

WARD: Ashley **CONTACT OFFICER:** Katy Dryden
SITE ADDRESS: 223 Newfoundland Road Bristol BS2 9NX

APPLICATION NO: 15/05673/F and 15/05674/LA Full Planning and Listed Building Consent (Alter/Extend)

DETERMINATION DEADLINE: 16 June 2017

Proposed development for the complete renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. flats. Demolition of the existing infill lean-to building in the middle of the site, and the modification of gated boundary to the existing building to accommodate new entrances to the proposed housing. (Major Application)

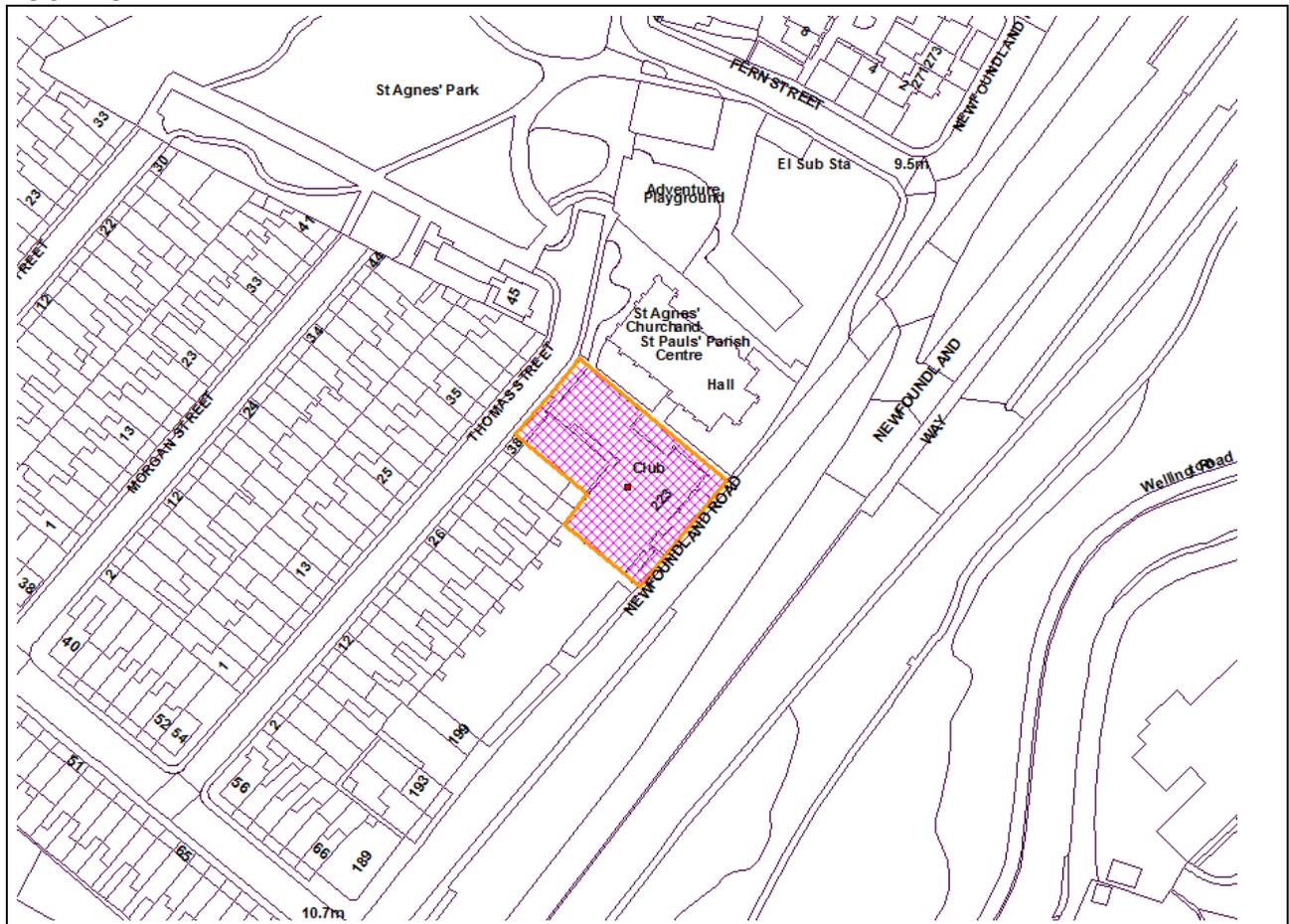
RECOMMENDATION: Grant subject to Condition(s)

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

APPLICANT: The PG Group
Stockwood Chambers
Cowper Street
Redfield
Bristol
BS5 9JL

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

LOCATION PLAN:



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UPDATE FOLLOWING DC COMMITTEE A - 14 JUNE 2017:

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

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

Wording of advice note 1:

'Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits'.

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

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

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

OFFICER REPORT FROM DC COMMITTEE A - 14 JUNE 2017:

SUMMARY

The application is before members with a recommendation to grant permission subject to conditions. If members are minded to support officers' recommendation then the application is to be sent to the National Planning Casework Unit to ascertain whether the Secretary of State wishes to formally call-in the application for determination. This has come about following recommendation from Historic England, who object to the proposals on conservation grounds. Similarly the council's Conservation Officers also object to the proposals owing to the level of potential harm to the Grade II listed building.

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Officers have undertaken an assessment of the planning merits in relation to the application and considerable importance and weight has been attributed to the identified harm to the listed building. Officers have concluded that given the poor condition of the building and its continued vacancy and physical decline, combined with the need for additional housing and that there are no other viable uses and/or developments for the site; this harm is outweighed by the need to bring the site back into use. As such the application is recommended for approval.

SITE DESCRIPTION

The application site refers to a number of buildings forming a complex formally known as Empire Sports, a gym and boxing club. The site is Grade II listed and boasts a number of large spaces and halls, which was originally built as a mission and Sunday school. The building fronts Newfoundland Road to the southeast and Thomas Street to the northwest. To the southwest there is a former car park (also owned by the Applicant and to the northeast lies St Agnes' Church. Apart from the church, nearby park and M32 motorway to the south, the context of the site is residential in character.

RELEVANT HISTORY

In 2015 pre-application ref.15/03547/PREAPP was made for the principle of the partial conversion of the site into residential use.

Listed Building application ref.15/05674/LA is made in conjunction with this application to seek permission for the alterations to the listed building and changes within its setting.

Related to this development site is a former car park that is subject to the planning permission ref.15/05293/F for "Redevelopment of the vacant car park for the Empire Sports Club, to provide 10no. three-bedroom houses (Major Application)" which was GRANTED on 13.10.2016.

APPLICATION

The application has been amended through an iterative process in dialogue with officers and now proposes to remove the twentieth century gym reception building within the centre of the complex and convert the building into 22no. residential units. These consist of 10no. one-bedroom flats, 6no. two-bedroom flats, 1no. three-bedroom flats, 2no. two-bedroom maisonettes and 3no. two-bedroom town-house style units (duplexes). The conversion works involve a number of subdivisions within the existing spaces. Bin and bike storage is also proposed.

PRE APPLICATION COMMUNITY INVOLVEMENT

A Statement of Community Involvement, prepared by Jenny Gee Communications Ltd, was submitted with the application demonstrating the processes involved in the Applicant's pre-application community engagement. The Bristol Neighbourhood Planning Network scrutinised this Statement and noted that the "...community involvement has been satisfactory."

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised via press and site and consultation letters were sent to 54no. nearby occupiers on two separate occasions (following revisions to the scheme). As a result a total of 4no. representations were received from 2no. respondents were received raising the following concerns:

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Traffic and parking issues (including air quality),
No requirement for small one-bedroom flats,
Walkway between church and site sees anti-social behaviour, and
Construction dust/disturbance.

The above points will be covered in the Key Issues of the report, apart from the final issue, which is not a planning matter in this instance.

At the early stage of the application, former Councillors Rob Telford and Gus Hoyt conveyed concerns regarding "Lack of affordable housing (in contradiction of the Central Area Action Plan) and effect on local wildlife/fauna of loss of trees [referring to the adjacent car park site." This was a catch-all representation for both sites promoted by the Applicant. Trees and in part affordable housing issues were dealt with separately under the car park application (ref.15/05293/F), but affordable housing requirements will be covered again in this report.

The Bristol Tree Forum also commented on the application, directing comments mainly towards the adjacent car park site in relation to impact on trees. Again, trees will be covered in the Key Issues of the report.

OTHER COMMENTS

The **Community Assets Team (BCC)** commented as follows: -

This part of Bristol already has an abundant supply of community facilities, but we are aware of substantial demand from voluntary, community and social enterprise organisations for more community use, in order to meet the needs of this densely populated, inner-city neighbourhood.

The Community Assets Team supports the general principle of preserving local community facilities in communities where they are needed and where they are in short supply. In this case, although there are already a significant number of community venues in the St Paul's area, there is strong demand for more premises.

We therefore consider that it would be appropriate for part of the existing community use to be preserved, either within the proposed development, or off-site within the neighbourhood. Policy DM5 and Core Strategy policy BCS12 are relevant to this application. In view of the very strong demand for more community facilities, we specifically refer you to the following part of BCS12: "Existing community facilities should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made."

Nature Conservation (BCC) commented as follows: -

This proposal includes demolition and conversion works. The recommendations regarding bats in section 4.4 on page 7 of the extended phase one habitat survey dated 8 September 2015 should be secured by condition. Evidence of nesting feral pigeons was recorded in roof spaces in the extended phase one habitat survey dated 8 September 2015. Please note that feral pigeons may nest at any time of the year [suggested conditions and advice for bird boxes].

