan

The Construction Environmental Management Plan should also include but is not limited to reference to the following:

- 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

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on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Parking of vehicle of site operatives and visitors
- Routes for construction traffic
- Hours of operation
- Method of prevention of mud being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

For further advice please contact the council's Pollution Control Team and Highway Network Management.

2. Works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking work on the highway you must enter into a formal agreement with the council which would specify the works and the terms and conditions under which they are to be carried out. You should contact You should contact TDM - Strategic City Transport (100TS), Bristol City Council, PO Box 3176, Bristol, BS3 9FS, telephone 0117 903 6846 or email TransportDM@bristol.gov.uk, allowing sufficient time for the preparation and signing of the agreement. You will be required to pay fees to cover the councils cost's in undertaking the following actions:
 - 1) Drafting the agreement
 - 2) A monitoring fee equivalent to 15% of the planning application fee
 - 3) Approving the highway details
 - 4) Inspecting the highway works.
3. The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9036852 or email traffic@bristol.gov.uk 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.
4. Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
5. Bat and bird boxes

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

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<http://www.ibstock.com/sustainability-ecozone.asp>
http://www.nhbs.com/brick_boxes_for_birds_eqcat_431.html

Examples of swift boxes can be found at the following websites:

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>

6. Advisory Note PV design guidance

The applicant is reminded that evidence that the PV design has been approved by an MCS (Microgeneration Certification Scheme) accredited installer to ensure shading is taken into account within the energy generation calculations should be submitted within energy statements and PV details.

7. Noise Sensitive Premises Assessment

The recommended design criteria for dwellings are as follows:

Daytime (07.00 - 23.00) 35 dB LAeq 16 hours in all rooms & 50 dB in outdoor living areas.

Nighttime (23.00 - 07.00) 30 dB LAeq 8 hours & LAmx less than 45 dB in bedrooms.

Where residential properties are likely to be affected by amplified music from neighbouring pubs or clubs, the recommended design criteria is as follows: Noise Rating Curve NR20 at all times in any habitable rooms

8. Bird and bat boxes

With regard to condition 19 details shall include providing the specification, orientation, height and location for built-in bird nesting and bat roosting opportunities. This shall include eight built-in swift bricks or boxes and two built-in bat boxes. Development shall be undertaken in accordance with the approved details. 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. 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. Bat boxes which are being placed on buildings should be placed as close to the eaves (if present) as possible.

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, north-east 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.

9. Nesting birds

There is a small area of shrubs on site, ivy and in addition, bird species such as herring gulls

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may nest on or in buildings. Feral pigeons were recorded within a building within the submitted bat survey report dated August 2017. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. If demolition, site clearance or tree or hedge removal is undertaken on site whilst birds are nesting, which is typically between 1st March and 30th September inclusive, then a check is recommended beforehand by a qualified ecological consultant. Where checks for nesting birds by a qualified ecological consultant are required they should be undertaken no more than 48 hours prior to the removal of vegetation or the demolition of, or works to buildings.

(B) LISTED BUILDING CONSENT APPLICATION 19/01893/LA

RECOMMENDED GRANT subject to conditions**Time limit for commencement of development**

1. Listed Building Consent or Conservation Area Consent
The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

Pre commencement condition(s)

2. Phasing and Programme of Works

Prior to the commencement of development, a detailed Phasing Plan and Programme of Works (detailing the works to be undertaken, including the commencement and completion timetable of each unit proposed within both existing and new structures), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the phasing plan as agreed. Prior to occupation of any unit hereby permitted, restoration and rebuilding of 29-32 Portland Square and 1 Cave Street shall be substantially completed, to the written satisfaction of the local planning authority, in line with the approved Phasing Plan and Programme of Works.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area. and secure public benefits as part of development.

3. Prior to commencement of relevant elements - method statement

Prior to the commencement of the relevant element the following method statements shall be submitted to the Local Authority and approved in writing:

- a) All temporary structure required for the support of 31 and 32 Portland Square, its method of erecting, fixing to the Listed fabric, and retention during construction
- b) All demolitions of existing fabric as consented to ensure the use of appropriate hand tools, dismantling, and disposal of fabric removed
- c) Reclamation and safe storage on site of all materials proposed for reuse or to act as models for new and replacement work including stonework, floorboards, plasterwork, roof fabric, and stone and joinery details.
- d) Forming new openings within existing historic fabric, any proposed temporary structural support, and all proposed insertions of new structure.

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The development shall be constructed in accordance with the approval.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

4. Further details of before relevant element started

Prior to the commencement of the relevant element the following detailed drawings for 29- 32 Portland Square and 1 Cave Street shall be submitted to the Local Authority and approved in writing:

- a) 1:5 section details and 1:10 elevations of all proposed internal and external doors to for 29-32 Portland Square and 1 Cave Street and showing all proposed frames, materials, moulding details, panelling, and fabric connections at head, reveals and thresholds.
- b) 1:5 section details and 1:10 elevations of all proposed windows, fanlights, and skylights to for 29-32 Portland Square and 1 Cave Street and showing all proposed frames, materials, moulding details, and fabric connections at head, reveals and cills.
- c) 1:5 section details and 1:10 elevations of all proposed dormers for 29-32 Portland Square and 1 Cave Street, showing proposed external materials, moulding details and methods of construction
- d) 1:5 section details of all architectural stone mouldings for 29-32 Portland Square and 1 Cave Street including cornice, plat band, voisoirs, cills, lesenes, rustication, parapets and verges showing all proposed materials, their method of keying into existing and proposed new fabric
- e) 1:5 section details and 1:10 elevation details of all proposed new staircases for 29- 32 Portland Square and 1 Cave Street showing proposed materials, treads and risers, skirting, panelling, balustrade, handrails and landings.
- f) 1:5 section details and 1:10 elevation details of all proposed internal joinery for 29-32 Portland Square and 1 Cave Street including all shutters, panelling, wainscot , and/dado and picture rails
- g) 1:5 section and elevation details of all proposed new railings and supporting pennant stone upstands for 29-32 Portland Square and 1 Cave Street, their method of fixing, materials, fabrication, and moulding details.
- h) 1:15 and 1:10 section details of the proposed roofs for 29-32 Portland Square and 1 Cave Street showing proposed materials, structure, flashing, drainage, ridges and fabric connections with party walls, eaves and parapets.
- i) 1:10 elevation details of all proposed chimney stacks and pots for 29-32 Portland Square and 1 Cave Street showing all proposed materials, construction, weatherproofing and flashing.
- j) Details of all proposed door furniture within 31 and 32 Portland Square, and all front doors onto Portland Square and Cave Street.
- k) 1:5 section details of all proposed dry-lining of existing walls within 31 and 32 Portland Square
- l) 1:5 section details of all proposed floor treatments within the basement areas of within 31 and 32 Portland Square
- m) 1:5 section details of all proposed skirting within 31 and 32 Portland Square
- n) 1:15 section details of all proposed new partition and load-bearing walls within 31 and 32 Portland Square showing proposed fabric connections at ceiling, wall, and floor with existing fabric.
- o) 1:5 section details off all proposed new ceiling and floor fabric within 31 and 32 Portland Square including proposed joists, materials, and construction.
- p) Details to an appropriate scale of all proposed rainwater goods, downpipes, gutters and hoppers for 29-32 Portland Square and 1 Cave Street

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- q) Details to an appropriate scale of all proposed external vents, flues, external soil, or other services proposed for external elevations
- r) Service strategy plans to an appropriate scale detailing all insertion of new soil, ventilation, and any other penetrations within the retained and restored portions of the building.

The development shall be carried out in accordance with the approved plans.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

5. Samples panels before specified elements started

Prior to the commencement of the relevant elements the following materials shall be made available on site to the Local Authority in their intended colour, texture, finish, face bond, pointing, the junctions between adjacent materials and workmanship, are to be approved in writing and thereafter retained until the completion of work in order to act as a references:

- a) Minimum 2m x 2m of ashlar limestone with mortar and jointing of stonework
- b) Minimum 1m x 1m of all proposed render
- c) Minimum 1.5m x 1.5m of all proposed brickwork with its respective mortars
- d) Limestone for Portland Square and Cave Street facades
- e) All proposed brick for use on for 29-32 Portland Square and 1 Cave Street
- f) All proposed mortar for use with limestone and brick
- g) Brick for Surrey Street and Brunswick Garden elevations
- h) Metal cladding for cave street and Brunswick Garden elevations
- i) All proposed roof coverings including natural slate, and clay tiles.
- j) All proposed external render
- k) All pennant stone to front curtilage and railings
- l) All new hard landscaping materials to Portland Square, cave Street, and Surrey Street including pavers, steps and thresholds.
- m) Limestone for Portland Square and Cave Street facades
- n) All proposed brick for use on for 29-32 Portland Square and 1 Cave Street
- o) All proposed mortar for use with limestone and brick
- p) Brick for Surrey Street and Brunswick Garden elevations
- q) Metal cladding for Cave Street and Brunswick Garden elevations
- r) All proposed roof coverings including natural slate, and clay tiles.
- s) All proposed external render
- t) All pennant stone to front curtilage and railings
- u) All new hard landscaping materials to Portland Square, Cave Street, and Surrey Street including pavers, steps and thresholds.

Development shall be carried out in accordance with the approved materials.

Reason: In the interests of safeguarding the historic and architectural interest of the Listed Building and the special character of the Conservation Area.

6. Further details before relevant element started

Detailed drawings at the scale of 1:20 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- a) Details of thresholds interface between the edge of the building and the public realm along Portland Square and Surrey Street.

Development Control Committee A – 22 January 2020

Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

- b) Details of the interface of development with Brunswick Cemetery Gardens
- c) All external door sections and elevations including frame and reveal.
- d) All window sections and elevations including reveal and surrounds

Reason: In the interests of visual amenity and to ensure the character and appearance of this part of the Brunswick and Portland Square Conservation Area is not harmed.