Arboriculture Team (BCC) commented as follows: -

There are 3 trees identified within the arboricultural report that are relevant to this development; T11, T18 & T19.

T11 is a Cordyline australis in poor condition and does not hold sufficient merit for retention. T18 & T19 are located on the adjacent site of St Agnes Church. There is no boundary wall between the two sites and therefore a tree protection measures need to be implemented.

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Documentation we require:

- An arboricultural implications assessment and method statement to identify the constraints to the development due to T18 & T19
- A Tree protection Plan for T18 & T19.
- A revised BTRS calculation for this site unless you are happy to accept the current calculation for both site.
- A robust tree planting plan; identifying tree species, Location of tree planting, Size of specimen, planting methodology.

Sustainable City Team (Air Quality) (BCC) commented as follows: -

[The Team has] reviewed the air quality assessment that accompanies the application. An appropriate assessment methodology has been used. The pollutant concentrations predicted at the development location are predicted to be below the relevant objectives for nitrogen dioxide and particulate matter at the proposed residential receptor locations. As a result, I do not have any concerns with regards to air quality associated with the proposed development.

If as part of the plans it is decided that biomass will be used instead of gas to provide heating, an assessment of the air quality impacts from the biomass plant would be needed, however, indications in the Energy statement lead me to believe that gas will be used.

Flood Risk Team (BCC) commented as follows: -

No information on surface water drainage is provided as part of the application. We note that the proposals are largely comprised of renovation and conversion of the existing building only, and therefore changes to the existing surface water system may not be required.

Contaminated Land Team (BCC) commented as follows: -

No objections. Conditions suggested based on findings of desktop study.

The Coal Authority commented as follows: -

No objection subject to advice.

Transport Development Management (BCC) commented as follows: -

Principle

The application proposes the renovation and conversion of the existing Grade II listed building, Empire Sports Club into 22no. residential dwellings. TDM has twice previously commented on this proposal (on 15/01/16 and 19/5/2016). Further information is required regarding the proposed refuse storage and residents' bicycle storage for TDM to consider the proposals to be acceptable.

Vehicle Parking

TDM's previous response to this application expressed concerns regarding the car-free nature of the proposed development, in particular because adequate public transport is further than the recommended distance of 400m from the site. Accordingly, TDM requested 1no. off-street parking bay for each two-bedroom flat, potentially located in the extant neighbouring car-park. However, the neighbouring car-park has now been granted permission in a separate application.

Since the application site is in proximity to Central Bristol, TDM removes the objection against the car-free nature of the site. We would recommend that future residents are not eligible for Residents' Parking Permits to prevent exacerbating the existing car parking pressures in the area.

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The applicant proposes refuse & recycling facilities in two collection points accessible via Thomas Street and Newfoundland Road. For the proposed 22 residential units, the applicant proposes to accommodate:

- Organic Waste: 480 Litres
- Dry Recycling: 1200 Litres
- General Refuse: 3300 Litres
- Cardboard: 1320 Litres

TDM considers the proposed amount of refuse/recycling storage to be satisfactory. TDM previously commented that large scale wheeled bins cannot be used along Thomas Street as the narrow width of the carriageway would preclude access by the appropriate refuse vehicles. However, in the revised plans (Proposed Ground Floor Plan Rev. F) the bin store on Thomas Street does not appear to have been amended. The applicant needs to amend the proposed bin stores on the plans, demonstrating which bins would be in each store.

Bristol Waste have commented that the recycling/refuse storage should be distributed so that residents on the Thomas Street side of the building would not have to carry their recycling/refuse to Newfoundland Road and vice versa. Furthermore, they advised that the Thomas Street side of the building would need to have recycling boxes rather than bins; a shelved storage solution might be necessary.

It is recommended that the applicant consults "Waste and Recycling: Collection and Storage Facilities - Guidance for Developers, Owners and Occupiers", which is available on the Council's website.

Bicycle Storage

The application proposes 40no. bicycle spaces for residents and 6no. bicycle spaces for visitors. Residents' bicycles are proposed to be stored on semi-vertical stands. The Proposed Cycle Provision drawing shows 24no. cycle parking spaces under a canopy within the courtyard area and 16no. spaces in a timber shelter. Visitors' bicycles are intended to be stored on Sheffield Stands accessible via Thomas Street and Newfoundland Road.

TDM's previous response commented that semi-vertical bicycle storage is an unacceptable storage facility as the weight distribution causes damage to the rear tyre. Concerns were also raised that semi-vertical stands presume that all users are able-bodied enough to lift and push a bicycle up an incline. However, the revised residents' cycle parking is still proposed to be semi-vertical. This must be revised. Sheffield Stands are generally the most appropriate solution for residents' cycle parking. Groups of stands must be secured within a covered, lockable shelter or compound, or within a lockable area of a building.

The proposed wooden shed and the canopy intended for occupier's cycle storage are not acceptable due to not being weather-tight. Furthermore, the cycle canopy would not offer sufficient security for long-term storage. The bicycle enclosures must be revised. Residents' cycle storage needs to be in a secure, enclosed and well-illuminated location.

Recommendation

For TDM to regard this application as acceptable, the applicant must address the following concerns on revised plans:

- Refuse/recycling storage arrangements must be clarified.
- Residents' bicycle stands must not be semi-vertical.
- Bicycle storage enclosures must be secure and fully enclosed.

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Conservation Advisory Panel (CAP) commented as follows: -

Minute of Conservation Advisory Panel meeting 15.12.2015:

The Panel objects to this application in its present form [as originally submitted]. The Panel would welcome repairs to this listed building which is in poor condition. However the proposed subdivision into 24 flats would obscure or destroy a large amount of the original structure and fabric. The space with the open gallery (G14 / F17 on plan) is an important part of the building and this area must be reconsidered. Similarly the double height hall (G8 on plan) with its dark stained timber trusses must be reconsidered.

The stone and the leaded windows must be properly conserved and no uPVC windows should be used and the roof lights must be properly detailed and in the plane of the roof. The proposed bin and bike stores were very prominent on the Newfoundland Road frontage and should be relocated. Other uses should be explored such as live/work units which could utilise the large spaces without as much damage to the listed building.

Heritage Conservation Team (BCC) commented as follows: -

21.01.2016 - Originally submitted plans:

The Buildings are listed under heading of St Agnes Sunday School grade II. They are an interesting set of buildings on three phases fairly close together and enjoying a similar architectural language and treatment of late Victorian Tudor gothic revival dating from 1882, 1886 and 1908 (1886 block relates to the St Agnes Church in architectural details).

Each phase include classrooms and large public /hall spaces with significant full height spaces and ornate roof structures and including the classroom /hall to the second phase with roof lanterns providing light deep into the plan on the ground floor.

The buildings following 50 odd years of Sports Club use showed a good retention of original architectural features, exposed curved beam roofs structure, mullion and transom gothic windows with tracery and stain glass in parts, lantern light with heavy timber structure light well through first floor to ground floor, gothic boarded doors, staircases, fireplaces, timber panelling /boarding to walls and benches.

The Heritage Statement is poor without appropriate assessment of Significance or any assessment of the quality of the architectural details or plan form. It is limited to the List description and a photographic recording and a D& A layout. There is no recognised justification for the proposals. The Heritage Statement is inadequate for the purpose.

The proposals are extremely poor and have been developed without any conscious evidence of appreciation of significance of the plan form or the architectural fixture and fittings. The result is extreme overdevelopment and over-intensification with a proposed conversion of the combined buildings into 22 flats and 2 maisonettes.

There is no value with using the proposals as a start point for discussion as it would involve substantial harm to the significance of the listed buildings and the proposals should be refused on its impact to architectural and historic significance contrary to paragraph 132 and 133 of the NPPF.

A mix use to include retention of a community hall and around 10 Flats including the existing flat would be a more appropriate level of conversion which would look to respect the existing plan form and retention of the architectural features.

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The design approach should be light touch and respectful of architectural features and minimise subdivision of spaces. The current proposal does not even begin to achieve this.

I would suggest the application planning and listed building are withdrawn and a pre application discussion be initiated.

29.07.2016 - Following further information and revisions:

Summary

1.1 In summary, the current application looks to introduce an over-intensive new use into the mission hall complex that would result in substantial harm to spaces, fabric, features and character integral to the special interest of the heritage assets. The impact of the change of use is compounded by insensitive and poorly considered proposals that fail to preserve or enhance the buildings.

1.2 Brining the buildings back into beneficial use is a relevant consideration in assessing this application. It is accepted that residential use has the potential to be in the public benefit and that this change of use is not an in-principle issue. It is also accepted that viability of the current proposal may not stack up with a less intense scheme. However the substantial loss of all integrity to historic planform, significant intact spaces, original fabric, and internal architectural detailing is unacceptable on this scale and the degree of harm posed is not in the public interest. The beneficial reuse of disused buildings does not justify the substantial harm represented by this scheme. The current proposal cannot be supported.

The Heritage Assets

2.1 The Buildings are listed under heading of St Agnes Sunday School grade II. They are an interesting set of buildings on three phases fairly close together and enjoying a similar architectural language and treatment of late Victorian Tudor gothic revival dating from 1882, 1886 and 1908 (1886 block relates to the St Agnes Church in architectural details)

2.2 Each phase include classrooms and large public /hall spaces with significant full height spaces and ornate roof structures and including the classroom /hall to the second phase with roof lanterns providing light deep into the plan on the ground floor. The buildings showed a good retention of original architectural features following 50 odd years of Sports Club use and including exposed curved beam roofs structure, mullion and transom gothic windows with tracery and stain glass in parts, lantern light with heavy timber structure light well through first floor to ground floor, gothic boarded doors, staircases, fireplaces, timber panelling /boarding to walls and benches.