List of approved plans

7. List of approved plans and drawings

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

- Proposed front elevation, received 1 May 2019
- Side elevation and typical section, received 1 May 2019
- Ground floor and basement plans, received 1 May 2019
- First and second floor plans, received 1 May 2019
- Third floor and roof plans, received 1 May 2019
- 1812-0120-01 Site location plan, received 1 May 2019
- 1812-0109-01 Existing block plan, received 1 May 2019
- 1812-2159-01 Proposed block plan, received 1 May 2019
- 1812-0100-01 Existing site plan, received 1 May 2019
- 1812-0101-01 Existing basement plan, received 1 May 2019
- 1812-0102-01 Existing ground floor plan, received 1 May 2019
- 1812-0103-01 Existing first floor plan, received 1 May 2019
- 1812-0110-01 Existing basement plan, received 1 May 2019
- 1812-0111-01 Existing ground floor plan, received 1 May 2019
- 1812-0112-01 Existing first floor plan, received 1 May 2019
- 1812-0113-01 Existing second floor plan, received 1 May 2019
- 1812-0114-01 Existing third floor plan, received 1 May 2019
- 1812-0205-01 31 and 32 Portland square - detail references, received 1 May 2019
- 1812-2110-01 Lower ground floor demolition plan, received 1 May 2019
- 1812-2111-01 Ground floor demolition plan, received 1 May 2019
- 1812-2112-01 First floor demolition plan, received 1 May 2019
- 1812-2113-01 Second floor demolition plan, received 1 May 2019
- 1812-2114-01 Third floor demolition plan, received 1 May 2019
- 1812-2115-01 Roof demolition plan, received 1 May 2019
- 1812-2150-06 Proposed site plan, received 15 August 2019
- 1812-2151-05 Proposed lower ground floor plan, received 1 May 2019
- 1812-2152-07 Proposed ground floor plan, received 15 August 2019
- 1812-2153-05 Proposed first floor plan, received 1 May 2019
- 1812-2154-05 Proposed second floor plan, received 1 May 2019
- 1812-2155-05 Proposed third floor plan, received 1 May 2019
- 1812-2156-06 Proposed fourth floor plan, received 1 May 2019
- 1812-2157-05 Proposed fifth floor plan, received 1 May 2019
- 1812-2158-01 Proposed roof plan, received 1 May 2019
- 1812-2400-01 32 Portland square front portico survey details sheet 1, received 1 May 2019
- 1812-2401-01 32 Portland square front portico survey details sheet 2, received 1 May 2019
- 1812-2402-01 32 Portland square window survey - Ground floor, received 1 May 2019
- 1812-2403-01 32 Portland square window survey - first and second floors, received 1 May 2019

Development Control Committee A – 22 January 2020

Application No. 19/01892/F & 19/01893/LA: Nos. 31-32 Portland Square And Surrey Street Warehouse Surrey Street Bristol BS2 8PS

2019

1812-2404-01 32 Portland square window survey - ground floor components, received 1 May 2019

1812-2405-01 32 Portland square window survey - details, received 1 May 2019

1812-2406-01 32 Portland square window survey - panelling, received 1 May 2019

1812-2407-01 32 Portland square survey stone details, received 1 May 2019

1812-2408-01 31 and 32 Portland square parapet moulding detail, received 1 May 2019

1812-0201-01 Existing Portland square front and rear elevations, received 1 May 2019

1812-0202-01 Existing Brunswick garden and Cave Court elevations, received 1 May 2019

1812-0203-01 Existing Surrey street elevation, received 1 May 2019

1812-0206-01 31 and 32 Portland square existing front elevation demolition, received 1 May 2019

1812-2206-01 Detailed elevations - existing buildings, received 1 May 2019

1812-2251-01 Proposed Portland street front and rear elevations, received 1 May 2019

1812-2252-02 Proposed Brunswick garden and Cave Court elevations, received 1 May 2019

1812-2253-02 Proposed Surrey street elevation, received 1 May 2019

1812-2254-02 Proposed Courtyard elevations, received 1 May 2019

1812-0301-01 Existing site sections A-A and B-B, received 1 May 2019

1812-2303-02 Proposed section 33 and 34 Portland square, received 1 May 2019

1812-2351-01 Proposed site sections A-A and B-B, received 1 May 2019

1812-2352-01 Proposed sections C-C, D-D and E-E, received 1 May 2019

Reason: For the avoidance of doubt.

commdelgranted
V1.0211

Supporting Documents

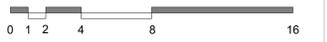
1. Nos. 31-32 Portland Square & Surrey Street Warehouse, Surrey Street.

1. Proposed Site Plan
2. Proposed Lower Ground Floor Plan
3. Proposed Ground Floor Plan
4. Proposed First Floor Plan
5. Proposed Second Floor Plan
6. Proposed Third Floor Plan
7. Proposed Fourth Floor Plan
8. Proposed Fifth Floor Plan
9. Proposed Portland Square Front & Rear Elevation
10. Proposed Surrey Street Elevation
11. Proposed Brunswick Gardens & Cave Court Elevations
12. Proposed Courtyard Elevations
13. Proposed Site Sections
14. Proposed Roof Plan



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Written dimensions are to take precedence over scaled dimensions.