Proposals

3.1 This application seeks to convert the former complex of mission halls to new residential use incorporating 21 flats or maisonettes over three storeys. This requires a significant level of internal alternation and subdivision within the existing building footprint.

3.2 Externally new bike and bin stores have been proposed within the limited external area available. Other proposals that would affect the exterior of the building are the restoration and repointing of stonework, and the replacement of all windows. There are sections of the complex where demolitions of later external extensions and structures is proposed to increase and enhance the external areas.

Recommendations

4.1 The Local Authority expressed serious concerns about the level of harm to the Listed building represented by the original proposals. Issues included over-intensive subdivision for residential use leading to the loss of spatial integrity and planform, widespread loss of original features and fabric, and poor locating of bin and bike stores obstruction principal facades. Following dialogue with the applicant additional reports and a revised proposal were submitted for assessment.

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4.2 Notwithstanding some improvements in the proposal it is considered that they still represent substantial harm which cannot be justified, specifically the complete loss of the main hall spaces, and the widespread loss or harm to original fabric. The proposed plans still neglect aspects of the Listed building which are clearly of significance and propose harmful and changes. Notwithstanding the need to return this complex of buildings to beneficial use the applicant has not demonstrated that the current proposals offer the best long-term solution for their preservation or enhancement.

4.3 The degree of compartmentalisation, and a new over-intensity of development, will substantially harm the special significance of the listed building in a fashion that is irreversible. Whilst conversion to residential may provide an appropriate response for reuse these proposals can't be supported in their present form.

4.4 Externally the proposals to repair and restore roofs and repoint and repair stonework are welcomed. The revised proposals for the retention and sympathetic replacement of existing windows is also now in keeping with the preservation of the building character and fabric.

4.5 The addition of substantial timber cycle stores and a bin store to the Newfoundland Road frontage would result in the loss of parts of the existing railing and boundary stones. These features contribute to the character and interest of the Listed building curtilage and are contemporary with its construction. The degree of penetration through the existing boundary is unnecessary, harmful, and not supportable.

4.6 New ancillary structures should respect the Listed building and be subservient to it. Through their poor location the new sheds are prominent and visually obtrusive, diminishing an appreciation of the building's original facade. Some of these new structures would additionally obstruct new residential windows. The scale, massing, and materiality of the proposed sheds is out of keeping with the C19th buildings and impact negatively on its appreciation and special interest.

4.7 Internally there is a substantial quantity of original timber flooring. This represents original fabric and efforts should be made to retain this were possible. There is no detailed proposal or justification for the treatment of this fabric within the application, and, because of the intensity of the subdivision of spaces it is assumed that substantial harm will be caused to it.

4.8 The following specific issues with the current proposals should be noted. Room G2 is a large hall, once the Girls club. Whilst alterations to the proposals have sought to retain the original fireplace the proposed party wall remains uncomfortably close to the feature, removes legibility of the chimney breast as a defining feature of the space, and relegates the fireplace to a corner of a proposed kitchen space.

4.9 The removal of existing window mullion and transoms in the north wall of G2 is also considered unnecessary and harmful to original the original fabric. The proposed replacements of these windows with, incongruous and unsympathetic large glazed windows, is not supported.

4.10 The loss of Room G1 as a single space is not ideal, but of the several public halls within the complex it is the least architecturally distinguished. However, it is considered that the current proposals for this space fall still short of offering the least harmful solution for it.

4.11 The loss of Rooms in G5-G7 is not considered contentious and this can be supported. Room G8 is the original hall of the earliest structure of the mission. This hall is of highest significance to the special interest of the Listed building. It has not been satisfactorily demonstrated that the subdivision of this space is unavoidable, or that the current proposals represent the best, and least harmful, way in which to develop the space for new use.

4.12 Currently there are no design details in the application that demonstrate that new floor structures with the necessary fire and acoustic separation can be inserted without impacting in the

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existing window transoms or glazing. Details of the floor around the material connections with the timber beams, and proposals for insulating the existing roof structure, are also required to ensure their preservation within new fabric and demonstrate that proposals can be completed without harm to the heritage assets.

4.13 Other significant features within this space are the timber panelling and a moulded fire surround in the north wall. The plan of the proposed units fails to respect the Significance of the fireplace, and it is relegated to a tertiary location in a bathroom/WC. There is no adequate proposal for the incorporation or preservation of the existing timber panelling which will require substantial harm or loss with the number of new partition walls to be introduced.

4.14 On balance the proposed loss of spatial integrity of this high significance hall, the implied damage to existing fabric through insufficient information, and the poor relationships created with historic features, which will negatively impact on their understanding and legibility within the space, all represent significant harm to the Listed Buildings special interest and will not be supported.

4.15 Proposals for Room G9 suffer many of the same issues as those for G8. Proposals for a high degree of subdivision with new floor and walls represent harm in the loss of planform and fabric and an appreciation of this as a significant space.

4.16 Internally G14, the ground floor of the former gymnasium has been substantially altered in recent history with a mezzanine floor and original walls in the north-west side onto Thomas Street removed. It retains a patent stair accessing the first floor on the north-west side. Generally this space is considered to be of lower significance and subdivision could be supported, but the loss of the C19th patent stair represents harm to the special interest of the building. There has been no proposal for salvage or reuse within the building of this feature and its loss represents harm.

4.17 The roofing-over and reuse of G16 as new circulation is supported. It is recognised that this is a low significance area where alterations are less harmful to the special interest of the building.

4.18 The principle of retaining and restoring the fireplace in G17 is positive, however the intensive subdivision of this space will relegate it to a corner of a newly formed bedroom and the proposals remove a large section of the original loadbearing wall on the north-east side. The proposed planform of this flat fails to respect the remaining historic character or features of this space including the wainscoting door frames, timber floor, benches, and the loss of the fireplace. The extent of survival of interior character in this space needs conserving and the present proposals involving intense subdivision for one flat and a new staircase do not offer an acceptable or reversible response to the heritage assets; it therefore represents substantial harm.

4.19 The proposal for Room G18 require the loss of the original space to more subdivision for Flat 8. The existing fire surround in this room, with its brass dedication plaque, is highly significant to the history of the building as set out in the Archaeology Desk Based Assessment. Whilst the applicant has ensured the preservation of the fireplace within the plan of the unit the proposals we feel that it fails to protect the significance through its relegation to a secondary corner of the living space.

4.20 G19 contains a high quality timber stair linking ground and first floors. This is the best and most significant of the remaining stairs in the building and retains its original fabric in its entirety. The loss of this stair, in combination with the substantial loss of other fabric throughout the building, is not currently justified or, acceptable and its loss would damage the interest of the Listed Building.

4.21 The design approach at ground floor is poor, representing significant and substantial harm to the historic fabric, and the proposals for the first floor are also unacceptable in the harm proposed. Rooms F1-F5 all retain substantial quantities of significant and high quality Arts & Crafts woodwork and ironmongery, contemporary with the construction of this block as the Girls club. The planform too is preserved, but the proposal, to remove all walls, fixtures, and fittings threatens significant harm and

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will not be supported. We do not support the applicant's statement in their impact assessment that the removal of all internal walls at this level would have low impact on the significance. The current approach, to gut this part of the Listed building to form two flats in the present location of one, is significant overdevelopment which would permanently destroy a significant element of the special interest.

4.22 Apart from the original mission hall, Rm G8, Room G18 is perhaps the most significant in the whole building. Built as the church room it was finished to a very high standard. Although a modern suspended ceiling has been inserted into this space it still retains most of the main features which expressed the importance of faith to the mission institution. The fireplace, timber panelling, carved stone corbels, stained glass, cut stone trefoil window surrounds, timber trussed roof, picture rail and timber floor are all features which have high relative significance within the Listed building complex. The proposals for subdivision of the space to form a new flat, fail to recognise the significance of the space and would entirely destroy its integrity and character, and harm historic features. The proposed level of intervention would have a seriously damaging impact on the space and will not be supported.

4.23 In conclusion, this application looks to introduce an over-intensive new use into the mission hall complex that would result in the significant loss of historic fabric, spaces and features that are integral to the special interest of the heritage assets. The negative impact of the change of use is compounded by insensitive proposals that fail to respond proportionately to the relative significance of important features. The loss of integrity to historic planform, significant intact spaces, original fabric, and much of the internal architectural detailing is unacceptable on this scale. Whilst the change of use to residential is not unsupported in principle this scheme represents substantial and unjustified harm to the Listed buildings which cannot be justified against perceived public benefit in providing new private housing.

4.24 This application fails to conform to planning policy designed to protect heritage assets and preserve or enhance their character and distinctiveness. Relevant National and local policy includes, but is not limited to:

NPPF: para. 12. Conserving and enhancing the historic environment

BCS22: Conservation and the Historic Environment

DM31: Heritage Assets

DM26: Local Character and Distinctiveness

08.03.2017- following further revisions:

Regarding the planning and Listed building applications for the above site. We've had a good deal of ongoing discussion with this, and the previous application. The applicant has instructed a large number of alterations which have addressed some of our specific concerns regarding retention of original fabric, and the spatial integrity of key spaces; both these elements are key components of the special interest of this complex of buildings.

Whilst many of the amendments in the scheme have reduced the level of harm in some areas there are others where harm continues to be posed, and others again where the level of harm has increased where the building assessment has failed to uncover significant features (eg. The Chapel Room).

There remains the fact that, should this conversion be consented, we would lose the integrity of all the significant internal spaces. In some cases the fabric would be retained and revealed (The main hall), others where the fabric would be retained in situ but concealed, and some, such as the Church Room, original staircases, 2nd floor of the Girls clubrooms where fabric would be permanently lost.