1:200 @ A1



Schedule of Accommodation

32 Portland Square (Refurbished)		
Studio Flats	6 No.	
Shared Flats - 2 No. Beds	4 No.	
Bedspace	14 No.	
31 Portland Square (Rebuilt)		
Studio Flats	6 No.	
Shared Flats - 2 No. Beds	4 No.	
Bedspace	14 No.	
29/30 Portland Square (New)		
Cluster Flats	10 No.	
Bedspace	42 No.	
1 Cave Street (New)		
Studio Flats	6 No.	
Shared Flats - 2 No. Beds	4 No.	
Bedspace	14 No.	
Surrey Street (New)		
Cluster Flats	34 No.	
Studio Flats	4 No.	
Studio Flats (Wheelchair)	3 No.	
Bedspace	173 No.	
Totals		
Studio Flats	22 No.	
Studio Flats (Wheelchair)	3 No.	
Shared Flats - 2 No. Beds	12 No.	
Cluster Flats	44 No.	
Total Bedspaces	257 No.	

06	2019.07.25	DC	Cycle Store amended and 2 no. spaces by entrance. Number and type of bins in Refuse Store amended.
05	2019.04.09	DC	Accommodation schedule updated.
04	2019.04.02	DC	Furniture added to communal areas amended.
03	2019.03.08	PT	Layout of communal areas amended. Central courtyard amended.
02	2019.02.21	PT	Layout of communal areas and flats amended. Schedule of Accommodation amended.
01	2018.08.30	PT	First Issue.
Rev	Date	By	Description



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Client
The Portland Square Ltd

Drawing Title
Proposed Site Plan

Drawing Number	1812	2150	06
Project	Number	Revision	

Purpose of Issue
Planning Scale **1:200**

CLP	30.08.2018	A1
Drawn	Issue Date	Size
1812	Noma	00 00 00 A 00
NOMA Project No	Owner	Zone Level Type Role Status



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1:100 @ A1



Rev	Date	By	Description
05	2019.03.08	DC	Gym added to communal space. No. 32 studio flat amended
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furnitures added
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Client
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Drawing Title
Proposed Lower Ground Floor Plan

Drawing Number
1812 2151 05

Project Number Revision

Purpose of issue **Planning** **1:100**

Scale

CLP PT 30.08.2018 A1

Drawn Checked Issue Date Size

1812 Noma 00 00 00 A 00

NOMA Project No Owner Zone Level Type Role Status



Cave Street

Portland Square

Page 229

Surrey Street

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1:100 @ A1



Rev	Date	By	Description
07	2019.07.25	DC	Cycle Store amended and 2 no. spaces by entrance. Number and type of bins in Refuse Store amended.
06	2019.04.02	DC	Cycle Store amended
05	2019.03.08	DC	Layout of communal areas and flats amended
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2019.12.03	DC	Furniture added and openings repositioned
02	2018.11.19	PT	Plot No.s and areas added
01	2018.08.30	PT	First Issue.



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Drawing Title
Proposed Ground Floor Plan

Drawing Number	1812	2152	07
Project	Number	Revision	

Purpose of Issue
Planning Scale **1:100**

CLP	PT	30.08.2018	A1
Drawn	Checked	Issue Date	Size
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
			Type
			Role
			Status



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1:100 @ A1



Rev	Date	By	Description
05	2019.03.08	DC	Layout of lift/stair to Brunswick block amended. Window positions adjusted.
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furniture added and openings repositioned
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Drawing Title
Proposed First Floor Plan

Drawing Number	Number	Revision
1812	2153	05

Project
Planning Scale
1:100

CLP	PT	30.08.2018	A1
Drawn	Checked	Issue Date	Size
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
			Type
			Role
			Status



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Rev	Date	By	Description
05	2019.03.08	DC	Layout of lift/stair to Brunswick block amended. Window positions adjusted.
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furnitures added and openings repositioned
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Client
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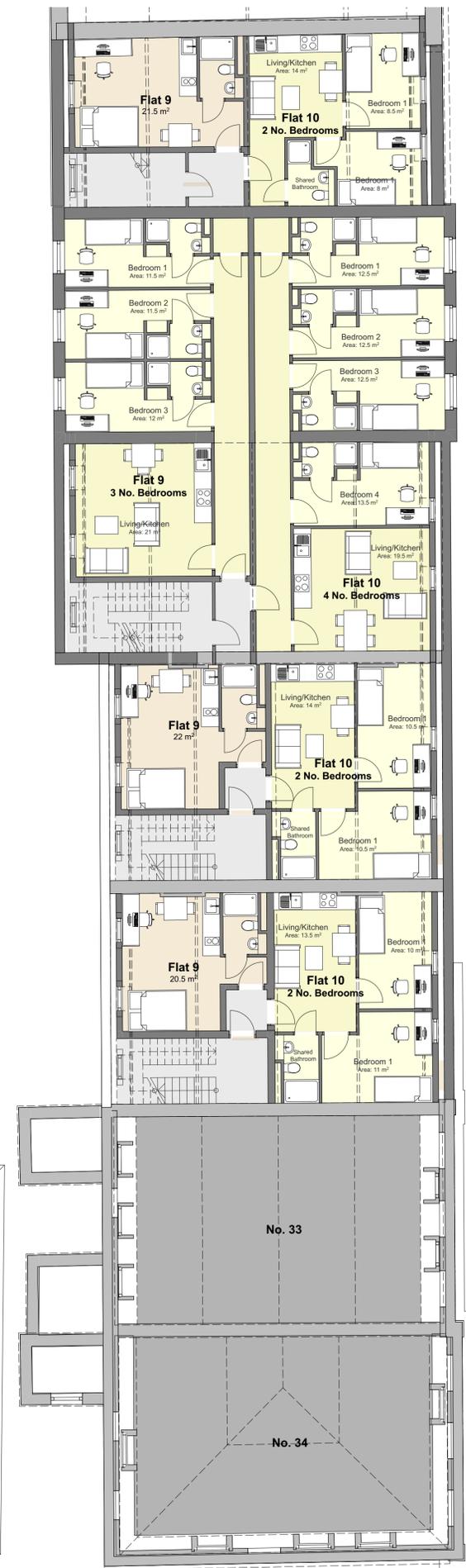
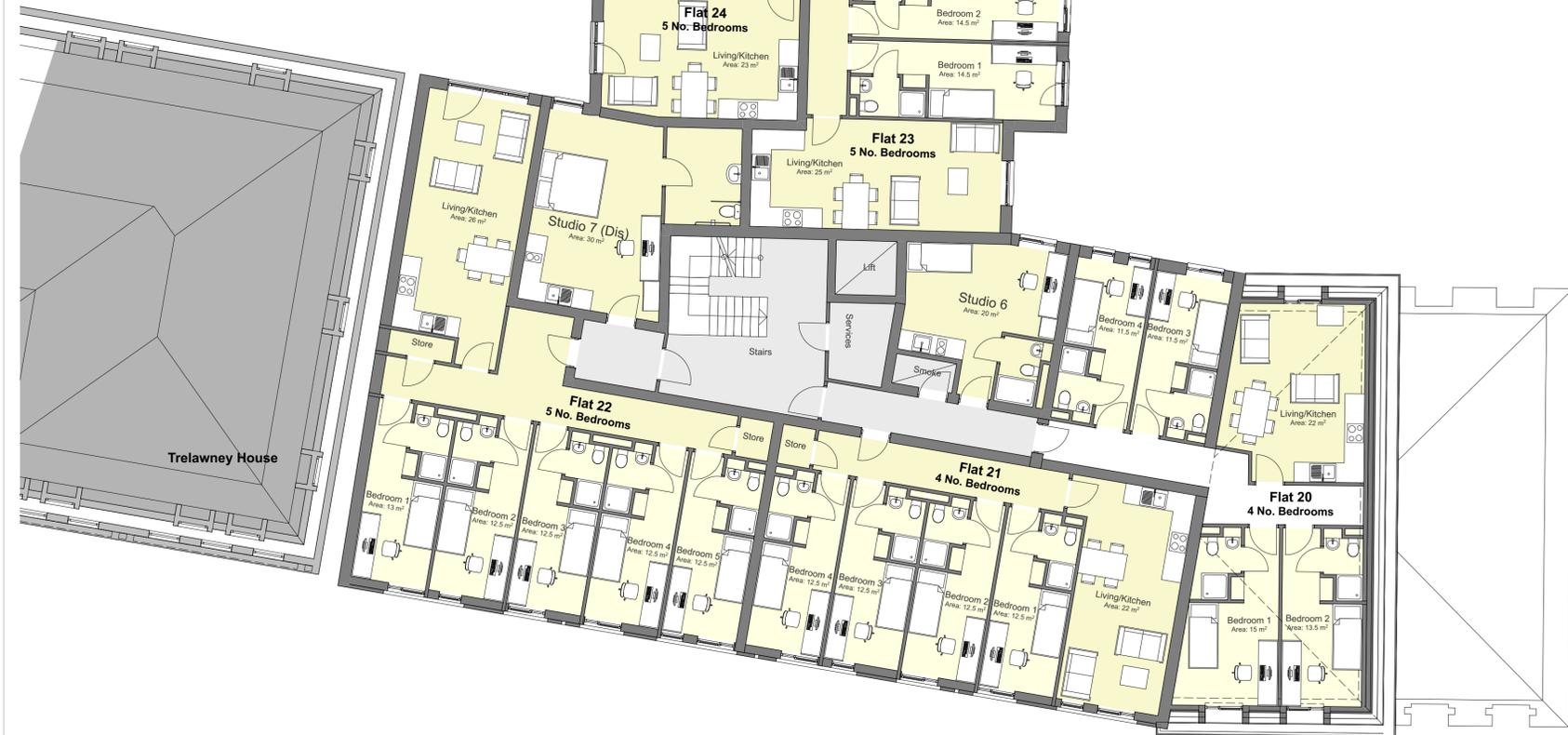
Drawing Title
Proposed Second Floor Plan