Throughout the pre-application, and planning process for both this and its preceding application we have given clear feedback that the proposals create a concerning degree of subdivision of significant spaces, that the proposals are over-intensive, and would pose harm to the special interest of these

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assets. We accept that the building is at present under-utilised, though has some occupation and storage use. We accept that residential conversion may prove the optimum viable use of this site, however this should not be at the expense of the historic buildings.

NPPF requires us as a Local Authority to place "great weight" on an asset's conservation. It further states: "Substantial harm to or loss of a grade II listed building,.. should be exceptional." The most critical paragraph in NPPF states "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:"

With the proposed degree of internal alteration and loss of fabric that contributes to the special significance we have to conclude there is a high degree of harm posed. The test we can apply to ascertain whether substantial harm is posed is "would this building be considered for Listing had the works already been carried out?" or "Following these works would an application to remove this building from the List be likely to succeed?" We believe that, had the works been carried out prior to assessment for Listing then the degree of alteration, loss of integrity of original interiors and spaces, would be stated as reasons not to enter it on the national List.

Furthermore we consider that the loss of special interest if the works were consented would seriously diminish the significance of the asset. It is our opinion that, based on the conservation only of the external appearance and isolated exposure of historic features internally, and the extent of the internal works and degree of alteration, that the harm posed has the distinct possibility that the building would be removed from the List if an application was made to do so. We therefore conclude that the proposals threaten substantial harm to the special interest.

We do not consider that the public benefits offered by these proposals outweigh the substantial harm posed by this application. NPPF sets out these criteria as follows:

Does the nature of the heritage asset prevent all reasonable uses of the site?

The site remains in partial use. We consider that alternative approaches to re-use of this building, for the use proposed or other uses, may have significantly less impact on the special interest. Without these approaches having been explored it is not possible to determine that the current application represents the optimum solution for conservation.

Can any viable use of the heritage asset itself be found in the medium term through appropriate marketing that will enable its conservation?

Whilst there is a viability appraisal for the scheme as it is currently proposed, and that continued community use is unsustainable, we are unaware of marketing of the property for an alternative use that would ensure its conservation. We consider that residential conversion could offer a viable use, but the current proposal fails to ensure its conservation.

Would conservation by grant-funding or some form of charitable or public ownership be possible?

Whilst this approach has not been pursued with the current proposed use we are of the opinion that this building has a strong potential to attract grant support for other uses.

Would the harm or loss be outweighed by the benefit of bringing the site back into use?

On balance we do not consider that the potential loss of significance of this Listed building is outweighed by the use and intensity of development as currently proposed. We consider that there are alternative approaches, uses, and proposals that would bring these buildings into use which would retain, reveal, and conserve the special interest.

It should be noted that the provision of new residential units does not constitute public benefit using the criteria set out in the NPPF where substantial harm is identified.

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In conclusion, whilst we have tried to work with the applicant to minimise the harm posed to the Listed building, the accumulative effect of multiple alterations and losses of historic fabric remain extremely harmful. We consider that the degree of harm is nothing less than substantial, and that there is an insufficient justification of public benefit to outweigh substantial harm. We consider that alternatives for bringing the building back into use could, and should be explored that ensure conservation to a proportionate standard, but the current applications fail to provide an optimised solution. We recommend that this application is refused.

Historic England commented as follows: -**Summary**

This application proposed the repair of the exterior of this Grade II listed building along with the intensive subdivision of all internal spaces associated with its residential conversion. The building's significance is derived from its historic, architectural and communal value: and is a multiphase complex of large open halls and games/reading rooms, each designed for specific functions. The spaces themselves and their hierarchy therefore contribute to the significance and special interest of the listed building.

The spatial character and integrity of all significant spaces in the building will be harmed by the proposals, which overall will constitute substantial harm as set out in the National Planning Policy Framework. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework reinforces the importance of conserving and enhancing the historic environment as an essential component of sustainable development; stating (paragraph 132) "great weight should be given to the asset's conservation.

There does not appear to be a clear and convincing justification for the works, and we therefore object to the proposals.

Historic England Advice

It was recently brought to our attention that this application proposes the demolition of a number of staircases in a Grade II building, and therefore it should have been notified to Historic England: as set out in the Arrangements for handling heritage applications -Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is disappointing that although the application appears to have been received in November 2015, we were not made aware of it until April 2017 and that we were only provided with a significant amount of information on the 27 April 2017: we, therefore, have had a limited amount of time to consider this new information.

The application is for restoration of the existing building and its conversion to residential use, involving subdivision (vertically and laterally) of all significant spaces within the building. It is also proposed to demolish a number of staircases in the building, although it is proposed to re-use some of those elsewhere.

It is acknowledged that the building is in a poor state of repair and that there are some localised structural issues, although these are not unusual in a building of this age which has had a long period with little-to-no maintenance.

Significance

This building is Grade II listed, as St Agnes' Sunday School, and is a complex of halls built between 1882 and 1908 for the improvement of the people of the area. Funding for the original Mission Hall was raised by James Wilson, the Head of Clifton College, and further works were paid for by the boys of the College. As with many church Sunday schools of that period, halls and rooms were added for

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specific sections of society (men, boys, girls, etc.) when a need was identified and funds raised.

The Desk-Based Assessment, by Dr Martin Leech (28 March 2016) helpfully sets out the history of the building. The main phases of development are:

- o 1882 The original Mission Hall, two smaller classrooms and a kitchen were built. The Hall is a large space with exposed roof trusses, still evident today.
- o 1883 A Workmen's Club Room was added; again an open Hall with exposed roof trusses (now with a false ceiling).
- o 1884 The Men's Games Room was constructed, and in 1889 the Church Room was constructed above it. Both were single volumes, with the Church Room having an exposed roof structure (as per the other halls), tracery windows with stained glass, and an ornate fireplace. Presumably there was a staircase installed at the time to access this first floor room.
- o 1893 Represented a major phase of development, as the Senior Boys' Gymnasium (a large hall with exposed roof trusses and a central ridge skylight), Games Room, and Reading Room were added on the ground floor. A large Junior Boys' Games and Drill Room (another large hall), and a corresponding Reading Room were added on the first floor. A Playroom and Carpenters Room were constructed in the basement. The Gymnasium has subsequently had a mezzanine added, with a central light well beneath the skylight, and the Drill Room appears to have had some partitions added, but otherwise the form of these spaces, including the original connecting staircase remain intact.
- o 1908 Construction of the Girls' Club Room (single volume on the ground floor) with a purpose built flat above it.

Although the list description records that the interior was not inspected, this does not mean that it is of little or no significance. The list description does, however, give a detailed description of the building's exterior, and notes that it is a "picturesque, well-detailed group related to the Hansoms' work on Clifton College."

The significance and special interest of the building derives from its historic, architectural and communal values.

As noted above the external form of the building is a well-detailed composition, by notable local architects. Internally the building retains a number of architectural features, such as fire-surrounds, exposed roof-trusses, etc., but a large degree of its significance derives from it being a multiphase complex of largely intact open halls and games/reading rooms- each designed for a specific community/social purpose, linked to the original Mission Hall. The different uses (Mission Hall, classrooms, Workmen's Club Room, Men's Games Room, Boys' Gymnasium, etc.) are discernible in the form, internal spaces and layout of the building, and are evidence of the historic philanthropic/charitable provision and buildings of the late-Victorian/Edwardian period. Its internal spaces are, therefore, directly linked to the building's historic, architectural and communal values, and its special interest.

Impact

The exterior of the building will be restored which is welcomed; albeit with some additional roof-lights, PV panels, and unsightly bin-stores.

The residential proposals include the following internal alterations:

- o The original 1882 full-height Mission Hall will be divided vertically into three town-houses, which would then be subdivided by the insertion of mezzanines and further compartmentalised to form individual rooms. The two smaller classrooms will be subdivided into two flats.
- o The open hall of the 1883 Workmen's Club Room will be floored across and then further subdivided to form two flats, at ground and first floor level.
- o The 1884 Men's Games Room will be subdivided to form a flat. The 1889 open-halled Church Room will be divided horizontally, with the insertion of a new floor, with further subdivision on each floor to provide two flats.
- o The 1893 Senior Boys' Gymnasium, already partially floored over, will be divided horizontally

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and vertically into three flats, taking in part of the basement and part of the Junior Boys' Games & Drill Hall on the first floor (with the loss of staircases at either end). The Games Room will be subdivided and Reading Room opened out to form another flat, with the historic staircase to the first floor demolished. A similar degree of subdivision is proposed on the first floor and in the basement. Room B4 in the basement retains its original form. It is proposed to insert a further flat into the roof-space of the 1893 block (alongside the flat in the upper half of the Church Room).

o The single volume of the 1908 Girls' Club Room will be subdivided into two flats, and all the partitions in the historic flat above will be demolished and the space subdivided into two flats. The original stair between ground and first floors will be retained

Every single internal room, with the exception of B4, will be subdivided, horizontally and/or vertically, with significant harm to the spatial characteristics, integrity and plan-form of each room, the relationships/hierarchy between rooms, and to the building as a whole. The forms of each space relate to their original (community) functions, and the proposed subdivision will, therefore, have an adverse impact on the building's historic, architectural and communal values, and thus will seriously affect key elements of its special interest. Whilst the external form of the building will remain largely unaltered, the intensity of internal subdivision is such that one's ability to appreciate and understand the original architectural and spatial character and interest of the building, and its original functions will be almost completely lost. Its significance will be very much reduced.