Drawing Number	Number	Revision
1812	2154	05

Project
Planning

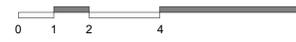
Purpose of issue
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CLP	PT	30.08.2018	A1
Drawn	Checked	Issue Date	Scale
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
		Type	Role
			Status



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1:100 @ A1



Rev	Date	By	Description
05	2019.03.08	DC	Layout of lift/stair to Brunswick block amended. Window positions adjusted.
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furnishings added and openings repositioned
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Drawing Title
Proposed Third Floor Plan

Drawing Number	Number	Revision
1812	2155	05

Project
Planning

Purpose of issue
1:100

CLP	PT	30.08.2018	A1
Drawn	Checked	Issue Date	Size
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
			Type
			Role
			Status



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1:100 @ A1



Rev	Date	By	Description
05	2019.03.08	DC	Layout of lift/stair to Brunswick block amended. Window positions adjusted.
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furnitures added and openings repositioned
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Client
The Portland Square Ltd

Drawing Title
Proposed Fifth Floor Plan

Drawing Number
1812 2157 05

Project Number Revision
Planning 1:100

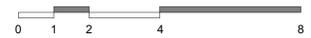
CLP PT 30.08.2018 A1
Drawn Checked Issue Date Size

1812 Noma 00 00 00 A 00
NOMA Project No Owner Zone Level Type Role Status



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Written dimensions are to take precedence over scaled dimensions.



1:100 @ A1



Rev	Date	By	Description
05	2019.03.08	DC	Layout of lift/stair to Brunswick block amended. Window positions adjusted.
04	2019.02.21	DC	Layout of communal areas and flats amended
03	2018.12.03	DC	Furnitures added and openings repositioned
02	2018.11.19	PT	Flat No.s and areas added
01	2018.08.30	PT	First Issue.



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Client
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Drawing Title
Proposed Fifth Floor Plan

Drawing Number
1812 2157 05

Project Number Revision

Planning **1:100**

Purpose of issue Scale

CLP **PT** **30.08.2018** **A1**

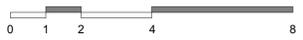
Drawn Checked Issue Date Size

1812 **Noma** **00** **00** **00** **A** **00**

NOMA Project No Owner Zone Level Type Role Status

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1:100 @ A1

Materials Schedule:

1. Ashlar limestone with limestone detailing.
2. Double hung softwood sliding sash windows.
3. Ashlar limestone rusticated blocks.
4. Painted render (colour TBC) with ashlar joints with limestone detailing.
5. Natural slate mansard roof.
6. Clay interlocking tile mansard roof.
7. Painted render.
8. Ashlar limestone coping.
9. Ashlar limestone detailed banding.



Proposed Front Elevation to Portland Square



Proposed Rear Elevation to Portland Square

01	2019.03.08	PT	Student scheme - no amendments to elevations
Rev	Date	By	Description



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Job
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Client
The Portland Square Ltd

Drawing Title
Proposed Portland Street Front and Rear Elevations

Drawing Number
1812 2251 01

Project Number Revision

Planning **1:100**

Purpose of issue Scale

CLP **PT** **08.09.2017** **A1**

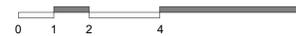
Drawn Checked Issue Date Size

1812 **Noma** **00** **00** **00** **A** **00**

NOMA Project No Owner Zone Level Type Role Status

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1:100 @ A1

Materials Schedule:

1. Buff stock brickwork.
2. Red stock brickwork.
3. Brown stock brickwork with contrasting mortar.
4. Grey metal cladding.
5. Aluminium fascia and soffit system.
6. Grey metal mansard roof.
7. Powder-coated aluminium doors and windows, with cast stone surrounds.
8. Powder-coated aluminium doors and windows.
9. Aluminium coping.
10. Polyester powder-coated mild steel balcony balustrade.
11. Mock window with cast stone surround
12. Brown stock brickwork



Proposed Elevation to Surrey Street

Rev	Date	By	Description
02	2019.04.02	DC	Minor amendments.
01	2018.12.03	DC	Windows and doors repositioned to suit student scheme.



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Job
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Client
The Portland Square Ltd

Drawing Title
Proposed Surrey Street Elevation

Drawing Number
1812 2253 02

Project Number Revision

Planning **1:100**

Purpose of Issue Scale

CLP **PT** **08.09.2017** **A1**

Drawn Checked Issue Date Size

1812 **Noma** **00** **00** **00** **A** **00**

NOMA Project No Owner Zone Level Type Role Status

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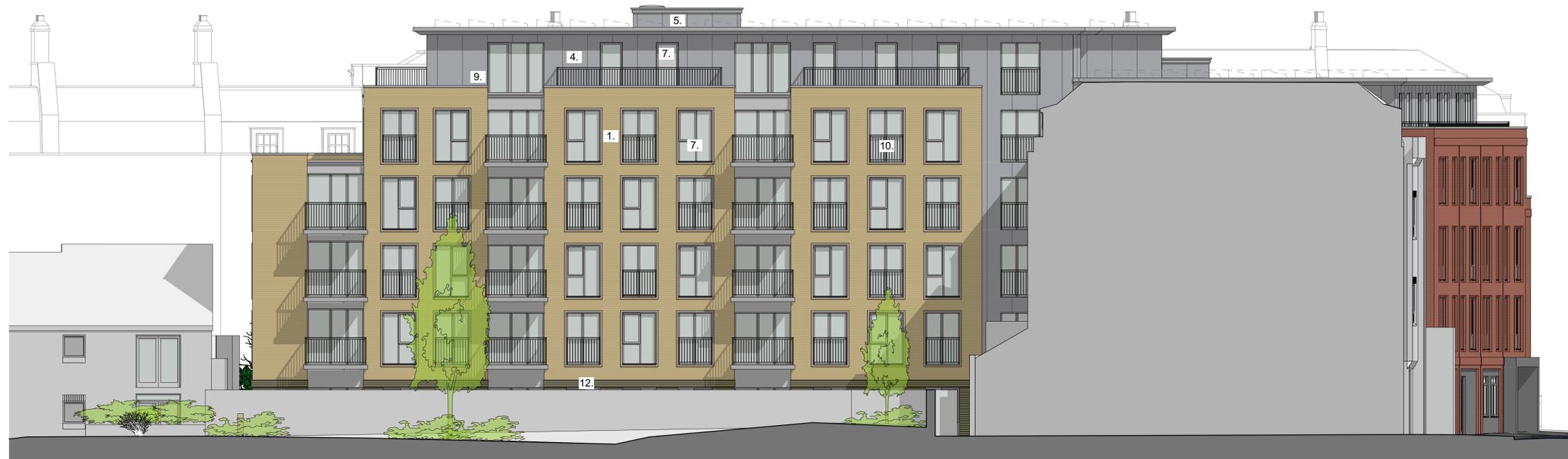
Written dimensions are to take precedence over scaled dimensions.



1:100 @ A1

Materials Schedule:

1. Buff stock brickwork.
2. Red stock brickwork.
3. Brown stock brickwork with contrasting mortar.
4. Grey metal cladding.
5. Aluminium fascia and soffit system.
6. Grey metal mansard roof.
7. Powder-coated aluminium doors and windows, with cast stone surrounds.
8. Powder-coated aluminium doors and windows.
9. Aluminium coping.
10. Polyester powder-coated mild steel balcony balustrade.
11. Mock window with cast stone surround
12. Brown stock brickwork



Proposed Elevation to Brunswick Cemetery Garden

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Proposed Elevation from Cave Court

Rev	Date	By	Description
02	2019.04.02	DC	Minor amendments.
01	2019.03.08	DC	Windows and doors repositioned to suit student scheme.



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Job
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Client
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Drawing Title
Proposed Brunswick Garden & Cave Court Elevations

Drawing Number
1812 2252 02

Project Number Revision

Planning **1:100**
Purpose of issue Scale

CLP Drawn	PT Checked	08.09.2017 Issue Date	A1 Size
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1812 NOMA Project No	Noma Owner	00 Zone	00 Level	00 Type	A Role	00 Status
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1:100 @ A1

Materials Schedule:

1. Buff stock brickwork.
2. Red stock brickwork.
3. Brown stock brickwork with contrasting mortar.
4. Grey metal cladding.
5. Aluminium fascia and soffit system.
6. Grey metal mansard roof.
7. Powder-coated aluminium doors and windows, with cast stone surrounds.
8. Powder-coated aluminium doors and windows.
9. Aluminium coping.
10. Polyester powder-coated mild steel balcony balustrade.
11. Mock window with cast stone surround
12. Brown stock brickwork

Rev	Date	By	Description
02	2019.04.02	DC	Minor amendments.
01	2019.03.08	DC	Windows and doors repositioned to suit student scheme.