We would, therefore, agree with the Council that the proposals constitute substantial harm, as set out in the National Planning Policy Framework (NPPF) (2012) and the supporting Planning Practice Guidance.

Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF reinforces the importance of conserving and enhancing the historic environment as an essential component of sustainable development.

Paragraphs 132 and 133 of the NPPF are of particular relevance:

"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional....."

"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible
- the harm or loss is outweighed by the benefit of bringing the site back into use"

Whilst it is accepted that there will be some limited public benefit from the repair of the external fabric of the building (and its structural repair) these do not appear to be the "substantial public benefits" referenced in the NPPF.

The nature of the heritage asset does not prevent reasonable use of the site, and it is not clear that an alternative, less harmful proposal would not deliver similar benefits. It is noted that the site was

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marketed primarily to developers for residential conversion, which presumably would limit interest from other users, such as community groups potentially proposing less harmful proposals (BNP letter 16 January 2016, p4).

It is also worth noting that the listed building was sold along with the adjacent relatively large car-park (BNP letter 16 January 2016, p1). The current owners have permission for 10 no. three bedroom houses, which will clearly impact on consideration of a viable use for the site as a whole.

BNP state that "great effort was made to ensure that the price was maximised" and it is, therefore, not clear whether the value (including the vacant car park) was based on the use of the land, as it stands, or on an unrealistic expectation of a harmful and intensive residential subdivision. There does not, therefore, appear to be a clear and convincing justification for the proposals.

Recommendation

Historic England objects to the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 131, 132 and 133.

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

If your authority is minded to grant consent for the application in its current form, in light of our objection you should treat this letter as a request to notify the Secretary of State of this application, in accordance with the above Direction.

Ancient Monuments Society commented as follows: -

The Ancient Monuments Society (AMS) objects to the application.

Significance of the heritage assets

St Agnes Sunday School is a Grade II-listed complex which was built in three phases: the first block, which fronts Newfoundland Road, was designed by Charles Hansom and has six distinctive gables. The second, to the rear of the site on Thomas Street, was added in 1886 and was probably designed by W Wood Bethel, architect of the nearby St Agnes Church. The third and final extension to the south of the Hansom block was erected in 1908.

The buildings were listed Grade II in 1994. The list description contains little information about the historic interest and development of the site - it would be useful if the applicant could provide further information on this aspect of the buildings' significance. Historic photographs and maps show that Newfoundland Road was previously a busy residential street and that historic buildings once stood where the A4032 now cuts through. We understand the Sunday school was in use as a sports club for 50 years before it closed down.

Unfortunately, the list description confirms that the interiors were 'not inspected' at the time of listing. This is regrettable, as the information submitted by the applicant clearly shows that there is much of exceptional interest inside the building. The applicant's Heritage Statement of Significance is well illustrated but contains no analysis of the interiors' significance, rather it focusses on the (considerable) impact the proposed changes would have on them.

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There are some particularly fine interiors: the Former Mission Hall (G8) is a wonderful set piece with an elaborate roof structure which appears to have survived intact. The Former Gymnasium (G14) has an impressive lightwell with galleries which rise two floors up - it would be hugely insensitive to cover this up. Photographs show numerous other surviving historic features: staircases, panelled doors, skirtings, cornicing, stained glass windows. Most spaces seem to be unaltered, with much surviving fabric and detailing. The rooms' interest needs to be catalogued and analysed as a separate exercise from the applicant's description of proposed changes.

Impact of the proposals

The application is for the conversion of the buildings to 17 flats, two maisonettes and three houses. We understand your authority has already had extensive discussions with the applicant and that this is a revised application which includes some mitigation measures in response to your Conservation Officer's comments.

In our view the current proposals would cause substantial harm to the significance of the building. Although few changes are proposed to the building's external appearance, the internal conversion would be hugely damaging.

AMS Trustees are fully supportive of your Conservation Officer's comments to this effect. The "relocation" of staircases to as yet unspecified positions is no mitigation for their demolition, especially as these features are of fine quality and make an undeniable contribution to the significance of the building. In our view, the conversion has been approached in completely the wrong way. The first step should have been for the owner to commission a full, expert assessment of the significance of the buildings' interiors. This would then have informed proposals for conversion, with certain spaces lending themselves more readily to sub-division than others.

We believe that the current proposals represent gross over-development and that they will cause substantial harm to the significance of the building. In our view, this harm has not been justified. Paragraph 133 of the National Planning Policy Framework (NPPF) states that:

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- o the nature of the heritage asset prevents all reasonable uses of the site; and
- o no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- o conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- o the harm or loss is outweighed by the benefit of bringing the site back into use.

In this case, we are not aware of any 'substantial public benefits' being associated with the conversion of the building. On the contrary, the loss of the Sunday School's historic planform and fine internal features will harm rather than serve the public interest.

Recommendation

For the reasons stated above, the AMS strongly objects to the current application. While conversion may be acceptable, it seems that no efforts have been made to ensure that the existing character of the Sunday School will be retained. We urge the applicant to enter into further discussions with your Conservation Officer to find a less harmful solution.

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RELEVANT POLICIES

National Planning Policy Framework – March 2012
Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015.

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

KEY ISSUES

(A) ARE THE PROPOSALS ACCEPTABLE IN LAND USE TERMS?

The property became a gymnasium and boxing club around the turn of the 60s. Since that time the site has become locally well known as a gym that has produced a number of notable boxers and weight lifters. That said the property ceased operations as a gym around 2014 and became fully vacated (after the owner sold the property and left) in 2015.

The gym is considered to be a quasi-community use due to its leisure-use nature but private-membership patronage. Given this, the Applicant instructed a property agent to produce a marketing report using information from when the gym was sold. Only residential developers showed an interest in the site and this is explored in more detail in the following Key Issue. That said the council's Community Assets Team has stated that there is a demand for community floorspace in the area and some on-site retention would be beneficial despite a significant number of community venues in the St Paul's area. Again, this will be covered further below, but the loss of the gym use is considered to be acceptable in this instance.

Furthermore, given the residential context of the site and comparative accessibility of the central area of Bristol; no objection is raised to the introduction of housing, the need of which is a well-documented material consideration at this time. The proposed development provides a range of accommodation, including 11no. units (50%) that are in excess of 75sq.m, which is considered to be a good sized unit for at least three people.

The proposals are acceptable in land use terms.

(B) WHAT IS THE IMPACT UPON THE SPECIAL ARCHITECTURAL AND HISTORIC INTEGRITY OF THIS GRADE II LISTED BUILDING?

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development, which affects a listed building or its setting; the Local Planning Authority (LPA) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The cases of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") and in Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust and Secretary of State for Communities and Local Government [2014] EWCA Civ 137, has made it clear where there is harm to a listed building or a conservation area the decision maker must give that harm "considerable importance and weight", this is applicable here because there is harm to the listed building caused by the proposals as set out below.

Section 12 of national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation, with any harm or loss

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requiring clear and convincing justification.

Paragraph 132 of the NPPF also states that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Further to this, Paragraphs 133 and 134 state that where a proposed development will lead to harm, substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or that the specific nature and characteristics of the asset mean that there is no alternative.

In addition to the national guidance, Policies BCS21 and BCS22 within the Bristol Core Strategy (2011) Policies DM30 and DM31 within and the Site Allocations and Development Management Policies (2014) seek to ensure that development proposals safeguard or enhance heritage assets within the city.

Significance of the Building

The site itself is Grade II Listed under the address of St Agnes' Sunday School. The listing notes the property dates back to 1882 by C. Hansom and was extended in 1893 probably by W. Wood-Bethell, and again in 1908. The site is constructed in a general style of pennant rubble and limestone dressings, red brick, lateral and ridge stacks and slate and tile cross-gabled roofs in a Tudor Gothic Revival style, three builds around three sides, each a single-depth plan. The 1886 block shares decorative details such as window heads with the adjoining Church of St Agnes by Wood-Bethell of 1886. The building is noted as a picturesque, well-detailed group related to the Hansom's work on Clifton College. The significance and special interest of the building derives from its historic, architectural and communal values.

Proposals and Impact

Externally the proposals include the removal of the twentieth century gym reception area and the exposed elevations made good, the exterior of the building would be restored with the addition of conservation roof lights and solar PV panels. Within the curtilage of the building refuse/recycling storage and cycle parking facilities are also proposed. Internally the proposals include the subdivision of existing spaces within the complex of buildings to create 22no. dwellings including 3no. two-bedroom town-house style units within the main hall, 2no. two-bedroom maisonettes, 1no. three-bedroom flat, 6no. two-bedroom flats and 10no. one-bedroom flats.

The impacts of the current proposals are therefore considered below against; the need to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; as well as the merits of the scheme itself.

The Conservation section of the City Design Group concluded that "whilst we have tried to work with the applicant to minimise the harm posed to the Listed building, the accumulative effect of multiple alterations and losses of historic fabric remain extremely harmful. We consider that the degree of harm is nothing less than substantial, and that there is an insufficient justification of public benefit to outweigh substantial harm." Similarly, Historic England has stated that "The spatial character and integrity of all significant spaces in the building will be harmed by the proposals, which overall will constitute substantial harm... There does not appear to be a clear and convincing justification for the works, and we therefore object to the proposals." See above for commentary in full.

Officers do not disagree with the conclusion from both specialist consultees that the proposals would result in substantial harm. It has been established that the spaces/rooms within the complex and their hierarchy contribute to the significance and special interest of the listed building, and the intensity of

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internal subdivision proposed in this application is such that the building's significance will be harmed by the loss of plan form integrity. It is this harm that has been given considerable importance and weight below. It is noted that the Applicant's advisors have objected strongly to this assessment of harm providing case law examples where the assertion of substantial harm would amount to something nearing total destruction or demolition. However, the council has acknowledged that the proposals would result in substantial harm and therefore, it is this harm that has been given considerable importance and weight below and as such Paragraph 133 of the NPPF is engaged.

Paragraph 133

Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- i. The nature of the heritage asset prevents all reasonable uses of the site,
- ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation,
- iii. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and
- iv. The harm or loss is outweighed by the benefit of bringing the site back into use

It is accepted that the proposals would result in notable benefits including:

- Removal of the structural (and related public) risks to the future of the heritage asset,
- Removal of the twentieth century gym reception, which is an unsympathetic addition,
- Informal surveillance and improvement of the public path between the church and the site,
- Securing use of a long-time vacant heritage asset to support its ongoing conservation,
- Restoring and enhancing the built envelope and historic fabric of the heritage asset,
- Avoiding continued dereliction on a prominent site into Bristol.
- Providing 22no. dwellings (range of accommodation types) close to the city centre,
- Construction capable of delivering 5no. placements/apprenticeships,
- Economic stimulus with potential for over 80no. jobs on site for twelve months,
- Investment from a local Small-and-Medium sized Enterprise (SME), and
- New Homes Bonus income and for the council (public monies).

However, it would be difficult to claim that these positives surmount to substantial public benefit. Therefore, the final criterion of Paragraph 133 are pertinent. Notwithstanding their assertion that the harm proposed to the heritage asset is less than substantial; the Applicant has provided significant information and details on these four points following officer advice, in an effort to demonstrate a conclusive argument with regards to the planning judgement. These points will now be taken in turn and the harm has been given "considerable importance and weight" in coming to a planning judgement on each of these criterion.

- i. The nature of the heritage asset prevents all reasonable uses of the site

The current proposal is considered to cause harm to the listed building. Albeit less harm than previously caused by the proposals as originally submitted for 24no. flats, where intensive subdivision of the Mission Hall into 6no. flats removed all semblance of original plan-form. The scheme is thus required to be considered against the need to have special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest. The harm is given considerable importance and weight. This harm must be weighed against any public benefits of the proposal, including securing the building's optimum viable use. Therefore any proposal causing harm must demonstrate that it does indeed present the optimum viable use of the designated heritage asset

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in order to subsequently demonstrate that the further requirements of Section 12 of the NPPF are met.

Optimum Viable Use

The optimum viable use of any historic building is described within the current NPPF practice guide (Paragraph: 015 Reference ID: 18a-015-20140306), is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The practice guide advises that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised.

The property was originally built in the 1880s as a mission by the members of Clifton College to the poor of east Bristol, a mission to connect 'the two nations' of Victorian England, rather than a mission to evangelise. There was a clear emphasis placed on physical fitness with the introduction of a Boy's Club with a gymnasium. The property was also used as a Sunday school, with its close association with the adjacent church.

The site's close ties to sports and fitness made the later conversion of the site into the Empire Sports Club coincidentally appropriate, and from 1959 the building was used as a members' weightlifting/boxing-club/gymnasium for the next 50 years or so, prior to complete vacancy in 2015. The Applicant has provided narrative that over the years as membership dwindled, as a direct consequence, the condition of the property deteriorated as there were insufficient funds to carry out proper maintenance. The Applicant has also stated that when the club eventually closed it became apparent that the nature and scale of deterioration was significant and the considerable cost of the many essential repairs means that a valuable end-use is necessary to generate sufficient income to restore, stabilise and improve the condition of the building. The supporting correspondence accompanying the application note that the basic stabilisation work required will cost approximately £330k. This is a substantial outlay, for only basic works, which is likely to be a determinant factor in securing a new user and as the Applicant has stated in their supporting information; a figure likely to be a deterrent to community groups and non-profit organisations that could make use of the building.

Notwithstanding the initial high-cost of stabilising works, the application is supported by:

- 1) a marketing report, which indicated approximately 6 months of marketing, with only seven other bidders plus the Applicant showed actual interest, all of whom are private developers providing residential schemes. The accompanying commentary notes that no community groups or organisations showed any interest, irrespective of the final sale price, which was considered to be low/entry level for Bristol at around £30 per square foot. Therefore this should have created some interest from community uses, but their absence is directly linked to the high costs of renovating the building. The marketing demonstrates that following the cessation of the gym/boxing club use; no bidders other than residential developers came forward,
- 2) a Statement of Community Involvement, which demonstrates the extent to which the Applicant gave exposure to a proposed redevelopment of the site, including a leaflet drop, website coverage and a public meeting and during that time no alternative uses (other than residential) were put forward for consideration, and
- 3) an economic statement, which notes that the layout of the building (as a whole or in part) is unsuited to a gym and a variety of community uses due to its complex plan form and arrangement of rooms. The Applicant has also looked at a mixed-use scheme incorporating B1(a) office use into the proposals alongside housing, within the large spaces. However, such is the further depreciation of development value and the potential uncertainties of finding occupiers, such a scheme would never be implemented due to the development costs.

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It is accepted that any marketing exercise will attempt to secure the highest value of the site for the seller and promoter. However, it is also clear that the poor condition of the building, as set out in the supporting structural report by Curtins, and the cost of its repair to even a basic and safe standard e.g. the external propping of failing walls, is a key consideration in determining the next user of the building and ultimately the optimum use.

The NPPF practice guidance under the heading What evidence is needed to demonstrate that there is no viable use? (Paragraph: 016 Reference ID: 18a-016-20140306) states that the aim of appropriate marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated under (ii) of Paragraph 133. Specifically in this case

Furthermore, the guidance (Paragraph: 014 Reference ID: 18a-014-20140306) notes under the heading "Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?" That disrepair and damage and their impact on viability can be a material consideration in deciding an application. However, where there is evidence of deliberate damage to or neglect of a heritage asset in the hope of making consent or permission easier to gain the LPA should disregard the deteriorated state of the asset. The poor condition of the building is very much the case in this instance and there is no evidence that the previous owner deliberately left the building to rack-and-ruin; they only had issues around funds for maintenance (indeed many modern repairs and works to the building are poorly executed and clearly done on a 'DIY' basis). Furthermore, the current owner (Applicant) has made ongoing efforts to maintain the building from further degradation and has even instructed a guardian company to occupy the existing on-site flat.

There has never been any principle objection to residential development of the site in sole land-use terms, given its location and residential context. The above information and the supporting documents accompanying the application combine to satisfactorily demonstrate that the nature of the heritage asset prevents all other reasonable uses of the site, including of a communal nature, due to the cost of repair, therefore satisfying the first criterion of Paragraph 133.

ii. No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

Although this point has some overlap with (i) above, an initial viability assessment was submitted with an amended scheme when the quantum of development was reduced from 24no. units. The viability report was not produced to counter affordable housing requirements as the site was given Vacant Building Credit in these respects. Notwithstanding, the accompanying viability commentary noted that the development of the Empire Sports site, in isolation, is not a viable proposal owing the cost of restoration and conversion of the listed building. The Applicant also owns the adjacent former car park, which has separate planning permission for 10no. houses (ref.15/05293/F), and the development viability of the current site includes a form of cross-subsidy from this more straightforward and lower-risk car-park development site. For officer comments relating to planning obligations, including affordable houses, in relation to the current scheme and its close relationship to the car park development site; see the relevant Key Issue in this report.

The viability assessment indicated that the proposed residential development of the site, along with its sister site, was the only viable use given the condition of the building and the costs involved. The Assessment's commentary from the Applicant also addressed why the substitution of B1(a) office space for a number of the proposed apartments (within the larger spaces within the building) would render the project further in unviable, resulting in a net loss of approximately £950k. Along with the final set of amendments to the proposal, the Applicant updated the viability assumptions to indicate that the projected value of the development had not changed significantly - it was still unviable in isolation and required the cross-subsidy from the adjacent housing site. The Applicant also stated that any further reduction in the quantum of development from the current level of 22no. units would

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ensure that the development would not proceed on development viability grounds, irrespective of the cross-subsidy from the site next door.

Further to point (i) above, and the comments relating directly to the marketing of the site; it is considered that there is no reasonable medium-term use that will enable the site's conservation. Officers consider that the proposed residential development, put forward by the Applicant, is the only viable use of the heritage asset at this time.

iii. Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible

The consideration of potential sources of Grant Aid Funding that may be accessed to support the restorative works, were explored by the Applicant using the information pooled by the Heritage Alliance and websites of potential funding agencies such as Bristol City Council, Historic England, Heritage Lottery Fund, The Princes Regeneration Trust, Architectural Heritage Fund and National Amenity Societies (including SPAB, and The Victorian Society).

Whilst the Heritage Alliance listed over 240 potential funding sources for restorative projects the Applicant concluded that the majority of these funders would not be able to financially support development by private industry, with their funds usually going towards work or projects by charitable organisations or community groups. The Applicant also noted that some of the funders only work within defined local areas that excluded the Bristol Area. Furthermore, a number of the agencies listed only support work to war memorials or places of worship, which would not apply in this instance. Please see supporting information with the application submission for the full list of agencies explored.

They found the issue to be that in any case, grants for works are only available for essential repairs to the historic buildings and should be considered where no viable alternative exists or to provide initial monies to aid the project get off the ground and before LPAs. In this instance, there is a potential alternative in the form of the current submission and this submission is at an advanced stage with the council, having been in front of officers for over a year. Of the compiled list; the Applicant shortlisted a handful of sources that appeared to be relevant and these were explored more thoroughly. Each was found to be unsuitable for the site and the reasoning is set out in the Applicant's supporting document 'Conservation Grant Aid Funding Sources.'