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Job
29-32 Portland Square + 1 Cave Street

Client
The Portland Square Ltd

Drawing Title
Proposed Courtyard Elevations

Drawing Number
1812 2254 02

Project
Planning **1:100**
 Purpose of Issue Scale

CLP	PT	08.09.2017	A1
Drawn	Checked	Issue Date	Size
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
		Type	Role
			Status



Courtyard Elevations - Proposed Rear Elevation to Brunswick Cemetery Gardens

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Courtyard Elevations - Proposed Rear Elevation to Surrey Street

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Datum +10.00
Page 239

Proposed Site Section A-A Through Portland Square to Brunswick Square Gardens



Datum +10.00

Proposed Site Section B-B Through Surrey Street to Cave Court

01	2019.04.02	DC	Student scheme - no amendments to heights
Rev	Date	By	Description



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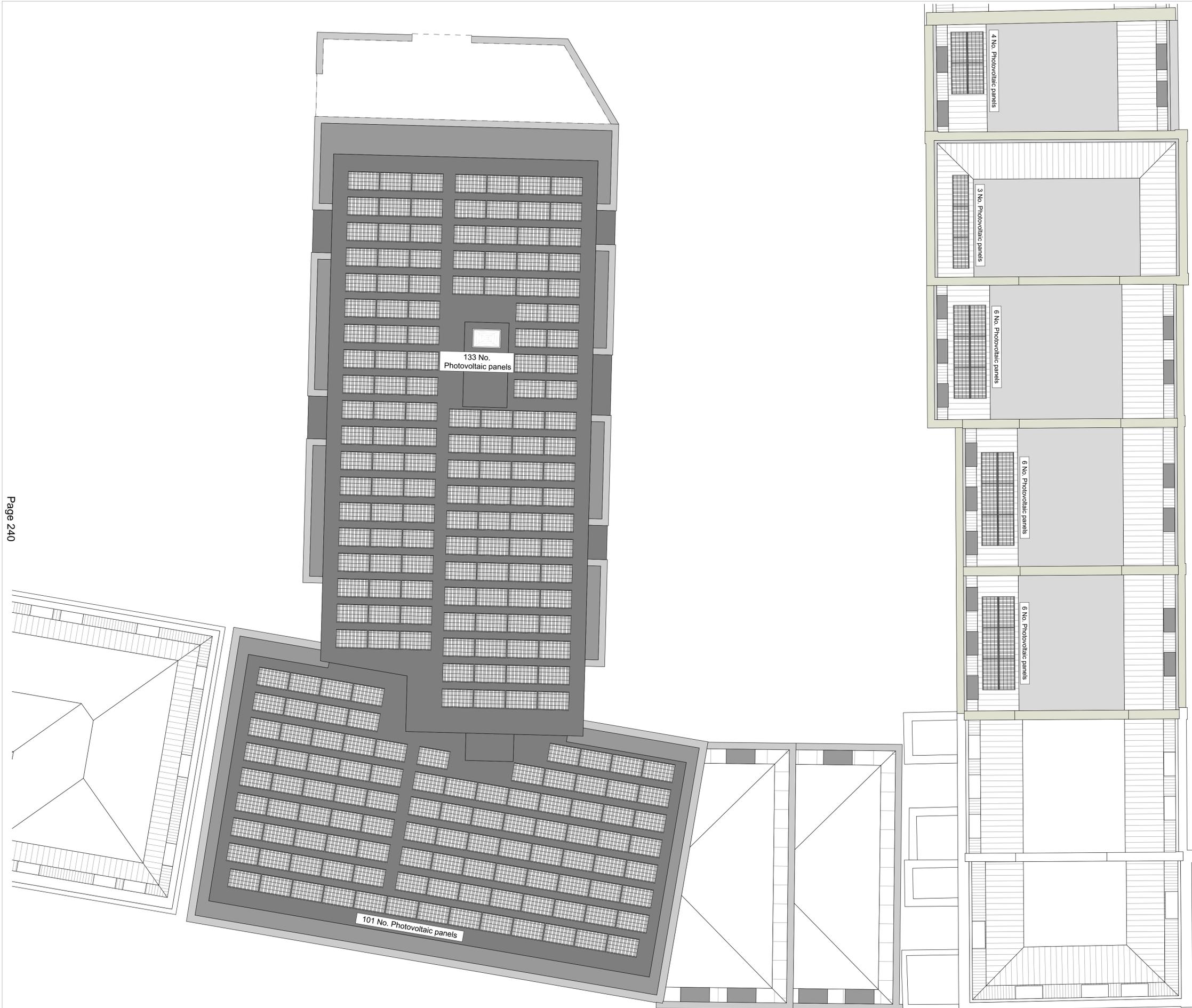
Client
The Portland Square Ltd

Drawing Title
Proposed Site Sections

Drawing Number	1812	2351	01
Project	Number	Revision	

Purpose of issue	1:100
Scale	

CLP	PT	02.04.2019	A1
Drawn	Checked	Issue Date	Size
1812	Noma	00 00 00	A 00
NOMA Project No	Owner	Zone	Level
		Type	Role
			Status



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1:100 @ A1



Rev	Date	By	Description
01	2019.03.08	PT	Student scheme



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 www.noma-uk.com

Job
29-32 Portland Square + 1 Cave Street

Client
The Portland Square Ltd

Drawing Title
Proposed Roof Plan

Drawing Number	Number	Revision
1812	2158	01

Project	Number	Revision
Planning		1:100

CLP	PT	08.09.2017	A1
Drawn	Checked	Issue Date	Size

1812	Noma	00	00	00	A	00
NOMA Project No	Owner	Zone	Level	Type	Role	Status