Officers consider that the Applicant has demonstrated that there is no grant-funding or some form of charitable or public ownership available at this time to conserve the heritage asset.

iv. The harm or loss is outweighed by the benefit of bringing the site back into use

The potential harm to the building has been explained in full above, by the comments from the council's Conservation section and also Historic England. However, officers feel that in terms of the latter, their conclusion that "...the intensity of internal subdivision is such that one's ability to appreciate and understand the original architectural and spatial character and interest of the building, and its original functions will be almost completely lost..." does not give enough acknowledgement to the design solution the Applicant has proposed for subdividing the main Mission Hall, which is an area of higher significance. The mezzanine floor plate proposed and full height sections to each of the three two-bedroom town house-style units express the hall's structural elements and internal scale, if not its full original length. This element needs to be recognised as a significant amendment to the original proposals for this space (6 no. flats), that now reduces the harm to the integrity of the space, in this most important part of the building whilst adding value to the development as a whole.

Similarly the ongoing vacancy and underinvestment in the rest of the building is a significant cause for concern. Indeed, its condition and uncertain future are one of the key material considerations if not the principal matter of concern. The report by Curtins detailing the structural elements of the complex notes that there is "...significant water ingress/damage resulting from lack of maintenance of the roof

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finishes and roof drainage. Some of these leaks have led to damage to structural elements. There is also a general issue of dampness throughout the entire building, arising from its unheated, unmaintained state."

Apart from preventing further water damage, according to Curtins, the serious structural concerns relate to (i) the bowing of the front (motorway-side) elevation and associated spreading of the eaves in the main Mission Hall (G8) and similarly but less extreme distortion in the smaller hall (Room G9), and (ii) very significant separation and bowing of the eastern gable (church-side) and associated movement and settlement of the south east corner of the Church Room block (G18/F8), which has led to significant local structural distress. The Curtins report recommends that the structural elements identified, at the very least, need external propping to make safe and prevent further deterioration and movement. As permanent solutions the Mission Hall would benefit from the tying action from the dividing internal walls proposed and the Church Room needs a carefully designed structural solution after a temporary prop has been installed. The latter would have direct implications on the informal pedestrian thoroughfare from Newfoundland Road to Thomas Street between the site and church, which is currently open access with no boundary separation. The failing gable end of the Church Room is adjacent to this route.

It is also clear now that the building's structural and general condition has deteriorated significantly over the years, despite the best efforts of the long-standing gym-owner and building's custodian to maintain the complex with the little financial means raised from membership monies. Since the site's cessation as a functional gym and boxing club and further to vacancy in early 2015, the site has been subject to significant deterioration and some unauthorised access. Points (i), (ii) and (iii), above have explored the development options for the site and it is recognised that this proposal is currently the only option for arresting the site's further demise and seeing a viable use on site is a residential development of the quantum proposed.

Having considered the harm and given this considerable importance and weight, it is officers' view that this need for restoration and occupancy is judged to outweigh the identified harm in this instance.

Key Issue Conclusion

Officers have undertaken the assessment required under the Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have given special regard to the desirability of preserving the building, its setting and its features of special architectural or historic interest which it possesses. They have given the identified harm considerable importance and weight when coming to a final planning judgement. The application in summary details a conversion proposed for 22no. dwellings in a manner that aspires to minimise harm as much as possible to achieve the necessary quantum of development to make the restoration of the building viable. In accordance with Section 66 considerable importance and weight has been given to the harm, which is considered to be nothing less than substantial, caused to the listed building the public benefits arising from the proposal have then been considered and these public benefits, although measurable are not considered to be equally substantial. However, officers consider that the second assessment available as part of Paragraph 133 has been met by the Applicant demonstrating that the current proposal is the optimum viable use of the building and only developable option for the site (where a communal use of the building is not possible); and that this outweighs the significant risks of continued vacancy and further deterioration and neglect of the heritage asset in this specific instance.

In accordance with Section 66 officers have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses and considerable importance and weight has been given to the substantial harm to the listed building caused. Nevertheless this is assessed as being significantly outweighed by the benefits of these proposals, which include the bringing back to active viable use and also the repair and restoration of the building both externally and internally it is concluded that the proposal (subject to relevant conditions) would meet the provisions of Paragraphs 131 and 133 of the National Planning Policy

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Framework, policies BCS21, BCS22 of the Bristol Core Strategy 2011, and policies DM30 and DM31 within the Site Allocations and Development Management Policies (2014). The proposals have been considered in accordance with the requirements of legislation within Sections 16 and 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF.

(C) ARE THE PROPOSALS VISUALLY ACCPETABLE?

Apart from the removal of the 20th century gym reception building within the centre of the building complex, there are no external changes to the building fabric beyond repair and restoration. Subject to final design details of external alterations, cycle parking stores and bin enclosures; the proposals are considered to be visually acceptable.

(D) DO THE PROPOSALS RAISE ANY TRANSPORT AND MOVEMENT ISSUES?

Transport Development Management (TDM) raise no objection to the proposals, which do not include any vehicular parking, as the site is comparatively close to central Bristol (<800m to Cabot Circus) and there are bus stops within five minutes' walk (400m), to the north on Ashley Road. TDM has recommended that further clarity is sought with regards to the final details of the cycle parking provision, which can be secured through planning condition and have recommended that the future residents are not eligible for Resident's Parking Permits, which can be noted as an advice on any permission.

Related to this Key Issue, it should also be noted that the introduction of residential use onto the site, specifically the north eastern end of the building, would increase the natural surveillance of the pedestrian thoroughfare between the former Empire Sports building and the adjacent church, which would improve the safety and security of this informal route. The proposals do not raise any unacceptable transport and movement issues.

(E) DOES THE PROPOSED DEVELOPMENT PROVIDE AN APPROPRIATE LEVEL OF AFFORDABLE HOUSING?

The proposed development comprises 22no. dwellings and therefore it is required to comply with Core Strategy Policy BCS17, which requires the provision of up to 40% affordable housing subject to scheme viability. However, following a Court of Appeal decision, the government reintroduced the Vacant Building Credit (VBC) on 19 May 2016. This allows for the floorspace of existing vacant buildings to be offset against any affordable housing requirement.

In this case, the existing building complies with the VBC criteria for the following reasons:

- The building has been vacant for a considerable period of time
- The building has not been abandoned

The proposed development comprises a change of use with no additional floorspace, other than what is created by subdivision within the existing building. As all the existing floorspace benefits from VBC, the whole of the proposed development is exempt from any affordable housing requirement. It should also be noted that although the Applicant's wider ownership encompasses the adjacent former car park, which is subject to a separate consent (ref.15/05293/F); this too was below the relevant threshold for small-site affordable housing, so irrespective of the two sites' neighbouring relationship and joint ownership; the collective development is exempt from any affordable housing requirement.

(F) DO THE PROPOSALS RAISE ANY RESIDENTIAL AMENITY ISSUES?

The introduction of 22no. residential units onto the site would increase the associated activity, but this is a residential area therefore such activity would not be inappropriate. As the proposals are for conversion only, they are not considered harmful to the residential amenities of neighbouring occupiers.

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Given the heritage constraints upon the conversion works; the proposed accommodation provides sufficient space and outlook for the reasonable residential amenities of future occupiers of the site. There are some areas of semi-private amenity space, but no objection is raised given the central Bristol location and close proximity to St Agnes Park.

(G) DO THE PROPOSALS RAISE ANY CONTAMINATED LAND AND COAL MINING LEGACY ISSUES?

The site is located within areas historically associated with contaminants and historical mining operations. However, subject to conditions and advices; the proposals do not raise any unacceptable issues relating to contaminated land or coal mining risks.

(H) DO THE PROPOSALS RAISE ANY AIR QUALITY MANAGEMENT ISSUES?

The site is located within an Air Quality Management Area, due to its proximity to the M32 Motorway. An Air Quality Assessment has been undertaken and no unacceptable issues have arisen.

(I) DO THE PROPOSALS RAISE ANY ISSUES RELATING TO FLOOD RISK?

The site is located within Flood Zone 2 and accordingly the application is supported by a limited flood risk assessment. Given the nature of the development to convert the existing building along with its sensitive historic fabric, no objections are raised on flood risk grounds in this instance.

(J) DO THE PROPOSALS RAISE ANY SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE ISSUES?

Although the application is not accompanied by a dedicated drainage strategy (separate from the flood risk assessment) given the historic nature of the building, the requirement for modern energy saving interventions required by local plan policies can be relaxed. The Applicant has proposed a small array of solar PV panels in discreet locations within the multiple roof planes. Subject to full details of these panels; no objections are raised on sustainable development and climate change issues.

(K) DO THE PROPOSALS RAISE ANY TREE AND/OR NATURE CONSERVATION ISSUES?

There are trees close to the church, which would need some form of protection given the structural works necessary on that side of the Empire Sports building, as per the recommendations by the council's Tree officer, which can be sought through planning condition.

The application is supported by a bat survey and recommendations are made, which will be conditional of any permission. There has also been some evidence of pigeons nesting in the roof spaces, and the council's nature conservation officer has asked that the possibility of bird boxes be incorporated into the design of the conversion works. However, given the listed nature of the building, in this instance; it is not considered appropriate to attach such measures to the historic building. However an advisory note will be added reminding the Applicant of their responsibilities with reference to nesting birds and the demolition of the twentieth century addition.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have

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different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval / refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

CONCLUSION

The impact on the heritage asset has been set out comprehensively in Key Issue B of this report, and considerable importance and weight has been attributed to the identified harm. For the reasoning set out above and in accordance with the requirements of the NPPF; this is outweighed by the importance of bringing the building back into use as much needed housing in a sustainable location. There are no other issues that significantly conflict with development plan policy and as such the application is recommended to the committee for approve subject to conditions and subject to referral to the National Planning Casework Unit (Secretary of State).

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £114,247.77.

RECOMMENDED GRANT subject to condition(s)**Time limit for commencement of development**

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Construction management plan

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

- Parking of vehicles of site operatives and visitors.
- Routes for construction traffic
- Hours of operation.
- Method of preventing mud being carried onto the highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic arrangements including hoardings and/or footway closures.
- Arrangements for turning vehicles.
- Arrangements to receive abnormal loads or unusually large vehicles.
- Arrangements for the delivery of construction materials and the collection of waste.
- Arrangements and locations for the storage of construction materials and waste.

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- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

3. Land affected by contamination - Site Characterisation

No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, and has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme should be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- * human health,
- * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- * adjoining land,
- * groundwaters and surface waters,
- * ecological systems,
- * archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

4. Land affected by contamination - Submission of Remediation Scheme

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

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

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ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

5. Land affected by contamination - Implementation of Approved Remediation Scheme

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

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

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

6. Protection of Retained Trees During the Construction Period

No work of any kind shall take place on the site until the following has been submitted to and approved in writing by the Local Planning Authority (LPA):

- (i) An arboricultural implications assessment and method statement to identify the constraints to the development due to T18 & T19, and
- (ii) A Tree protection Plan for T18 & T19.

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

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

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7. Demolitions Method Statement

Prior to work commencing, including demolition, a method statement detailing the proposed approach to all demolitions shall be submitted to the Local Planning Authority and approved in writing. This shall include reference to all temporary works and structure required to ensure the structural stability of the Listed Building during the demolition and construction phases, the retention and safe storage on site of all reclaimed materials proposed for reuse, and how the work will be made-good following demolitions. The development shall be completed in accordance with the approved method statement.

Reason: In the interests of safeguarding the special interest of the Listed Building.

8. Further Details - Retained/Salvaged Materials

Prior to work commencing, including demolition, detailed plan and elevation drawings at a scale of 1:10 showing the proposed salvage and reuse of existing stair fabric, doors, and other decorative details proposed for reuse elsewhere in the building shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

9. Further Details - Windows and Doors

Prior to work commencing on the relevant element, existing and proposed section details at a scale of 1:5 showing all proposed new or replacement windows, skylights and doors, both internally and externally, will be submitted and approved in writing by the Local Planning Authority. These shall show all material junctions at head, cill or threshold, and jambs and show all proposed frames, glazing, mouldings and materials. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

10. Further Details - Structural Openings

Prior to the relevant element commencing section and elevation details at a scale of 1:5 and 1:10 showing all proposed new permanent structural openings shall be submitted to the Local Planning Authority and approved in writing. These shall show all proposed new structure, lintels, soffits, lintel bearings and proposed making-good around structural interventions. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

11. Further Details - Material Connections

Prior to the relevant element commencing details at a scale of 1:5 of all new material connections between existing fabric and proposed new partition walls shall be submitted to the Local Planning Authority and approved in writing. These shall show proposed connections with floor, walls, and ceilings and include for the retention of existing panelling, skirting, coving, ceilings, and other internal decorative details. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

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12. Further Details - Service Runs

Prior to the relevant element commencing all proposed mechanical and electrical (M&E) servicing plans, sections and elevations at a suitable scale shall be submitted to the Local Planning Authority and approved in writing. These shall show all drainage runs, meter cupboards, distribution panel locations, ventilation routes, extract locations, proposed vent and extract design and all new penetrations through existing wall floor and ceilings. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

13. Further Details - Fire Separation

Prior to the relevant element commencing section details at a scale of 1:5 of all proposed fire and acoustic enhancements required between residential units within existing floors, or walls, shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

14. Further Details - Roof Structure

Prior to work commencing on the relevant element, proposed structural details at a suitable scale showing the retention of the existing roof envelope and the insertion of new floors in the location of proposed flat Nos.20 and 21, shall be submitted to the Local Planning Authority and approved in writing. These shall show all proposed new structural elements, material and structural connections with existing wall and roof fabric. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

15. Further Details - Restoration/Repair

Prior to the relevant element commencing, a method statement detailing the proposed repair of existing roof fabric, external stonework, stained glass, and internal wall, ceiling, and floor finishes shall be submitted to the Local Planning Authority and approved in writing. This shall include any proposed removal of fabric and its safe storage on site prior to replacement, and the proposed materials and techniques proposed for repairs and replacement of damaged material. The development shall be completed in accordance with the approved method statement.

Reason: In the interests of safeguarding the special interest of the Listed Building.

16. Further Details - New Staircases

Prior to the relevant element commencing, detailed plan, section, and elevation drawings of all proposed new staircases at a scale of 1:5 or 1:10 shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

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17. Further Details - Hard and Soft Landscaping

Prior to the relevant element commencing a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory and in the interests of safeguarding the special interest of the Listed Building.

18. Further Details - External Lighting

Prior to the relevant element commencing, proposed plan and section details to an appropriate scale showing all external lighting and predicted light levels at neighbouring residential properties, shall be submitted to the Local Planning Authority and approved in writing. These shall show proposed materials, lighting columns and building-mounted luminaires.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005. The development shall be completed in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining residential occupiers and in the interests of safeguarding the special interest of the Listed Building.

19. Further Details - Boundary Treatments

Prior to the relevant element commencing, proposed section and elevation details at a scale of 1:10 of all proposed new fences, walls, railings, gates, or other boundary treatments to public or private spaces shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special interest of the Listed Building.

20. Further Details - Refuse/Recycling

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10; of the refuse storage and recycling facilities, shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved or the use commenced.

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

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

21. Further Details - Cycle Parking

Notwithstanding the information submitted to date, prior to the relevant element commencing, detailed drawings at the scale of 1:25/1:10 of the cycle parking facilities, shall be submitted to and be approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved or the use commenced. Thereafter, the stores shall be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking and in the interests of safeguarding the special interest of the Listed Building.

Pre occupation condition(s)**22. New works to match - Listed Building**

All new external and internal works and finishes, and any works of making good, shall match the existing original fabric in respect of using materials of a matching form, composition and consistency, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason: In order that the special architectural and historic interest of this Listed Building is safeguarded.

23. Land affected by contamination - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is to be submitted to and be approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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

24. Extended Phase 1 Habitat Survey

The development hereby approved shall be carried out in accordance with the details and recommendations set out in the accompanying Extended Phase 1 Habitat Survey, prepared by Clarke Webb Ecology Limited and dated 8th September 2015, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

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

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

Reason: In the interests of highway safety.

26. Further Details - Renewables

Prior to implementation, details of the solar photovoltaic panels (including the exact location, dimensions, design/technical specification) together with calculation of energy generation and associated CO2 emissions to achieve a reduction on residual emissions from renewable energy in line with the approved energy statement should be submitted to and be approved in writing by the Local Planning Authority. The renewable energy technology shall be installed in full accordance with the approved details prior to first occupation of the development and thereafter retained.

Reason: To ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions and in the interests of safeguarding the special interest of the Listed Building.

List of approved plans

27. List of approved plans and drawings

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

13631A Heritage Impact Assessment, received 21 December 2016
 13631A Heritage Statement of Significance, received 21 December 2016
 13631 Structural Building Condition Report, received 31 March 2016
 13631 Marketing Report, received 31 March 2016
 13631 Archaeological Desk Based Assessment, received 31 March 2016
 13631_001A Site Location Plan, received 31 March 2016
 13631_002A Existing Site Block Plan, received 31 March 2016
 13631_003A Proposed Site Block Plan, received 31 March 2016
 13631_004A Existing Site Topography Plan, received 31 March 2016
 13631_008A Existing Plans, received 31 March 2016
 13631_009A Existing Roof Plan, received 31 March 2016
 13631_010 Existing Site Elevation, received 25 November 2015
 13631_011 Existing Site Sections, received 25 November 2015
 13631_012 Existing Site Sections, received 25 November 2015
 13631_013E Proposed Demolitions, received 21 December 2016
 13631_020E Proposed Site Plan, received 21 December 2016
 13631_021G Proposed Ground and First Floor Plans, received 23 March 2017
 13631_022E Proposed Second Floor and Roof Plans, received 23 March 2017
 13631_023D Proposed Elevations, received 21 December 2016
 13631_024B Proposed Courtyard Elevations, received 31 March 2016
 13631_025D Proposed Sections, received 21 December 2016
 13631_026D Proposed Site Sections, received 21 December 2016
 13631A Affordable Housing Statement, received 31 March 2016
 13631 Air Quality Statement, received 25 November 2015
 13631 Arboricultural Report, received 25 November 2015

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13631 Bristol Coal Mining Report, received 25 November 2015
13631 CIL Questions Form, received 25 November 2015
13631 CJA Site Investigation Report - Final, received 25 November 2015
13631 Community Involvement Statement, received 25 November 2015
13631 Economic Statement, received 25 November 2015
13631 Energy Statement, received 25 November 2015
13631 Environmental Noise Report, received 25 November 2015
13631 Extended Phase 1 Habitat Survey, received 25 November 2015
13631C Flood Risk Assessment, received 31 March 2016
13631B Heritage Statement, received 23 December 2016
13631A Proposed Planning Obligation Agreement, received 31 March 2016
13631A Sustainability Statement, received 31 March 2016
13631A Transport Statement, received 31 March 2016

Reason: For the avoidance of doubt.

Advices

1. Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. Therefore the Applicant is advised that no clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive, in any year without the prior written approval of the local planning authority. The authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected.