

WARD: Ashley CONTACT OFFICER: Thomas Wilkinson

SITE ADDRESS: YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA

APPLICATION NO: 17/01898/F Full Planning

DETERMINATION DEADLINE: 15 December 2017

**Construction of a 4 storey block of flats to provide 37 units including appropriate level of affordable housing with associated parking and amenity space. (MAJOR)**

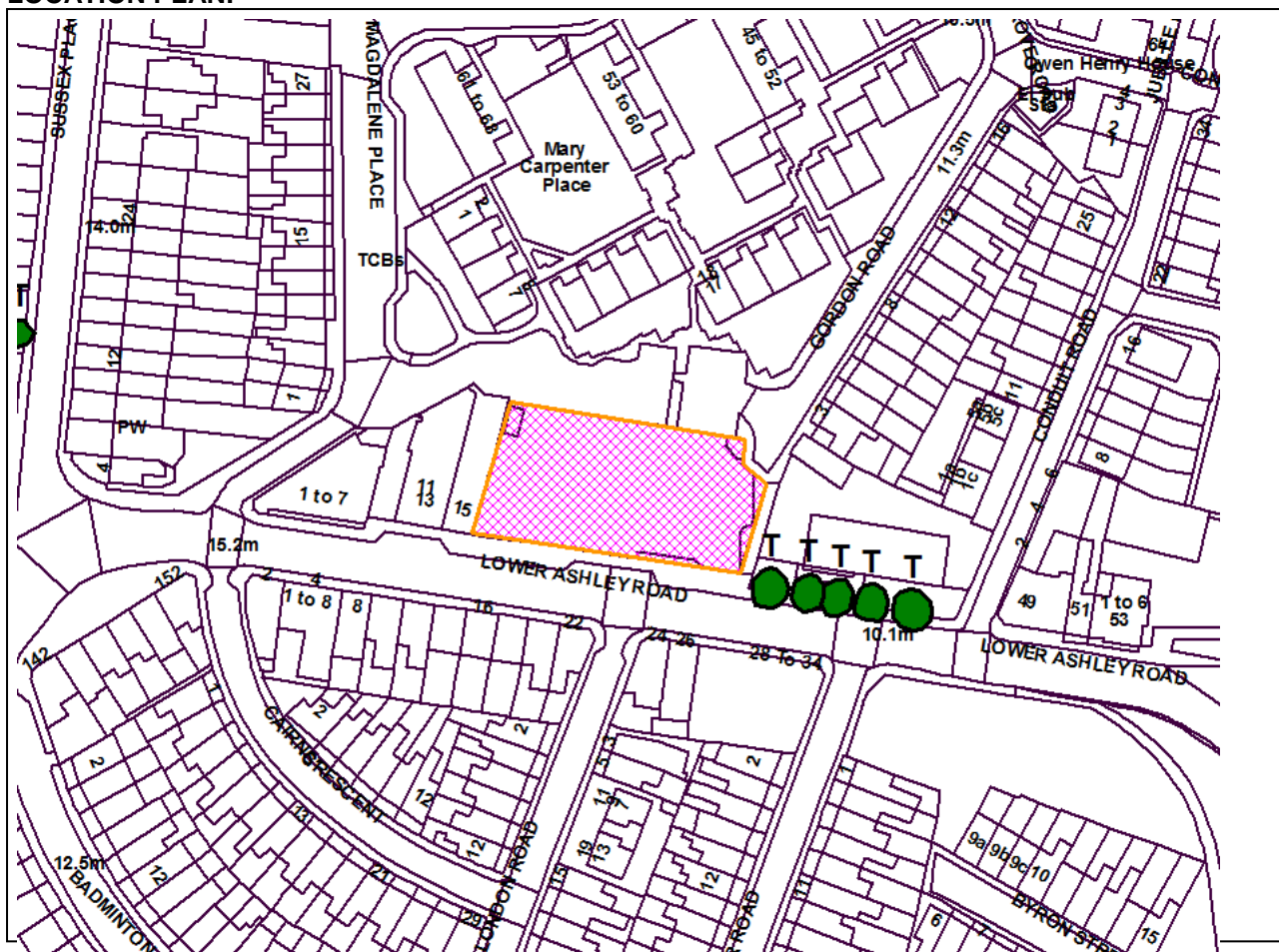
RECOMMENDATION: Refuse

AGENT: CSJ Planning Consultants Ltd  
1 Host Street  
Bristol  
BS1 5BU

APPLICANT: Prelon Construction Ltd

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

**LOCATION PLAN:**



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

**Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

**BACKGROUND AND SUMMARY**

This application is for the construction of a 4 storey block of residential apartments, totalling 37.no units alongside car parking; refuse storage and amenity space to the rear.

This application is being referred to Committee on the basis that the application would deliver a policy compliant percentage of affordable housing units on site. Whilst the application hasn't been formally called in, Councillor Davies (Ward Member for Ashley) has expressed a desire for this to be a committee decision given that the proposal seeks consent for a number of residential units (including affordable units) in an area in need of housing.

The affordable housing offer is proposed at 20%, making the scheme compliant with the recent publication of the Bristol City Council Affordable Housing Practice Note (approved 6 March 2018). This equates to 7 residential units contained within Block A, all of which will be Affordable Rental tenure. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable).

Overall the LPA fully supports the principle of new residential accommodation at this site and the benefits of delivering affordable housing are fully recognised. However whilst the provision of new housing (including affordable housing) is welcomed in principle it is not considered that this should be to the detriment of existing residents, nor should the new residential accommodation be sub-standard.

The basis for the objection to the current proposal is the significant adverse impact the proposed development would have on the amenity of adjoining property No.15 Lower Ashely Road with regards to overshadowing and overbearing.

Furthermore, it is considered that the proposal as a whole represents an overdevelopment of the site, which has resulted in a significant number/percentage of single aspect units, the majority of which will be north facing (38% of the total number of units within the development will be single aspect and north facing). In addition, the blank ground floor frontage design would be harmful to the appearance of the development, the overall street scene as well as natural surveillance levels.

Given these concerns, it is also considered that the current proposal is not of sufficient merit to outweigh the harm caused by the removal of two Category B trees from the site. The Council's Arboricultural Officer confirmed that the trees are an un-common species, and advised that they provide sufficient amenity value to warrant tree preservation order (TPO) protection.

Overall, the scheme does not represent good design, and instead represents an over-intensive form of development, which would fail to provide a high-quality, adaptable and acceptable living environment for future occupants; existing neighbouring premises; or the wider area as a whole. This is considered unacceptable in principle and is especially unacceptable given this is a new build development on a vacant plot where issues should be able to be designed out.

The principle of residential development at this site is welcomed and encouraged and the LPA have entered in extensive negotiations with the applicant in order to seek to resolve the key issues identified during the course of the application and which remain of concern. However, the applicant has requested that a decision be made on the proposal as submitted to date without a final solution being agreed.

The application is therefore with regret recommended to Members for Refusal.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA****SITE DESCRIPTION**

The application site is located on the north side of Lower Ashley Road and is approximately 150 metres away from Junction 3 of the M32. The site was previously occupied by a petrol filling station, which has since been demolished. The site is currently now boarded along its perimeter and was most recently occupied by a local artist community (YardArts) on a temporary basis, however this group has recently moved to an alternative site in the city.

The site is flanked predominantly by two to three storey, principally Victorian, buildings, some of which have active ground floor frontages. Residential properties are also located on the opposite side of the road. To the rear (north) of the site lie residential properties with a large ancillary car parking court situated between the site and the residential buildings. To the east, sits former Bristol City Council offices.

**RELEVANT HISTORY**

06/04539/F: Redevelopment of former petrol filling station site to provide 24 no. one bedroom and 10 no. two bedroom apartments with amenity space and storage and 3 no. four bedroom affordable dwellings with gardens. GRANTED on 07.02.2007

06/01291/F: Redevelopment of former petrol filling station site to provide 24 no. one bedroom and 10 no. two bedroom apartments with amenity space and storage and 3 no. four bedroom affordable dwellings with gardens. APPLICATION WITHDRAWN

03/01094/P: Outline application for the demolition of the existing petrol filling station and re-development of site for residential use (Class C3) as fifteen (15) dwellings. GRANTED on 26.06.2003

87/03735/F: Provision of new 10,000 gallon petrol storage tank and new replacement pumps. GRANTED on 17.02.1988

**EQUALITIES ASSESSMENT**

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

**STATEMENT OF COMMUNITY INVOLVEMENT****a) Process**

The applicant has provided evidence to demonstrate that the level of public consultation undertaken with the local community prior to the application being submitted included the sending of letters to 55 neighbouring properties, inviting them to a public meeting. As this meeting was unattended, no further action was taken.

**b) Outcomes**

It is considered that the community involvement undertaken by the developer prior to the

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

submission of this application has been poor. There are no identifiable outcomes following the public consultation.

It is recognised that the Bristol Neighbourhood Planning Network has objected to the application on this basis, commenting that 'in spite of numerous consultations with St Paul's planning group over previous applications on this site, no contact was made with them or other planning groups before this application. The applicants did not ask NPN for the contact details of the local planning group, consequently the groups were not informed about the consultation event held in September. Such events have a role in support of Community Involvement as described in the BCC Guidelines, but they do not in themselves constitute adequate community involvement.'

**APPLICATION**

Planning permission is sought for the construction of a 4 storey block of residential apartments, totalling 37.no units alongside car parking, refuse storage and amenity space to the rear on currently vacant land.

**RESPONSE TO PUBLICITY AND CONSULTATION**

Application advertised in press and via site notice, expiry date 26.06.2017. Neighbours were consulted via individual letters sent 08.05.2017.

3 objections were received which raised the following concerns;

- Likelihood of increased noise pollution for local residents
- Potential risk of flooding
- Poor provision of car parking facilities
- Increased levels emissions/pollution which is already critical due to the presence of the M32.
- The proposal represents overdevelopment and is too large in scale

**OTHER COMMENTS**

**St Pauls Planning Group** has commented as follows:-

'St Pauls planning group objects to the design of this scheme and to the lack of consultation by the applicant.'

**Bristol City Council Transport Development Management** has commented as follows:-

'A Transport Statement was submitted as part of the application which sets out the sites sustainable location due to its proximity to a bus route on Sussex Place/Ashley Road and the availability of on-site parking and cycle storage. To support the provision of 15 car parking spaces a parking survey was carried out. Whilst this does not confirm to the standard methodology required it does confirm that even at the busiest peak times there are parking spaces available within a moderate walk of the site, which is acceptable.

The Travel Plan Statement submitted is acceptable. The proposed Travel Welcome Pack will be provided as prospective residents move in and will comprise:

- Public transport and cycle route information.
- Information on the local Car Club scheme and contact details.
- Information on the health benefits of walking and cycling.
- Travel vouchers to the value of £500 (with option for a further £500 which would be

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

welcomed) per dwelling to assist the purchase of sustainable travel modes such bus or train travel and/or cycle acquisition.

The pack will promote [www.travelwest.info](http://www.travelwest.info) and the Travel Plan Co-ordinator when appointed plans to join the Bristol Workplace Travel Network and Cycle Champion Scheme. To do this they will need to email their contact details to [city.transport@bristol.gov.uk](mailto:city.transport@bristol.gov.uk) Cycle maps can be downloaded or ordered from [www.betterbybike.info/maps/cycle-maps](http://www.betterbybike.info/maps/cycle-maps) For examples of Travel Information Packs please see [www.travelwest.info/movhome/new-housing-developments](http://www.travelwest.info/movhome/new-housing-developments). The pack should also include links to:

- National Rail Enquiries
- Falcon (Stagecoach) Service
- National Express
- Megabus
- Taxi
- Cycle repair shops
- Supermarket Deliveries

When the Travel Plan Co-ordinator has been appointed their contact details including telephone and email must be provided along with the final Travel Plan Statement and a site location map to [travelplans@bristol.gov.uk](mailto:travelplans@bristol.gov.uk) For any further information please contact Gemma Stern - Travel Plan Coordinator on 0117 3576228 or email [gemma.stern@bristol.gov.uk](mailto:gemma.stern@bristol.gov.uk) (Tuesday to Thursday).

The site plan submitted proposes to abandon the existing vehicle access points and reinstate the footway to full kerb height. Whilst this is acceptable the existing tactile paving must be removed. Instead a new access point is proposed, 4.1m wide, which will encompass a sliding entrance gate, with a vehicle crossover and dropped kerbs. The site plan includes clear, unimpeded vehicular visibility splays of 2.4m x 25m (based on a speed of 20mph) and pedestrian visibility splays of 2m x 2m all of which is acceptable. The plan also proposes three on-street parking bays, each of which has 45 degree splays. The single bay is 6m wide with the other two bays 5.5m wide. The bays will be for the use of the general public. A Section 278 Agreement will be required to undertake these works as well as a Section 171 Licence.

The site plan submitted proposes to alter the existing waiting restrictions in the form of double yellow lines by removing them in front of the proposed dual parking bays and extending them either side of the proposed access point. The cost of these measures and the associated Traffic Regulation Order (TRO) (£5395) will be met by the applicant.

The application proposes to widen the existing lane that offers a pedestrian/cycle link from Gordon Road through to Lower Ashley Road that measure's between 2.475m to 2.850m. This is acceptable providing the additional part is constructed to meet Bristol City Councils Engineering Standard Details and the route is appropriately signposted. The additional land can be dedicated for adoption and ongoing maintenance at public expense via the required Section 278 Agreement.

The site plan submitted proposes a 4.1m wide access point to enable 2 vehicles to pass each other. This will be set back 8m from the edge of the carriageway, which is sufficient to allow a vehicle to be able to fully pull clear of the adopted highway and avoid it becoming an obstruction to oncoming traffic. It will feature a gate and 45 degree visibility splays, all of which are acceptable. A small 0.3m to 0.5m buffer should be provided either side to prevent it being struck by vehicles manoeuvring in and out of the undercroft car park. Swept path analysis has been provided for the two spaces at the far end of the car park to demonstrate that vehicles can safely and easily use them. The parking spaces proposed will measure 2.4m wide x 4.8m long, separated by a 6m wide gap. The space for disabled residents/visitors features a side and rear hatched area 1.2m wide.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

Four access points are proposed from the undercroft car park to one of the garden spaces, the main stairs in both cores and two of the four cycle stores. The space in front of each gate/door will be delineated with hatching to prevent any incursion by vehicles. On the far left hand side of the site the site plan proposes creating a 1.25m wide footpath with gates at both ends. These gates as well as all those within the site will be access controlled which is acceptable providing they are constructed to Secured By Design standards. The footpath should be suitably illuminated.

The application proposes 15 parking spaces of which one will be for disabled people and three will include Electric Vehicle Charging Points, as well as one space for motorcycles which is acceptable. In respect of cycle storage the site plan submitted proposes four fully enclosed stores that will be able to accommodate 64 cycles. This will permit storage of 56 cycles for residents and 8 for visitors, which is acceptable.

The application proposes two internal waste stores. These must be independently ventilated with 1.5m wide doors. Whilst the stores are at the front of the building, the maximum distance that Bristol Waste operatives can manoeuvre 1,100ltr bins is 5m and for 180ltr 15m. As a result the bins will need to be left on the footway for collection and be brought in as soon as they have been emptied. An indicative location for this has been shown on the site plan submitted which is acceptable.

The Construction Management Plan submitted is acceptable. A Temporary Traffic Regulation Order (£1,860) will be required as well as a Hoarding Licence and a Section 178 Mobile Crane Licence.

Transport Development Management considers the application acceptable and does not pose any highway safety concerns.'

**Bristol City Council Air Quality** has commented as follows:-

Initial comments:

'The application site is located within an Air Quality Management Area (AQMA) which suffers from particularly high concentrations of air pollution. The technical note prepared by Entran (dated 12 October 2017) demonstrates that the proposed development would result in the creation of a street canyon, which would result in an increase in harmful air pollution and this impact would be of substantial adverse significance according to the IAQM/EPUK planning guidance. This impact would be felt by both future residents of flats within the proposed development and existing residents within adjoining properties along Lower Ashley Road.'

Final comments:

'I have reviewed the most recent technical note from Air Quality Consultants (AQC) which assesses the impact of the scheme in relation to its effect in terms of creating or adding to the street canyon on this road and consequent effects on dispersion of pollutants.

The report was commissioned by the developer following a previous report by Entran on 12th October 2017 which found that the development would create a substantial adverse impact on air quality (nitrogen dioxide concentrations) at the facades of nearby properties. This impact is generated because the development "infills" a gap along Lower Ashley Road and worsens a "street canyon" which impedes dispersion of atmospheric pollutants.

The Entran note states that the model they used (ADMS) over - predicts the potential impact in these situations, but Entran did not provide any evidence for this assertion. The developer subsequently commissioned AQC to examine this issue in depth. AQC have commissioned Frazer Nash Consultancy (FNC) to conduct Computational Fluid Dynamic (CFD) modelling of the

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

development and its environs to produce a more technically robust assessment of the impact. The CFD modelling simulates a more detailed 3-dimensional representation of wind flow across a complex urban environment than is represented in the ADMS model.

The CFD modelling uses the three most frequent wind directions to predict concentrations at the façade of nearby properties. It concludes that while air quality is worsened under two of these wind directions, under the dominant wind direction it is improved. When the impact is averaged over the six years of meteorological data modelled, it is shown to be negligible.

The model does not take into account calm conditions where wind speed is less than 2 m/s for technical reasons. Under calm conditions dispersion would be poor regardless of the presence of the proposed development.

There are significant uncertainties associated with all dispersion modelling and these are referenced in the report. Nonetheless I believe the assessment is appropriate and as robust as is reasonably possible. The developer has shown that the impact on air quality is predicted to be negligible at the façade of nearby residential properties.

The developer contends that fixed shut windows are not necessary because the ventilation system will provide a positive pressure regardless of windows being open or not and therefore prevent ingress of polluted air. I am not in a position to judge whether this is possible or can be demonstrated with the proposed system, but I would suggest that the system is reviewed for efficacy by a relevant HVAC building regulation specialist and conditioned as part of the application. Subject to this being agreed I have no objection to the development on air quality grounds.'

**Bristol City Council Arboricultural Team** has commented as follows:-

'The line of road frontage trees on the adjacent lane of 31-45 Lower Ashley Road are protected by tree preservation order 941. The protection of these trees or those closest to the proposed access point needs to be addressed. This is likely to consist of a short section of protective fencing on the eastern boundary of the site at the drip line of the western tree in the group.

Only 2 trees have been identified on site, they are both paulownia tomentosa (Foxglove tree). This is an un-common species that provide sufficient amenity value to warrant a tree preservation order. The trees can be seen from Lower Ashley Road, Mary Carpenter Place, Gordon Road, Magdalene Place with more restricted views from London Road and Conduit Road. They are both mature specimen that contribute positively to the amenity of the area. The line of Norway maple immediately adjacent within the grounds of 31-45 Lower Ashley Road are already protected by TPO 941 and therefore the larger and less common Paulownia should be retained and a tree preservation order would be reasonable to enforce.

In light of the above I object to the proposed development given the unjustified loss of these 2 valuable trees. I have further comments/ conditions relating to the retained trees once we have concluded the best course of action regarding these trees.'

**Bristol City Council Urban Design** has commented as follows:-

'The principle of residential development on the site is supported and the general scale and massing of the proposals are considered generally acceptable. The setback building line, to provide some defensible space is supported.

It is unfortunate that the bulk of the ground floor street facing elevation is given over to bin stores and car parking access. Where accommodation is located along this frontage, these are primarily bed rooms which will not offer an appropriate level of natural surveillance.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

The widening of the lane to support pedestrian access along this route is supported. However it seems a missed opportunity to not provide any windows onto this route. From the internal layout it would appear possible to introduce windows to the main living areas, particularly along the elevation to unit B1, which benefits from a boundary treatment providing some buffer space to the lane.

The orientation of the site is somewhat of a constraint, which together with the 'double stacked' apartment layout results in a number of units with a single north facing aspect which is unacceptable.

The general approach to the elevations and material treatment is acceptable, subject to large scale details and samples of materials. Of particular concern are the proposed tile to the mansard roof and metal cladding. Clarification of these materials would be beneficial at application stage.'

**Bristol City Council Contaminated Land Environmental Protection** has commented as follows:-

'We have reviewed the planning application, which is sensitive to contamination and considered the report submitted since 2004.

The site was subject to remediation following the discovery of hydrocarbons leaking into the underlying bedrock below, this involved the removal of some 900 tonnes of impacted material. It is estimated approximately 90% was successfully removed with potential issues on the site boundaries remaining (although these will have degraded somewhat over the past 13 years). The report itself recommends construction specific risk assessments are undertaken to determine engineering protection measures with respect to vapour inhalation.

Since the time of the works being undertaken generic assessment criteria and testing methods have changed.

Given the historical issues, recommendations made by SLR and the design of the current application it is recommended planning conditions to facilitate a current risk assessment and further remedial works (if applicable) are afforded to any future planning consent. We recommend an amended B11 condition (as below) and standard conditions B12 B13 and C1.'

**Bristol City Council Pollution Control** has commented as follows:-

'The site is on Lower Ashley Road and I would want to see that the building is properly insulated against traffic noise. I would therefore ask for a condition to be attached to any approval requiring the submission of a Noise Sensitive Premises Assessment and scheme of noise insulation measures for all residential accommodation.'

I've also taken a look at the proposed ventilation system and confirm that in principle this is acceptable so that it would cause no harm to future and existing residents in the area with regards to noise and disturbance. The typical apartment plan shows that the fresh air and exhaust air ducts will have attenuators but I can't see any details of the attenuators to be used but also would not expect such full details at this stage. Further detail can be secured via condition, within the Noise Sensitive Premises Assessment.'

**Bristol City Council Nature Conservation Officer** has commented as follows:-

'This site consists of hard standing. The proposed flats have the potential to provide habitat for swifts; this should be secured via condition. In accordance with Policy DM29 in the Local Plan, the provision of living (green/brown) roofs is also recommended to provide habitat for wildlife.'

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

**Bristol City Council Flood Risk Manager** has commented as follows:-

'The submitted SUDS strategy is quite brief for a Major development but the general approach is acceptable and deliverable so provided our standard pre commencement drainage condition is applied should planning permission be granted we have no objection'

**RELEVANT POLICIES**

Planning Obligations - Supplementary Planning Document - Adopted 27 Sept 2012

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) PRINCIPLE OF DEVELOPMENT**

The site has no designation under the provisions of the Site Allocations and Development Management Policies (2014) and its historic use as a petrol filling station does not fall into any use class (Sui Generis). It is recognised that the site has been derelict and vacant for a number of years.

Government policy in the National Planning Policy Framework (2012) promotes more sustainable patterns of development, including development on previously developed land. Bristol Core Strategy Policy BCS3 also states that new development will be encouraged in the built-up area of Bristol's Inner East, where the emphasis will be on ensuring a mix of new housing to meet the local needs. Policy BCS5 in the same document also aims to deliver new homes within the built up area of the city to contribute towards accommodating a growing number of people and households, and specifically states that the development of new homes will primarily be on previously developed sites across the city. Policy BCS20 encourages the efficient use of land, but in doing so acknowledges the need to achieve high quality well designed environments, and the need for development to be informed by local context, accessibility and the characteristics of the site. This is furthered by policy BCS21.

There is subsequently no objection to the principle of constructing new residential accommodation as the land has already been developed. The local area is also predominantly residential in character and is located in a very sustainable area close to range of services and amenities within walking distance.

The site is also located within the Ashley Road/Grosvenor Road Local Retail Centre, however is currently vacant, and therefore there will be no loss of existing retail floorspace in the local centre. Further, Policy BCS7 states that local centres should be the focus of higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking. The proposal is considered to be acceptable within the local centre in this respect.

Notwithstanding the above policy background, the change of use of the site to residential has been established by previous planning applications (most recently 06/04539/F) where residential use was

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

considered to be acceptable, bearing in mind the sustainable location of the site and the surrounding residential context.

The principle of development is subsequently considered acceptable in this instance.

**(B) MIXED AND BALANCED COMMUNITY ISSUE**

Section 6 of the NPPF reflects the need to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Policy BSC18 of the adopted Core Strategy reflects this guidance and states that "all new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities", with reference to the evidence provided by the Strategic Housing Market Assessment, also notes that 'developments should contribute to a mix of housing types and avoid excessive concentrations of one particular type'. The policy wording states that development 'should aim to' contribute to the diversity of housing in the local area and help to redress any housing imbalance that exists.

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

Analysis of the city's general housing needs and demands has identified a number of indicative requirements for each of 6 city zones. The zones reflect sub-market areas used in the Strategic Housing Market Assessment (SHMA). The intention is to provide a strategic steer for all sizes of residential scheme within each zone. A local area-based assessment is required to assess the development's contribution to housing mix as a smaller scale will not provide a proper understanding of the mix of that area; a larger scale may conceal localised housing imbalances. As a guide the neighbourhood is defined as an area equivalent to the size of a Census Lower Level Super Output Area (average of 1,500 residents).

The application site is located within the St Agnes LSOA within the Ashley Ward. An up-to-date picture of the proportion of different residential accommodation types in the LSOA can be obtained by assessing the 2011 Census data. The St Agnes (LSOA) has a proportion of flats to houses at 33% flats and 67% houses.

Overall, the above census data would lead to the conclusion that in this instance, there is an imbalance between flats and houses within the LSOA and that there is more of a need for smaller accommodation as opposed to larger family units. The proposal to construct a building containing 37 flats is therefore considered acceptable in relation to the creation of a mixed and balanced community in this instance. However this is subject to the development achieving acceptable standard in terms of the living accommodation provided and overall design. These matters are set out further below.

**(C) WOULD THE PROPOSAL BE ACCEPTABLE IN DESIGN TERMS?**

Bristol Core Strategy Policy BCS21 (2011) advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development. The supporting text of the policy states that

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

development should be arranged in a coherent manner that makes efficient use of land and infrastructure. This will be best achieved by integrating with existing streets, public spaces and development edges and by configuring buildings to create clearly defined public/active fronts and private/passive backs.

Policy DM27 in the Site Allocations and Development Management Policies (2014) expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. Policy DM26 in the Site Allocations and Development Management Policies (2014) expands upon BCS21 by outlining the criteria against which a development's response to local character and distinctiveness will be assessed. Development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions. Policy DM27 in the same document expresses that the layout, form, pattern and arrangement of streets, buildings and landscapes should contribute towards to creation of quality urban space and that the height, scale and massing of development should be appropriate to the immediate context, site constraints, character of adjoining streets and spaces and setting. This policy further states that the layout and form of development, including the size, shape, form and configuration of blocks and plots, will be expected to enable active frontages to the public realm and natural surveillance over all publicly accessible spaces.

Policy DM29 further states that new buildings should be designed to a high standard of quality, responding appropriately to their importance and reflecting their function and role in relation to the public realm. This policy further states that proposals for new buildings should incorporate active frontages and that new residential development should provide dual aspect where possible, particularly where one of the aspects is north-facing. Proposals for new buildings will also be expected to provide appropriate natural surveillance of all external spaces

The application site is currently vacant and is considered to detract from the character and appearance of the area and streetscene. The redevelopment of the site is subsequently supported in design terms in principle.

The proposed new building (which will contain 37 separate flats) will be four storeys in height. Following consultation, the Council's Urban Design team confirmed that the general scale and massing of the proposed development is acceptable given the site context, and that the setback building line to provide some defensible space is also acceptable. The general approach to the elevations (apart from the ground floor frontage as set out below) and overall material treatment is further considered to be acceptable and of a suitable quality, subject to the submission of large scale details and samples of materials which could be secured via condition if an approval was forthcoming.

However, the Council's Urban Design Team raised concerns that the 'double stacked' design and apartment layout will result in a number of units with a single north facing aspect (38% of units) which does not represent good design or an acceptable living environment for future occupants. Given the layout of the plot and site context, it is considered that a higher proportion of dual aspect units could reasonably be accommodated on site. It is considered that good design principles must be utilised and that there is no reason why a higher proportion of dual aspect units could not reasonably be delivered on this site. Ultimately it is not considered acceptable that 38% of new residential units in this development should be entirely single aspect and north facing especially given that this scheme is for the total redevelopment of the site incorporating the erection of a new, modern building rather than a conversion of an existing building.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

The applicant was advised during the course of the application process by the Case Officer to look towards amending the scheme (to reconfigure access cores and internal corridors) to provide more dual aspect units however regrettably revised plans addressing these concerns were not forthcoming.

In addition, due to the overall design and layout of the development the majority of the ground floor street facing elevation will be occupied by bin stores and car parking access, resulting in a blank unrelieved frontage at pedestrian level. This further highlights the overall poor design approach to this development as this will not represent an active frontage to the public realm or provide any natural surveillance of the street.

It is therefore concluded that the development as a whole represents an over intensive form of development and poor quality design approach which has directly manifested in a significant number of single aspect units (the majority of which will be north facing) and a poor quality street facing frontage at ground floor level. The application is therefore considered unacceptable on this basis as the applicant has chosen not to undertake the design solutions put forward by the LPA.

The above notwithstanding, following Case Officer advice, the scheme has however been amended so the access lane running down the side of the building to the east of the site will be of an increased width so to not result in an intimidating and unsafe environment for users (these concerns were also raised by the Avon and Somerset Constabulary Crime Reduction Unit).

**(D) DOES THE PROPOSAL PROVIDE A SATISFACTORY LEVEL OF RESIDENTIAL ACCOMMODATION?**

Policy BCS21 of the Core Strategy (2011) requires that new development safeguards the amenity of existing development and create a high-quality environment for future occupants. Policy DM27 in the Site Allocations and Development Management Policies (2014) expects that new development will enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight and enable the provision of adequate appropriate and usable private amenity space, defensible space parking and servicing where necessary. Policy DM29 in the same document further states that new development should ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight and that new residential development should be dual aspect where possible, particularly where one of the aspects is north facing.

The adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The Core Strategy states that building to suitable space standards will ensure new homes provide sufficient space for everyday activities. Under the 2015 Housing Standards Review a new nationally described space standard was introduced and in March 2015 a written ministerial statement to parliament confirmed that from 1 October 2015 existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

The proposal will construct a new building containing 37.no flats of the following specification:

- A1 (3bed, 4 people) 78 square metres (single aspect, north facing)
- A2 (3bed, 4 people) 82 square metres (dual aspect)
- A3 (1bed, 2 people) 54 square metres (single aspect, south facing)
- A4 (2bed, 4 people) 75 square metres (single aspect, north facing)
- A5 (1bed, 2 people) 50 square metres (single aspect, north facing)
- A6 (2bed, 4 people) 69 square metres (dual aspect)
- A7 (1bed, 3 people) 53 square metres (single aspect, south facing)
- B1 (1bed, 2 people) 51 square metres (dual aspect)

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

- B2 (2bed, 3 people) 61 square metres (dual aspect)
- B3 (2bed, 3 people) 61 square metres (single aspect, north facing)
- B4 (1bed, 2 people) 51 square metres (dual aspect)
- B5 (2bed, 3 people) 61 square metres (dual aspect)
- B6 (2bed, 3 people) 61 square metres (single aspect, north facing)
- B7 (2bed, 3 people) 64 square metres (single aspect, north facing)
- B8 (1bed, 2 people) 57 square metres (single aspect, south facing)
- B9 (1bed, 2 people) 50 square metres (single aspect, south facing)
- B10 (1bed, 2 people) 51 square metres (dual aspect)
- B11 (2bed, 3 people) 64 square metres (dual aspect)
- B12 (2bed, 3 people) 61 square metres (single aspect, north facing)
- B13 (2bed, 3 people) 64 square metres (single aspect, north facing)
- B14 (2bed, 4 people) 75 square metres (single aspect, north facing)
- B15 (1bed, 2 people) 50 square metres (single aspect, north facing)
- B16 (2bed, 4 people) 72 square metres (dual aspect)
- B17 (1bed, 2 people) 52 square metres (single aspect, south facing)
- B18 (1bed, 2 people) 50 square metres (single aspect, south facing)
- B19 (1bed, 2 people) 50 square metres (single aspect, south facing)
- B20 (1bed, 2 people) 50 square metres (single aspect, south facing)
- B21 (1bed, 2 people) 50 square metres (dual aspect)
- B22 (1bed, 2 people) 50 square metres (dual aspect)
- B23 (2bed, 3 people) 61 square metres (single aspect, north facing)
- B24 (2bed, 3 people) 61 square metres (single aspect, north facing)
- B25 (2bed, 4 people) 72 square metres (single aspect, north facing)
- B26 (1bed, 2 people) 50 square metres (single aspect, north facing)
- B27 (1bed, 2 people) 56 square metres (dual aspect)
- B28 (1bed, 2 people) 53 square metres (single aspect, south facing)
- B29 (2bed, 4 people) 70 square metres (single aspect, south facing)
- B30 (2bed, 4 people) 73 square metres (single aspect, south facing)

The majority of units (25 in total - 68% of the total number of units within the development) would be entirely single aspect, with the majority of these units (14 in total - 38% of the total number of units within the development) facing north. Given solar orientation north facing elevations in the northern hemisphere receive little sun and offer occupants limited light penetration, outlook and cross ventilation. Subsequently north facing, single aspect residential units are in principle resisted by the Local Planning Authority, as set out in Policy DM29 which states that new residential development should be dual aspect where possible, particularly where one of the aspects is north facing. This is echoed in BRE (Building Research Establishment) guidance BR209 (Site layout planning for daylight and sunlight: A guide to good practice) which states that north facing units should be minimised.

As set out in the previous key issues, given the layout of the plot and site context it is considered that good design principles must be utilised and that there is no reason why a higher proportion of dual aspect units could not reasonably be delivered on this site. Ultimately it is not considered acceptable that 38% of new residential units in this development should be entirely single aspect and north facing especially given that this is a total redevelopment of the site incorporating the erection of a new, modern building rather than a conversion of an existing building.

Following the above, it is considered that the proposal as a whole represents an overdevelopment of the site, which has resulted in such a significant number/percentage of single aspect units, the majority of which will be north facing. Consequently the application would represent an over-intensive form of development, which would fail to provide a high-quality, adaptable and acceptable living environment for future occupants. The application is subsequently recommended for refusal on this basis.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

In accordance with Core Strategy Policy BCS18 and national guidance, the required minimum gross internal floor areas for residential units is as follows:

- 1bed, 2persons = 50 square metres
- 2bed, 3persons = 61 square metres
- 2bed, 4persons = 70 square metres
- 3bed, 4persons = 74 square metres

Following the above, it is considered that every residential unit would (on balance) meet the required internal space standards to comply with national guidance. However, as a whole it is considered that the proposal represents poor quality design and an overdevelopment of the plot, which will subsequently result in the creation of sub-standard residential accommodation for future occupiers as noted above.

**(E) IMPACT ON THE AMENITY OF SURROUNDING PROPERTIES**

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

The proposed development would be sited in close proximity to the boundary with the adjacent site No. 31-45 Lower Ashley Road to the east, which has received outline planning permission (15/05530/P) for the construction of a four storey mixed used development, comprising office areas to the ground floor and student accommodation above. The adjoining scheme hasn't yet been developed however the scheme could still be progressed with applications for the approval of reserved matters valid up to February 2019. It is evident by looking at the plans that the adjacent development proposed in this instance will be sited approximately 5 metres away. Both developments however will be of a similar size and scale, and therefore no harmful overshadowing will arise nor will an overbearing sense of enclosure be created. Further, whilst the proposed development will include windows to the side (east) elevation the approved development at No. 31-45 Lower Ashley Road contains no side facing windows to habitable residential areas, and therefore it can be concluded that no harmful overlooking will arise between properties.

The closest property to the rear of the development at Mary Carpenter Place will be sited approximately 27 metres away, which is considered a suitable distance so that no harmful overlooking, overshadowing or overbearing will occur. Similarly, the terraced properties located on the opposite side of Lower Ashley Road will be sited approximately 18 metres away which is considered a suitable distance to prevent any harmful overlooking.

However, the proposed development would be sited in very close proximity to the boundary with the adjacent property No.15 Lower Ashley Road to the west, which is a two storey end of terrace building. This property contains a hot food takeaway at ground floor level however it is evident that there is residential accommodation above. Whilst this neighbouring property contains no side facing windows it does include windows to habitable rooms to the rear elevation at first floor level which will be sited in very close proximity to the proposed development (approximately 5 metres away). These windows appear to be the only source of natural light to the rear elevation of the residential accommodation.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

Following a Case Officer request the applicant provided a solar study to demonstrate the impact of the proposed development on this residential unit. This solar study indicates that the proposed development would overshadow the rear windows of No.15 Lower Ashley Road during the spring, and autumn months for the majority of the morning. During the summer months the development would also result in some additional overshadowing during the morning. Whilst the solar study shows the No.15 is already overshadowed somewhat during the winter months it also indicates that the proposed development would result in increased overshadowing throughout the day. Further to the above overshadowing impact it is also considered that the proposed development, by virtue of the considerable scale and siting in close proximity to No.15 would result in a harmful overbearing impact on the rear habitable room windows, which when combined with the overshadowing impact would result in harm to the amenity of existing neighbouring occupiers.

Following the above, it is concluded that the proposed development as a whole represents an overdevelopment of the plot and by virtue of its significant height, bulk, massing, siting and overall design in close proximity to neighbouring property No.15 Lower Ashley Road would result in a detrimental overbearing and overshadowing impact on this property to the detriment of residential amenity. The application is considered unacceptable on this basis.

In relation to noise and disturbance, the Council's Pollution Control Team confirmed that the surrounding area experiences a high level of noise given the busy main road setting. However, subject to the submission of a detailed acoustic report and scheme of noise insulation measures for the residential accommodation (which could be secured via condition) no objections were raised. The Council's Pollution Control Team also confirmed that the increase in the number of residents in this location would not be significant enough to cause any harm to surrounding residential properties by reason of noise and disturbance, and that the proposed ventilation system would cause no harm to the amenity of future occupants on noise grounds.

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

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

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

Two existing trees have been identified for removal on site, both of which are identified as Category B trees within the submitted Arboricultural Impact Assessment. Being Category B trees they are considered to be of moderate quality and are capable of making a significant contribution to the area for 20 or more years. Both trees are paulownia tomentosa (Foxglove tree). The Council's Arboricultural Officer confirmed that this is an un-common species, and advised that these trees provide sufficient amenity to warrant tree preservation order (TPO) protection. The trees can be seen from Lower Ashley Road, Mary Carpenter Place, Gordon Road, Magdalene Place with more

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

restricted views from London Road and Conduit Road. They are both mature specimen that contribute positively to the amenity of the area. It is recognised that the line of Norway maple immediately adjacent within the grounds of 31-45 Lower Ashley Road are already protected by TPO 94, and therefore it would be reasonable to also seek TPO protection for the larger and less common paulownia within the application site.

Given the above, the Council's Arboricultural Officer objected to the loss of these rare and high quality trees on site. The applicant has confirmed that they would be willing to mitigate the loss of these trees via on-site replacement planting and off-site planting secured via financial contribution (6 on-site, 6 off-site). This would be in accordance with the Bristol Tree Replacement Standard. Whilst this on balance could be acceptable if a high quality development was forthcoming at the site to achieve the policy aims of the Core Strategy and appropriate mitigation was agreed, in this instance given the absence of an acceptable scheme and mitigation (either on site replacement planting or agreed financial contribution in accordance with the Bristol Tree Replacement Standard) the loss of the existing mature trees on site is unjustified. The application is subsequently considered to be unacceptable on this basis.

**(G) HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES**

Policy BCS10 in Bristol Core Strategy (2011) advocates that new development should be designed and located to ensure the provision of safe streets. Policy DM23 in the Site Allocations and Development Management Policies (2014) states that development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access.

The application has been reviewed by the Council's Transport Development Management, and following the submission of revised plans and additional detail is considered to be acceptable.

A Transport Statement was submitted as part of the application which sets out the sites sustainable location due to its proximity to a bus route on Sussex Place/Ashley Road and the availability of on-site parking and cycle storage. To support the provision of 15 car parking spaces a parking survey was also carried out; whilst this does not confirm to the standard methodology required it does confirm that even at the busiest peak times there are parking spaces available within a moderate walk of the site, which is acceptable. The submitted Travel Plan Statement is also considered to be acceptable.

The proposed alterations to the highway, proposed new parking and new access arrangements are considered acceptable (A Section 278 Agreement would be required to undertake these works as well as a Section 171 Licence). The site plan submitted proposes to alter the existing waiting restrictions in the form of double yellow lines by removing them in front of the proposed dual parking bays and extending them either side of the proposed access point. Whilst this is acceptable, the cost of these measures and the associated Traffic Regulation Order would need to be met by the applicant.

The application proposes to widen the existing lane that offers a pedestrian/cycle link from Gordon Road through to Lower Ashley Road that measure's between 2.475m to 2.850m. This is acceptable providing the additional part is constructed to meet Bristol City Councils Engineering Standard Details and the route is appropriately signposted.

The site plan submitted proposes a 4.1m wide access point to enable 2 vehicles to pass each other. This will be set back 8m from the edge of the carriageway, which is sufficient to allow a vehicle to be able to fully pull clear of the adopted highway and avoid it becoming an obstruction to oncoming traffic. It will feature a gate and 45 degree visibility splays, all of which are acceptable. Swept path analysis has also been provided for the two spaces at the far end of the car park to demonstrate that vehicles can safely and easily use them.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

The application proposes 15 parking spaces of which one will be for disabled people and three will include Electric Vehicle Charging Points, as well as one space for motorcycles which is acceptable. In respect of cycle storage the site plan submitted proposes four fully enclosed stores that will be able to accommodate 64 cycles. This will permit storage of 56 cycles for residents and 8 for visitors, which is acceptable. Sufficient waste storage facilities will also be provided.

**(H) SUSTAINABILITY AND CLIMATE CHANGE**

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

The applicant has demonstrated that the proposed development will meet the 20% reduction in emissions through the use of solar panels on the roof of the building. The proposal also involves sustainable drainage systems, incorporating increased permeable area of site through provision garden area and permeable paving. The application is subsequently considered acceptable on this basis and if permission were forthcoming this would be secured by condition.

**(I) AIR QUALITY**

Policy BCS23 in the Core Strategy (2011) states that development should be sited and designed in a way as to avoid adversely impacting upon the amenity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light and other forms of pollution. In locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution. Policy DM14 in the Site Allocations and Development Management Policies (2014) also states that developments that will have an unacceptable impact on health and wellbeing will not be permitted.

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

Air Quality Management Areas are defined where local concentrations of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) exceed national targets. There is currently one designated Air Quality Management Area within Bristol, which covers the central area and major roads into the city centre.

Following consultation, the Council's Air Quality Team confirmed that the application site is located within an Air Quality Management Area (AQMA) which suffers from particularly high concentrations of air pollution, given the location adjacent a busy main road and motorway (M32). Initial concerns were raised by the Council's Air Quality Team that the modelling within the Air Quality Assessment (AQA) submitted by the applicant failed to take into account a number of factors and failed to address the issue of whether the proposed development would create a street canyon which would

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

exacerbate pollution along Lower Ashley Road. Further detail submitted by the applicant in the form of technical note from Entran (dated 12 October 2017) then demonstrated that the proposed development would result in the creation of a street canyon, which would result in an increase in harmful air pollution and this impact would be of substantial adverse significance according to the IAQM/EPUK planning guidance. This impact would be felt by both future residents of flats within the proposed development and existing residents within adjoining properties along Lower Ashley Road. The Council's Air Quality Team subsequently objected to the proposed development based on the information provided.

Following this, the applicant provided a further technical note from Air Quality Consultants (AQC) which assesses the impact of the scheme in relation to its effect in terms of creating or adding to the street canyon on this road and consequent effects on dispersion of pollutants. The report was commissioned by the developer following the previous technical note from Entran (dated 12 October 2017) which found that the development would create a substantial adverse impact on air quality (nitrogen dioxide concentrations) at the facades of nearby properties due to the development 'infilling' a gap along Lower Ashley Road which worsens a 'street canyon' which impedes dispersion of atmospheric pollutants. The Entran note stated that the model they used (ADMS) over-predicts the potential impact in these situations, but Entran did not provide any evidence for this assertion. The developer subsequently commissioned AQC to examine this issue in depth. AQC commissioned Frazer Nash Consultancy (FNC) to conduct Computational Fluid Dynamic (CFD) modelling of the development and its environs to produce a more technically robust assessment of the impact. The CFD modelling simulates a more detailed 3-dimensional representation of wind flow across a complex urban environment than is represented in the ADMS model.

The Council's Air Quality Team confirmed that the CFD modelling uses the three most frequent wind directions to predict concentrations at the façade of nearby properties. It concludes that while air quality is worsened under two of these wind directions, under the dominant wind direction it is improved. When the impact is averaged over the six years of meteorological data modelled, it is shown to be negligible. It is recognised that the model does not take into account calm conditions where wind speed is less than 2 m/s for technical reasons, however the Council's Air Quality Team confirmed that under calm conditions dispersion would be poor regardless of the presence of the proposed development.

It is accepted that there are significant uncertainties associated with all dispersion modelling and these are referenced in the report. Nonetheless the Council's Air Quality Team concluded that the assessment is appropriate and as robust as is reasonably possible. The technical note from Air Quality Consultants (AQC) demonstrates that the impact on air quality is predicted to be negligible at the façade of nearby residential properties.

The developer contends that fixed shut windows are not necessary because the ventilation system will provide a positive pressure regardless of windows being open or not and therefore prevent ingress of polluted air. Following consultation, the Council's Building Control Team confirmed that the proposed ventilation system appears to include sufficient filters to remove outside pollutants. Any ventilation system in itself would further be designed and commissioned by a suitable qualified engineer in accordance with the domestic ventilation compliance guide and this would be secured by conditions if permission were to be forthcoming. Following the above, the application is considered acceptable in air quality terms.

**(J) FLOOD RISK**

Following the submission of a Sustainable Urban Drainage (SuDS) statement the Council's Flood Risk Team raised no objection to the proposal, however advised further detail would be required via condition if an approval was forthcoming.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA****(K) DOES THE PROPOSAL GIVE RISE TO ANY CONTAMINATION ISSUES?**

The application site was subject to remediation following the discovery of hydrocarbons leaking into the underlying bedrock below; this involved the removal of some 900 tonnes of impacted material. It is estimated approximately 90% was successfully removed with potential issues on the site boundaries remaining (although these will have degraded somewhat over the past 13 years). The submitted report itself recommends construction specific risk assessments are undertaken to determine engineering protection measures with respect to vapour inhalation.

Since the time of the works being undertaken generic assessment criteria and testing methods have changed. Given the historical issues, recommendations made by SLR and the design of the current application it is recommended planning conditions to facilitate a current risk assessment and further remedial works (if applicable) are afforded to any future planning permission if an approval was forthcoming.

**(L) DOES THE PROPOSAL RAISE ANY ECOLOGY ISSUES?**

The Council's Nature Conservation Officer raised no objections to the proposal, however advised swift boxes and living roofs should be secured via condition, should an approval be forthcoming.

**(M) PLANNING OBLIGATIONS: AFFORDABLE HOUSING**

The Bristol City Council Affordable Housing Practice Note (approved 6 March 2018) introduced a 'threshold' approach to provide developers with a fast track route for processing of planning applications if they are prepared to offer at least 20% on-site affordable housing on sites located in Bristol's Inner East Zone. To take advantage of this, developers must start work on schemes within 18 months of planning consent being granted, if an approval were forthcoming.

The Practice Note also states that where an applicant has agreed to meet the threshold proportion of 20% affordable housing, the Council may consider alternative forms of affordable tenure other than 77% social rent and 23% intermediate as normally required. In this instance the applicant proposes to deliver 20% Affordable Rental tenure, subject to containment within LHA levels, including service charge. This equates to 7 residential units contained within Block A.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80 per cent of the local market rent (including service charges, where applicable). It should be noted that this is different to Social Rent, where the guideline target rents are determined through the national rent regime.

The Council's Affordable Housing team has confirmed that the proposed affordable housing offer (20% of units will be Affordable rented housing) is acceptable in this instance as it is in accordance with the 'threshold' approach set out in the Council's revised Affordable Housing Practice Note (approved 6 March 2018).

**CONCLUSION**

Overall the LPA fully supports the principle of new residential accommodation at this site and the benefits of delivering affordable housing are fully recognised. However whilst the provision of new housing (including affordable housing) is welcomed in principle it is not considered that this should be to the detriment of existing residents, nor should any new residential accommodation be sub-standard.

**Development Control Committee A – 21 June 2018****Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

The basis for the objection to the current proposal is the significant adverse impact the proposed development would have on the amenity of adjoining property No.15 Lower Ashely Road with regards to overshadowing and overbearing. Furthermore, it is considered that the proposal as a whole represents an overdevelopment of the site, which has resulted in a significant number/percentage of single aspect units, the majority of which will be north facing (38% of the total number of units within the development will be single aspect and north facing). This does not represent good design, and instead represents an over-intensive form of development, which would fail to provide a high-quality, adaptable and acceptable living environment for future occupants.

As such, given these concerns, it is also considered that the current proposal is not of sufficient merit to outweigh the harm caused by the removal of two Category B trees from the site. The Council's Arboricultural Officer confirmed that the trees are an un-common species, and advised that these trees provide sufficient amenity value to warrant tree preservation order (TPO) protection.

As the proposal incorporates a virtually clear site and would be a totally new build development there is no reason why the building cannot be designed to address these important issues, however the applicant has chosen not to do this. For these reasons the application is thus recommended to Members for refusal.

**RECOMMENDED      REFUSED**

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

**Reason(s)**

1. The proposed development by virtue of the scale, bulk, form, massing, siting, layout, design and overall over intensive form of development in close proximity to existing neighbouring property No.15 Lower Ashely Road will result in harm to neighbouring residential amenity by means of overbearing and overshadowing. The application is therefore considered contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012).
2. The proposed development as a whole is considered to represent a poorly designed and detrimentally over intensive form of development by virtue of the creation of sub-standard living accommodation for future occupants given the significant proportion of single aspect north facing units, offering poor outlook and insufficient levels of natural daylight/sunlight and cross ventilation as well the lack of an active ground floor frontage which is harmful to the appearance of the development, the overall street scene as well as natural surveillance levels. The application is therefore considered contrary to Policies BCS18, BCS20 and BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012).
3. The development would result in the loss of two locally important, prominent and mature Category B trees (*paulownia tomentosa*) which due to their un-common nature, appearance and position contribute positively towards the character and appearance of the area and hold high visual amenity value. Insufficient mitigation (either on site replacement planting or financial contribution) in accordance with the Bristol Tree Replacement Standard has been agreed to justify and/or mitigate the loss of this existing important green infrastructure. The development is therefore contrary to Policies BCS9, BCS11 and BCS21 of the Bristol Development Framework Core Strategy (2011), Policies DM15, DM17, DM26, DM27 and DM29 of the Site Allocations and Development Management Policies (2014) as well as guidance contained within the NPPF (2012) and within the Planning Obligations SPD

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

**Application No. 17/01898/F : YardArts 17 - 29 Lower Ashley Road St Pauls Bristol BS2 9QA**

(Adopted 2012).

4. In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to provision adequate affordable housing to meet the city wide need for affordable housing, contrary to Policies BCS11 and BCS17 of the Bristol Core Strategy (2011), the Planning Obligations SPD (Adopted 2012) and guidance within the NPPF.

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

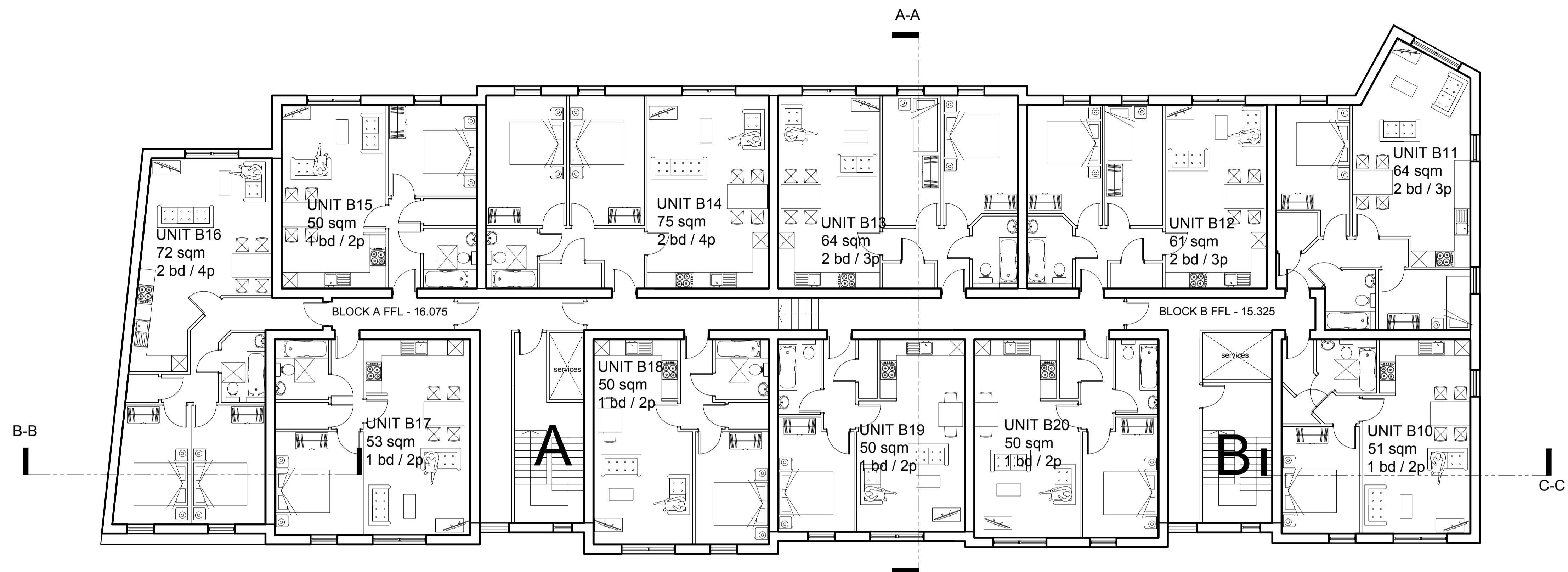
The plans that were formally considered as part of the above application are as follows:-

TR01 Swept Path Analysis of Proposed Parking Bays, received 22 June 2017  
LAR Proposed Permeable Areas, received 26 June 2017  
LAR Existing Permeable Areas, received 26 June 2017  
1997 01 Detailed Planting Proposals, received 25 July 2017  
1997 02 Landscape Specification, received 25 July 2017  
P101 H Proposed Ground Floor plan, received 21 March 2018  
P102 C Proposed First and Second Floor Plan, received 21 March 2018  
P103 C Proposed Third Floor and Roof Plan, received 21 March 2018  
P104 A Proposed Sections, received 21 March 2018  
P105 D Proposed Elevations, received 21 March 2018  
P106 D Proposed Elevations, received 21 March 2018  
S01 Existing Location Plan, received 19 April 2017  
S02 Existing Site Survey, received 19 April 2017  
S03 Existing Street Elevation, received 19 April 2017

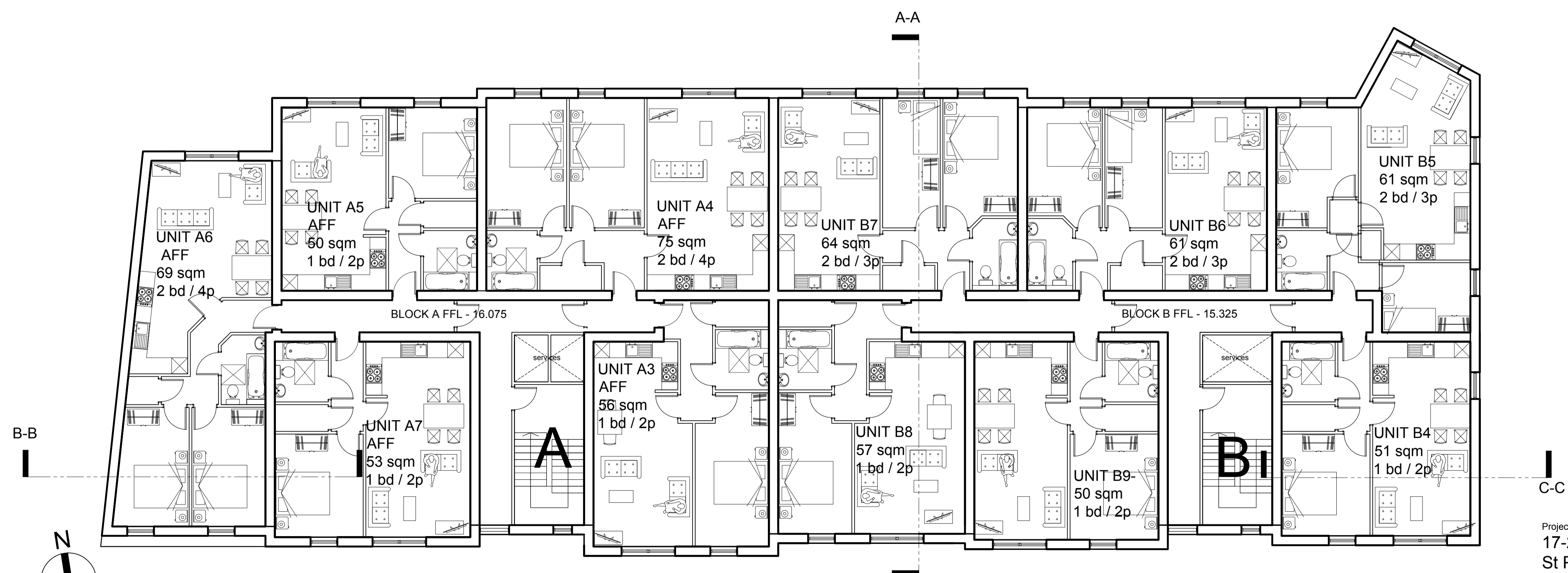
## Supporting Documents

### **4. YardArts, 17-29 Lower Ashley Road**

1. Proposed first & second floor plan
2. Proposed front & rear elevations
3. Proposed ground floor plan
4. Proposed sections
5. Proposed side elevations
6. Proposed third floor & roof plan
7. Solar study



SECOND FLOOR PLAN



FIRST FLOOR PLAN

16/03/2018	Amendment to flat numbering	LD	PCW	C
16/03/2018	Amendment to front external wall and units B14, B15, B18, B19, B20	LD	PCW	B
13/06/2017	FF and SF footprint amended to suit lane widening. Additional windows added to lane elevation	AP	PCW	A
Date	Revision	Drawn	Checked	Rev.

**ANGUS MEEK  
ARCHITECTS**

Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol  
Drawing Title  
First and Second Floor Plan  
Proposed

Date  
February 2017  
Drawn  
AB  
Checked  
PCW

0  
0 10 20 30 40mm

Scale  
1:100@A1

Cedar Yard, 290A Gloucester Road, Bristol, BS7 8PD  
T 0117 942 82 86 E architecture@angusmeek.co.uk

Project No.	Drawing No.	Rev.
2510	P 102	C

Not to be reproduced in part or whole, without consent. Any discrepancies to be reported to the architect. Contractors to verify all dimensions and sizes on site.

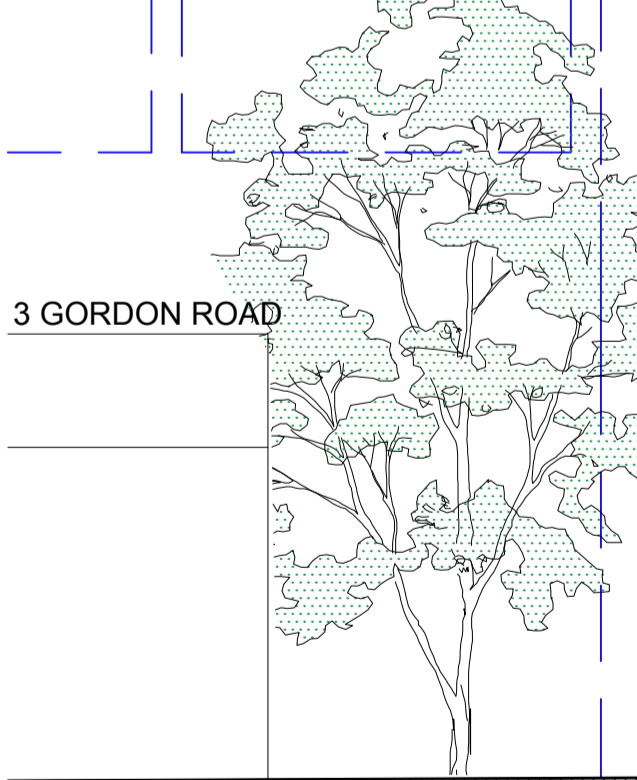


MATERIALS KEY:

FRONT ELEVATION

1. Feature pressed metal fascia - light grey
2. Facing brick
3. Horizontal Feature brick coursing detail
4. Off white lightly textured render
5. Dark Grey PPC aluminium windows with integral louvers where indicated
6. Galvanised railings
7. Glazed smoke extract louvres
8. Grey fibre cement panel - Eternit Equitone mid grey natural finish
9. Feature render panel
10. Pressed metal coping
11. Marley Eternit Rivendale Fibre Cement Slate

POTENTIAL DEVELOPMENT



BACK ELEVATION

16/03/2018	Amendments to external wall	LD	PCW	D
17/07/2017	Amendments to materials and window positions on ground floor	LD	PCW	C
13/06/2017	building narrowed to increase proposed lane widening. Windows added to lane for surveillance. Mansard added to western end and adjacent flat over restaurant elevation detail added	AP	PCW	B
31/03/2017	materials key updated	LD	PCW	A
Date	Revision	Drawn	Checked	Rev.

**ANGUS MEEK  
ARCHITECTS**

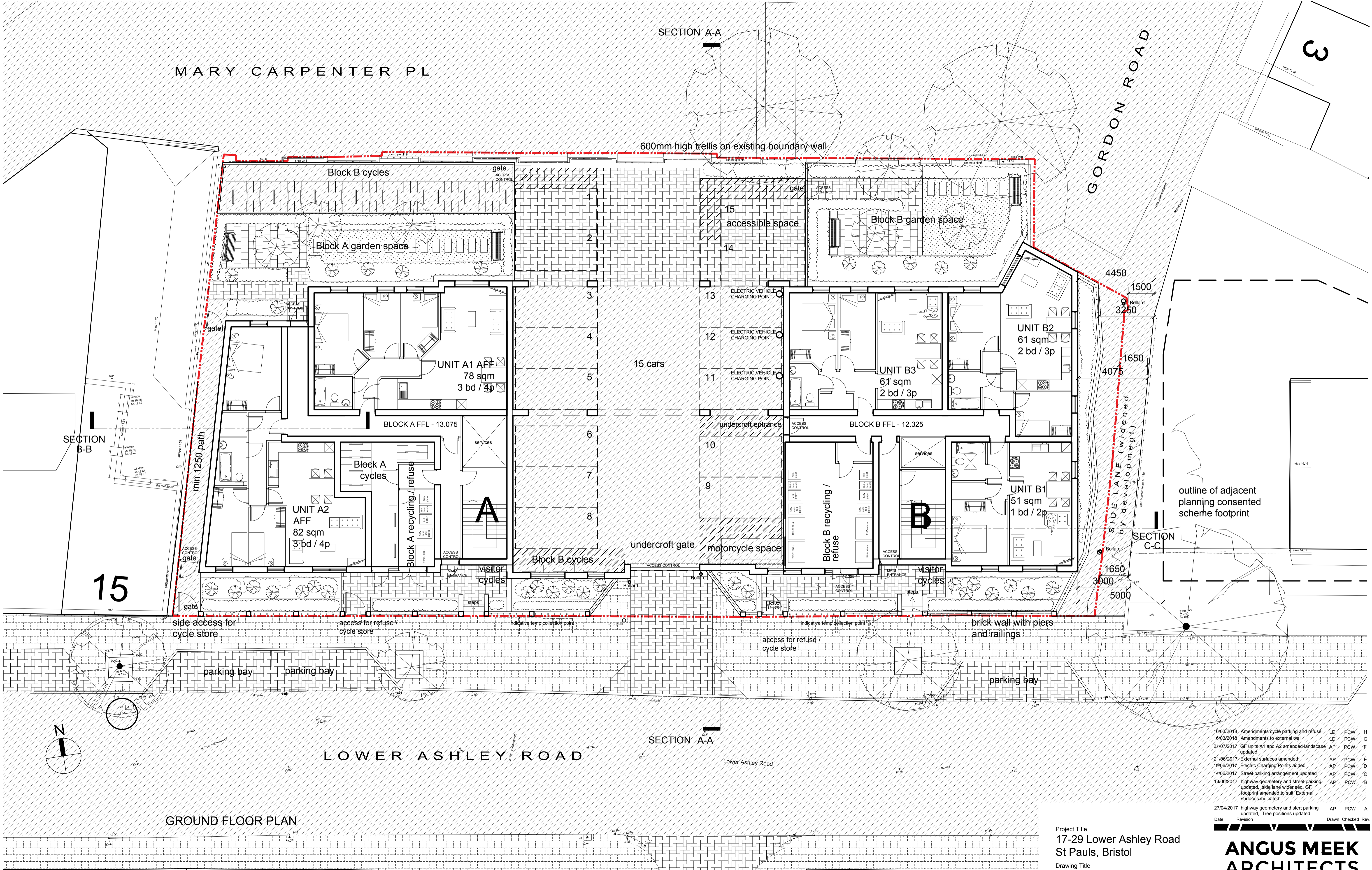
Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol  
Drawing Title  
Proposed Elevations

Date  
March 2017  
Drawn  
LD  
Checked  
PCW  
Scale  
1:100@A1

Cedar Yard, 290A Gloucester Road, Bristol, BS7 8PD  
T 0117 942 82 86 E architecture@angusmeek.co.uk

Project No. Drawing No. Rev.  
2510 P 105 D

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REFER TO LIZ LAKE LANDSCAPE LAYOUTS FOR DETAILED SOFT LANDSCAPING DESIGN AND SPECIFICATION

16

22

24

26

Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol

Drawing Title  
Ground Floor Plan  
Proposed

Date  
February 2017

Drawn  
AB

Checked  
PCW

Scale  
1:100@A1

Project No.  
2510

Drawing No.  
P 101

Rev.  
H

ANGUS MEEK ARCHITECTS

Cedar Yard, 290A Gloucester Road, Bristol, BS7 8PD  
T 0117 942 82 86 E architecture@angusmeek.co.uk

27/04/2017 highway geometry and start parking updated, Tree positions updated  
Date Revision Drawn Checked Rev.  
AP PCW A

16/03/2018 Amendments cycle parking and refuse updated, External Charging Points added  
LD PCW G

21/07/2017 GF units A1 and A2 amended landscape updated  
AP PCW F

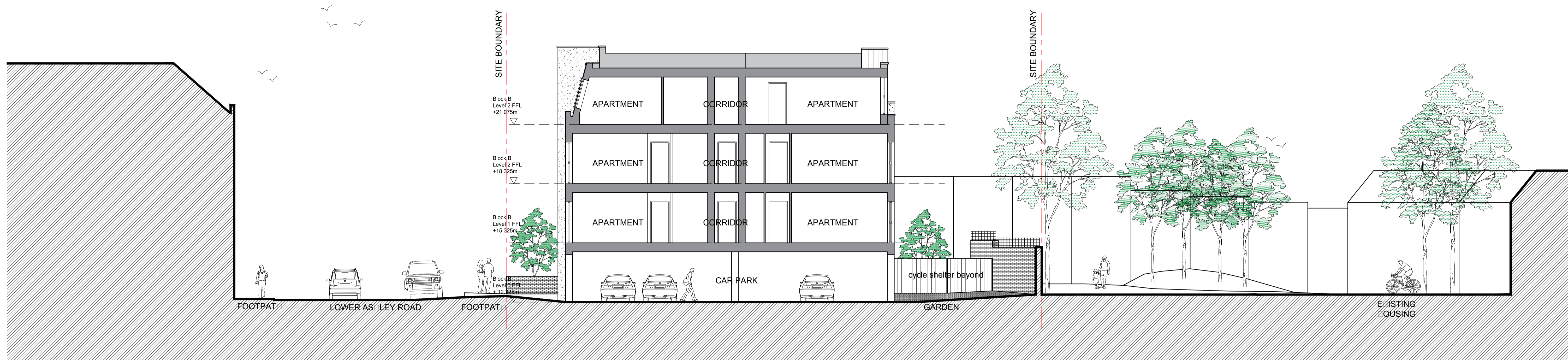
21/06/2017 External surfaces amended  
AP PCW E

19/06/2017 Electric Charging Points added  
AP PCW D

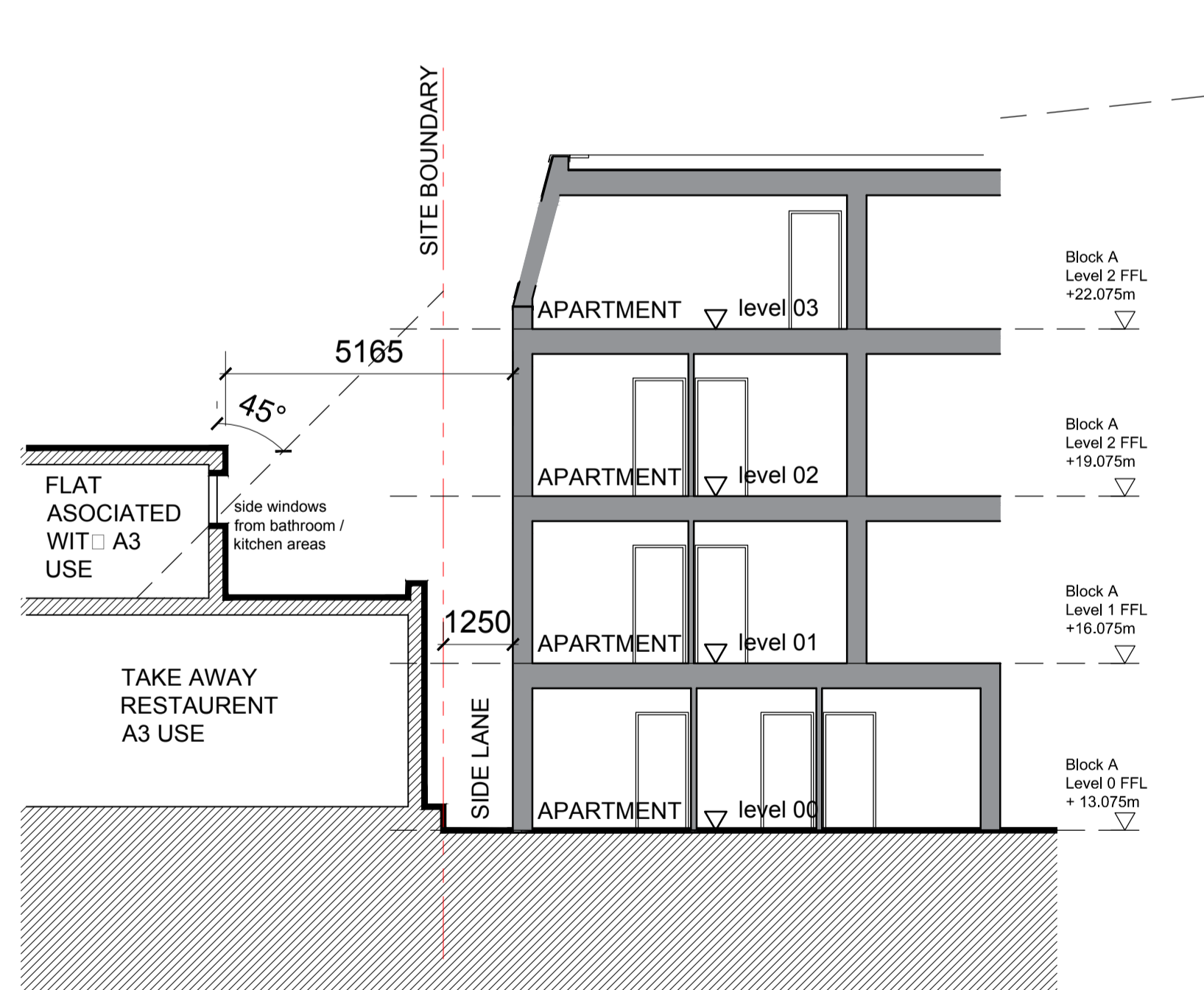
14/06/2017 Street parking arrangement updated  
AP PCW C

13/06/2017 highway geometry and street parking updated, side lane widened, GF footprint amended to suit. External surfaces indicated  
AP PCW B

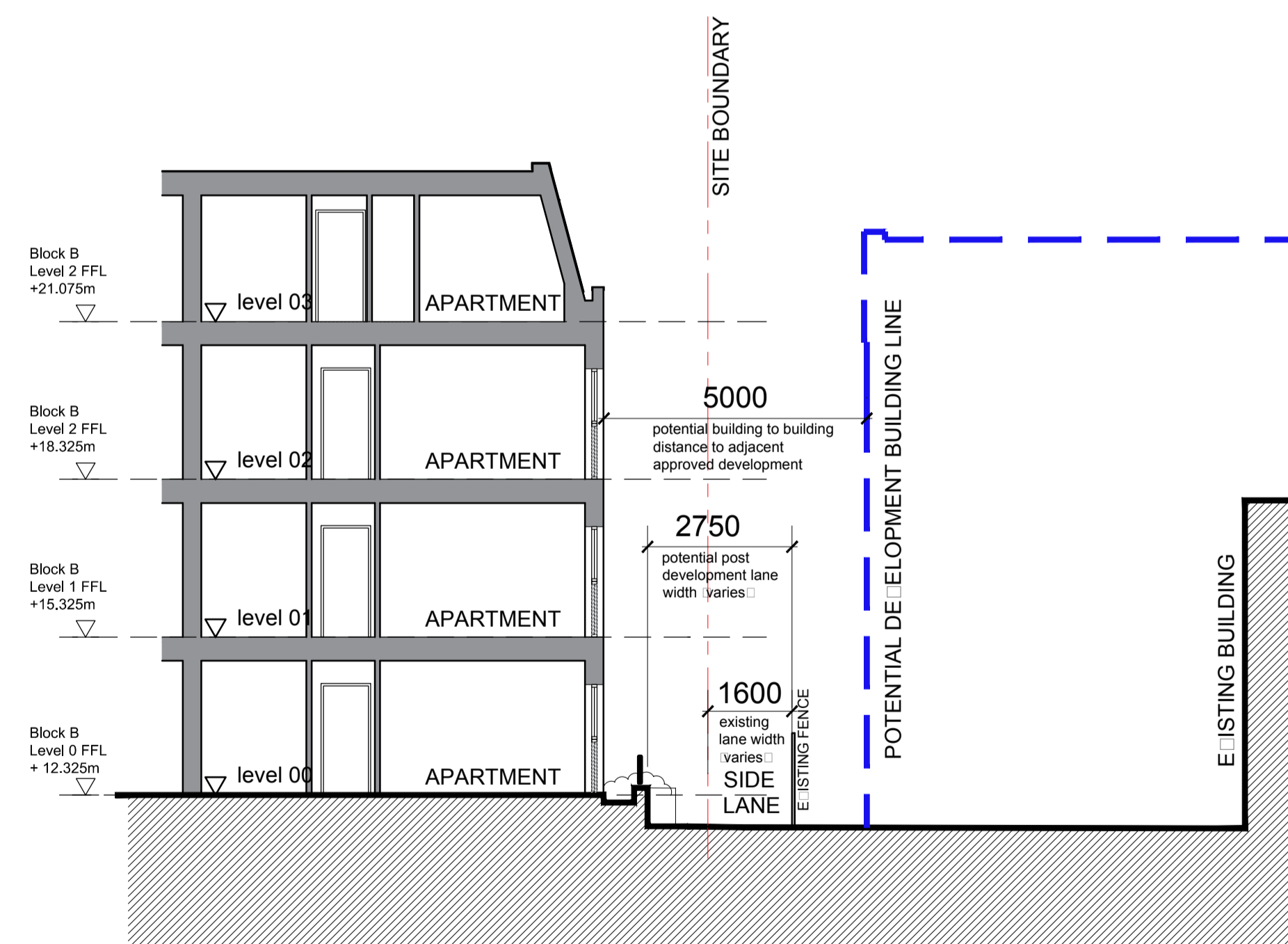
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SECTION A - A



SECTION B - B



SECTION C - C

Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol  
Drawing Title  
Proposed Sections

Date  
March 2017  
Drawn  
LD  
Checked  
PCW  
Scale  
1:100@A1

13/06/2017 building narrowed to increase proposed AP PCW A  
lane widening. Windows added to lane for  
surveillance, Mansard added to western  
end and adjacent flat over restaurant  
section detail added

Date Revision Drawn Checked Rev

**ANGUS MEEK  
ARCHITECTS**

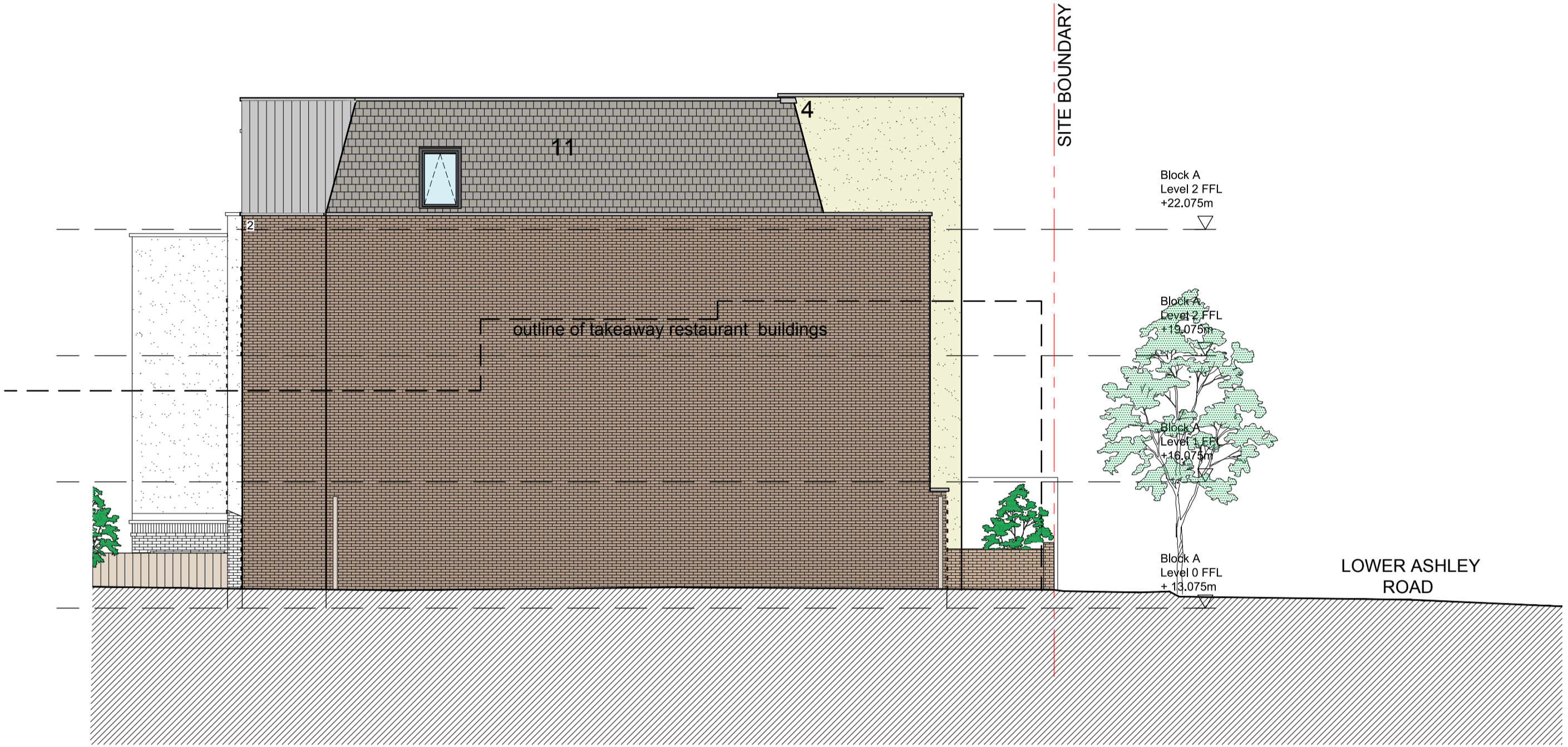
Cedar Yard, 290A Gloucester Road, Bristol, BS7 8PD  
T 0117 942 82 86 E architecture@angusmeek.co.uk

Project No. Drawing No. Rev.  
2510 P 104 A

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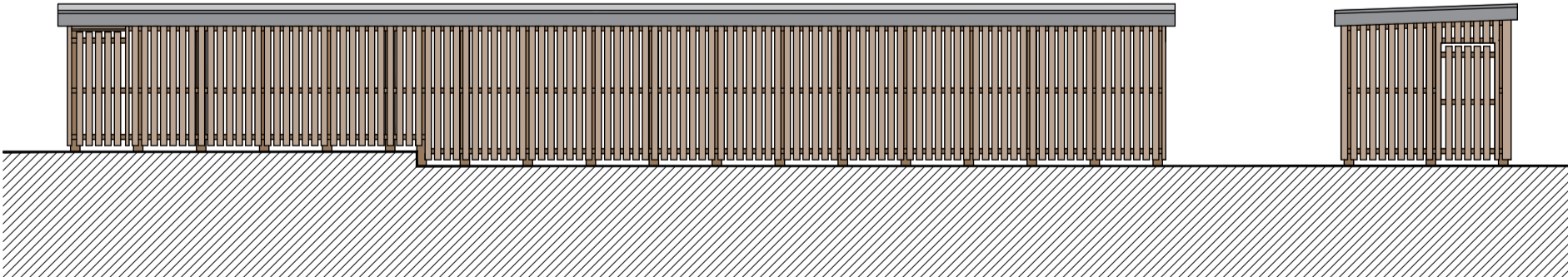


EAST ELEVATION TO SIDE LANE



WEST ELEVATION

- MATERIALS KEY:**
1. Feature pressed metal fascia - light grey
  2. Facing brick
  3. Horizontal Feature brick coursing detail
  4. Off white lightly textured render
  5. Dark Grey PPC aluminium windows with integral louvers where indicated
  6. Galvanised railings
  7. Glazed smoke extract louvres
  8. Grey fibre cement panel -Eternit Equitone mid grey natural finish
  9. Feature render panel
  10. Pressed metal coping
  11. Marley Eternit Rivendale Fibre Cement Slate



ELEVATIONS - BIKE STORE

Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol

Drawing Title  
Proposed Elevations

Date  
March 2017

Drawn  
LD

Checked  
PCW

Scale  
1:100@A1

16/03/2018 Amendments to external wall LD PCW D

17/07/2017 Amendments to materials and window positions on ground floor LD PCW C

13/06/2017 building narrowed to increase proposed lane widening. Windows added to lane for surveillance. Mansard added to western end and adjacent flat over restaurant elevation detail added AP PCW B

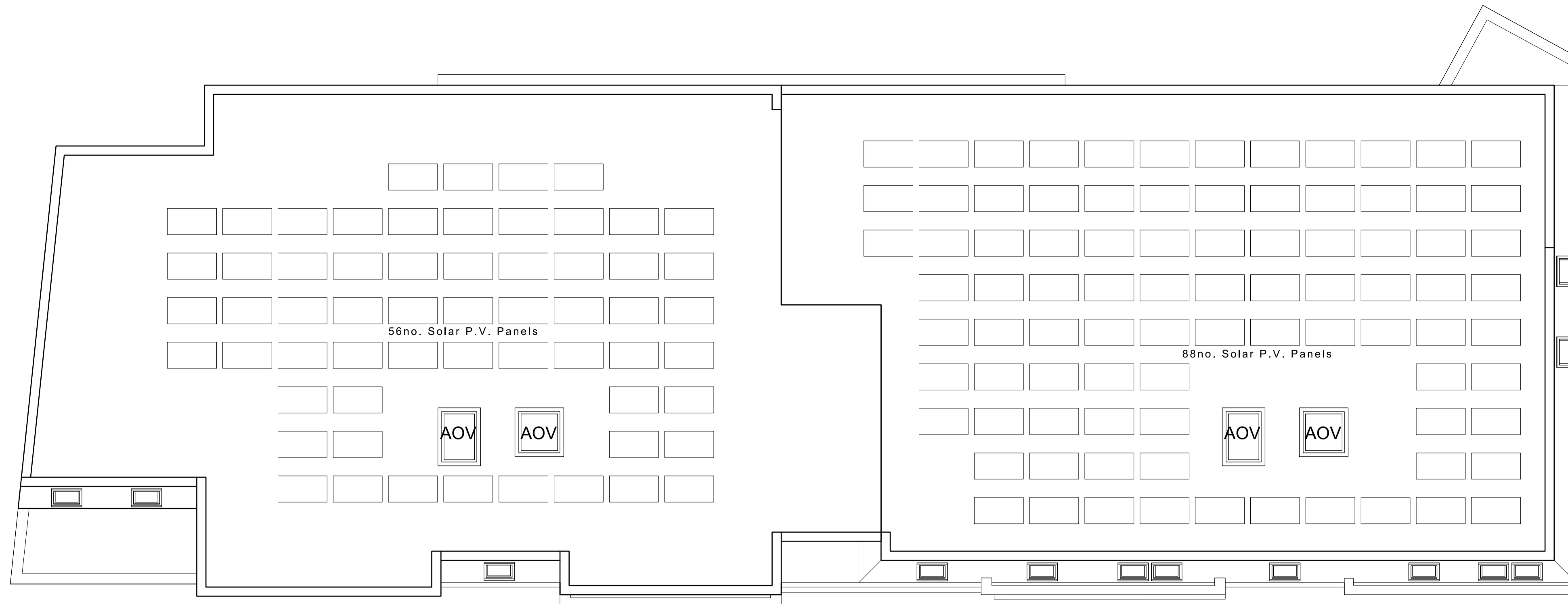
31/03/2017 materials key updated LD PCW A

Date Revision Drawn Checked Rev.

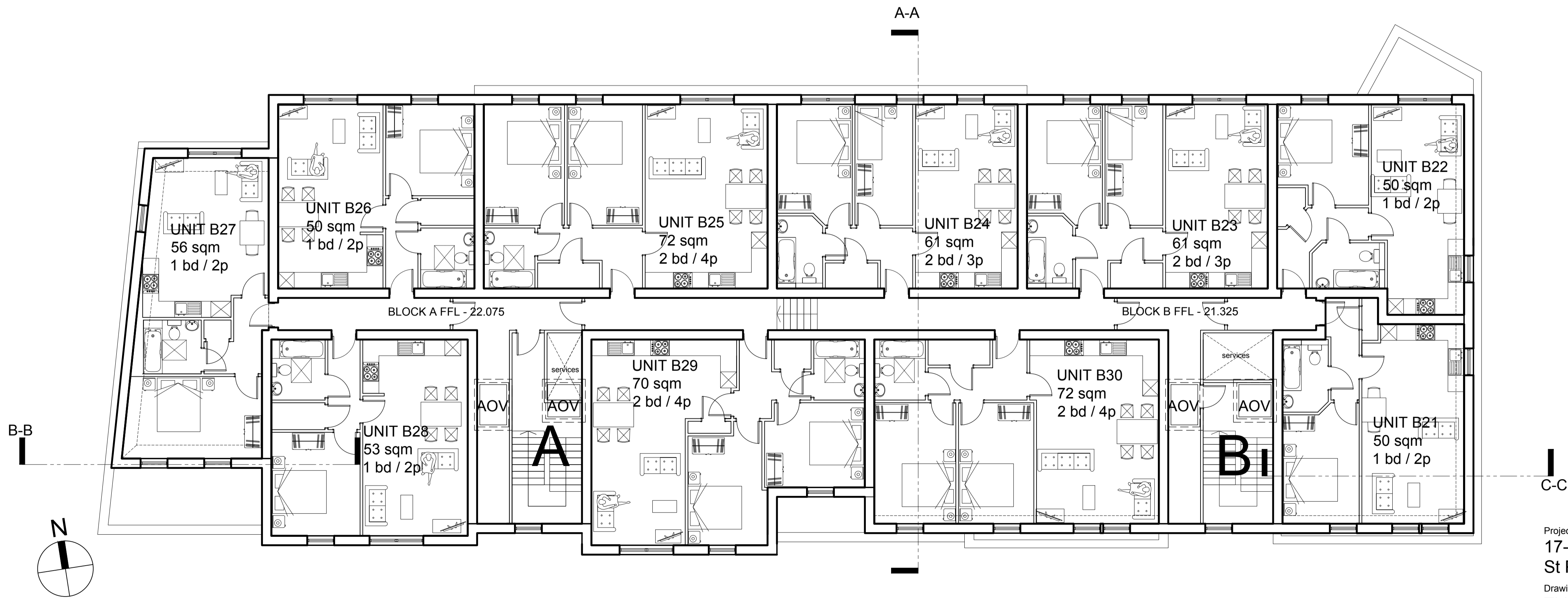
**ANGUS MEEK ARCHITECTS**

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T 0117 942 82 86 E architecture@angusmeek.co.uk

Project No.	Drawing No.	Rev.
2510	P 106	D



ROOF PLAN



THIRD FLOOR PLAN

16/03/2018 Amendment to flat numbering LD PCW C  
16/03/2018 Amendment to front external wall and units B29 & B30 LD PCW B  
13/06/2017 TF footprint amended to suit lane widening. Additional windows added to lane elevation, Mansard continued to perimeter and gable end of flat A14 AP PCW A

Date	Revision	Drawn	Checked
16/03/2018	1	AB	PCW

Project Title  
17-29 Lower Ashley Road  
St Pauls, Bristol

Drawing Title  
Third Floor and Roof Plan  
Proposed

Date  
February 2017

Scale  
1:100@A1

ANGUS MEEK  
ARCHITECTS

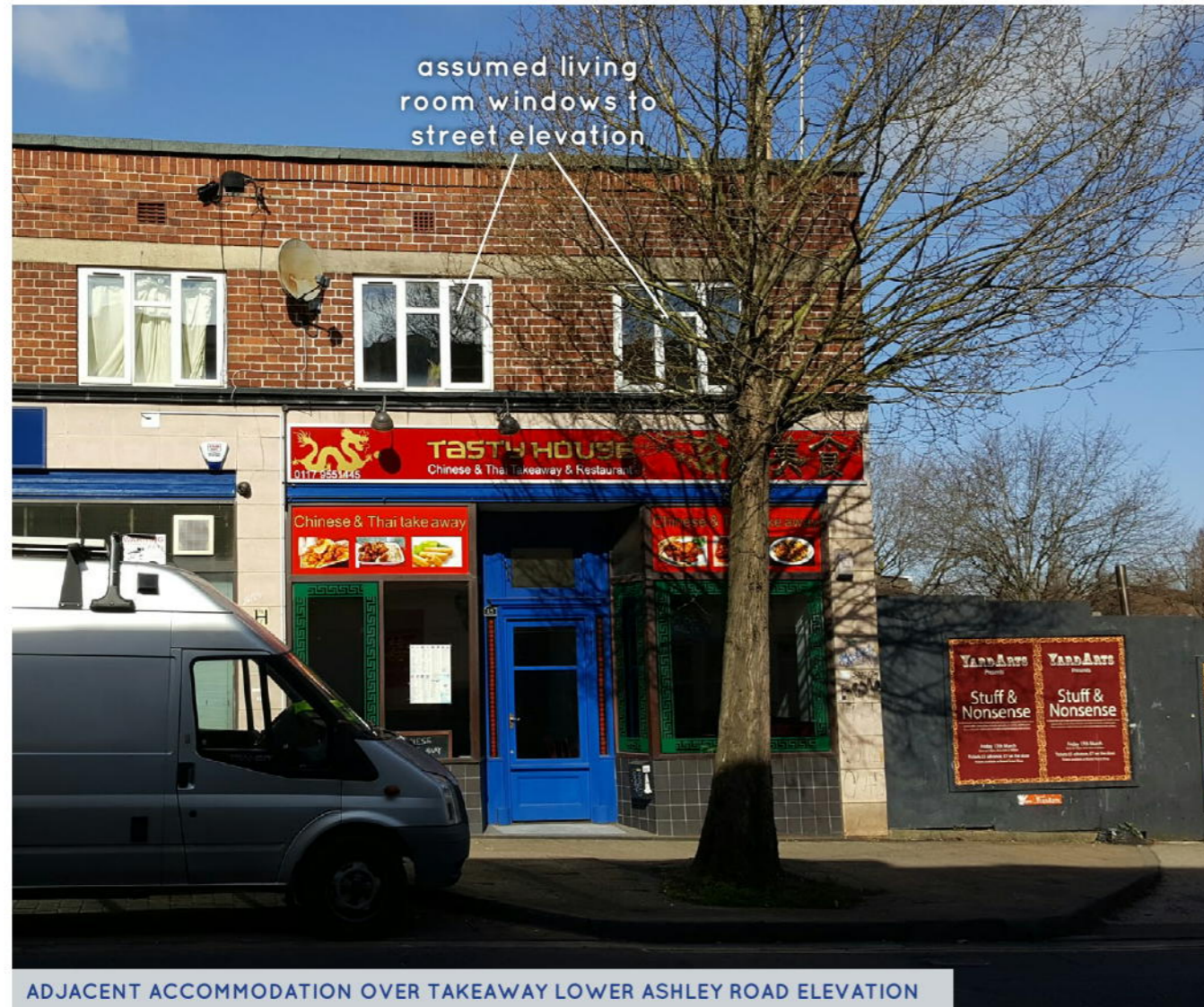
Cedar Yard, 290A Gloucester Road, Bristol, BS7 8PD  
T 0117 942 82 86 E architecture@angusmeek.co.uk

Project No.	Drawing No.	Rev.
2510	P 103	C

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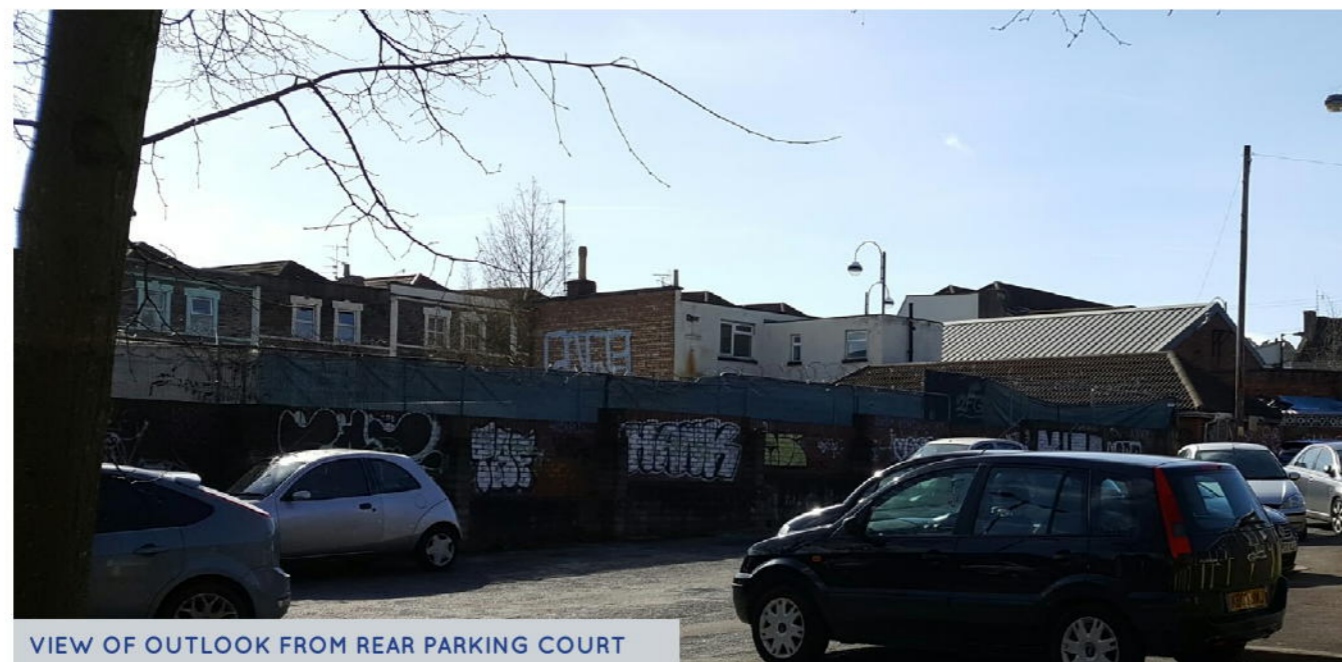
**LOWER ASHLEY ROAD**  
**BRISTOL**  
**2510 DS 03**  
INDICATIVE SOLAR STUDY  
14th February 2018



ADJACENT ACCOMMODATION OVER TAKEAWAY LOWER ASHLEY ROAD ELEVATION



VIEW OF REAR OF FIRST FLOOR ADJACENT ACCOMMODATION FROM WITHIN THE SITE



VIEW OF OUTLOOK FROM REAR PARKING COURT

This Additional reports is provided to illustrate the development proposals in context with the adjacent first floor accommodation above the takeaway and Overseas Chinese association premises on Lower Ashley Road.

The accommodation is believed to be a residential rented property under the management of the OCA and access has not yet been facilitated Investigation of the configuration of the property

It is believed from external inspection that living accommodation is placed to the road frontage with larger openable windows to the street, and are south facing benefiting from sun all year round

The rear accommodation comprises an I shape formed by a rear extension. A larger window facing north is assumed to serve the bedroom of the

property due to its size and larger openable lights. It should be noted that as the rear bedroom window is north facing it is already in shadow for almost the whole year.

The extension is set away from the site boundary and incorporates two smaller windows both with fixed panes and small opening top lights. This window style is typical for bathroom and kitchen accommodation which are not habitable designations. It is assumed these serve a w/c and bathroom to the property. These are east facing and currently are unshaded for the majority of the morning.

The proposals will place accommodation along this boundary and the following solar studies look to illustrate the indicative shadow path of the proposals in relation to these rear windows



## PLAN VIEW

## INDICATIVE SOLAR STUDY

09:00

12:00

15:00

These images illustrate in plan view the indicative shadow path of proposals across the adjacent property.

SUMMER

During the summer the proposals have no material affect on the overshadowing of the property over that that exists from around 9:30

SPRING/AUTUMN

During the autumn / Spring the proposals add some overshadowing up to mid morning with direct sun maintained then until its normal existing point at lunchtime

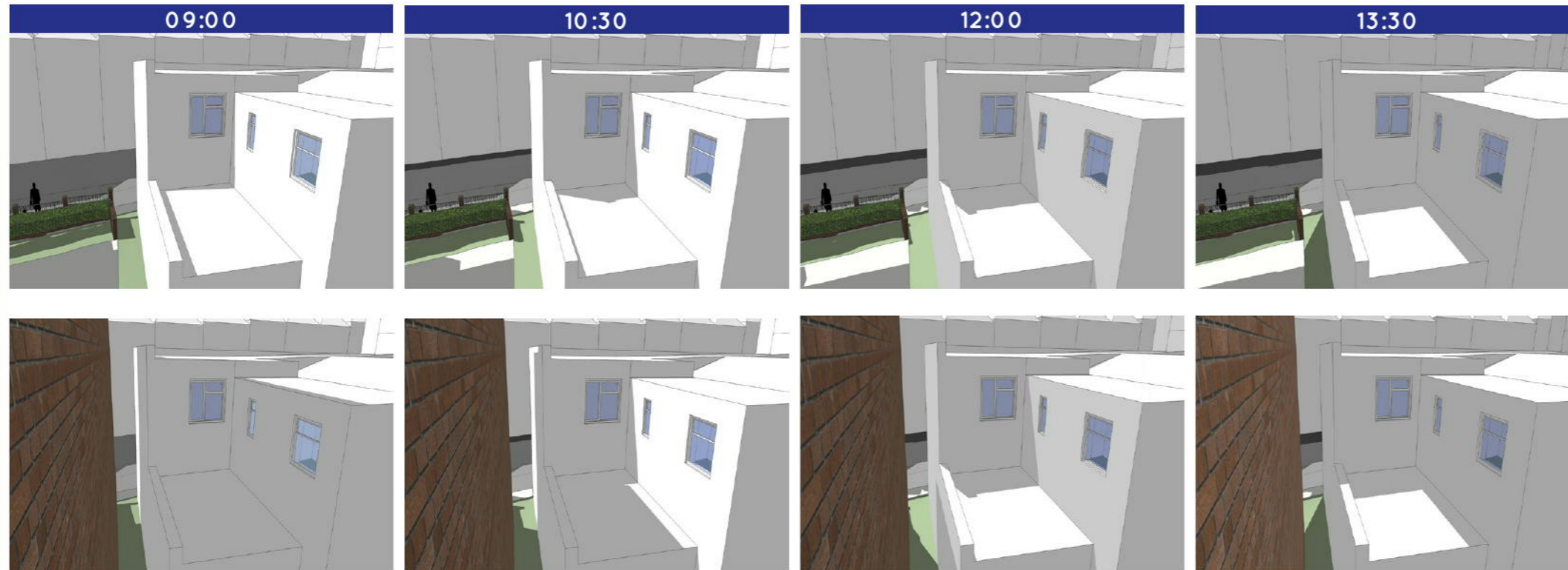
WINTER

During the winter additional shading is present but the low angle of the sun and reduced hours of sunlight as existing already mean that the site is already overshadowed for the majority of the day.

# SUMMER SOLSTICE

EXISTING

PROPOSED



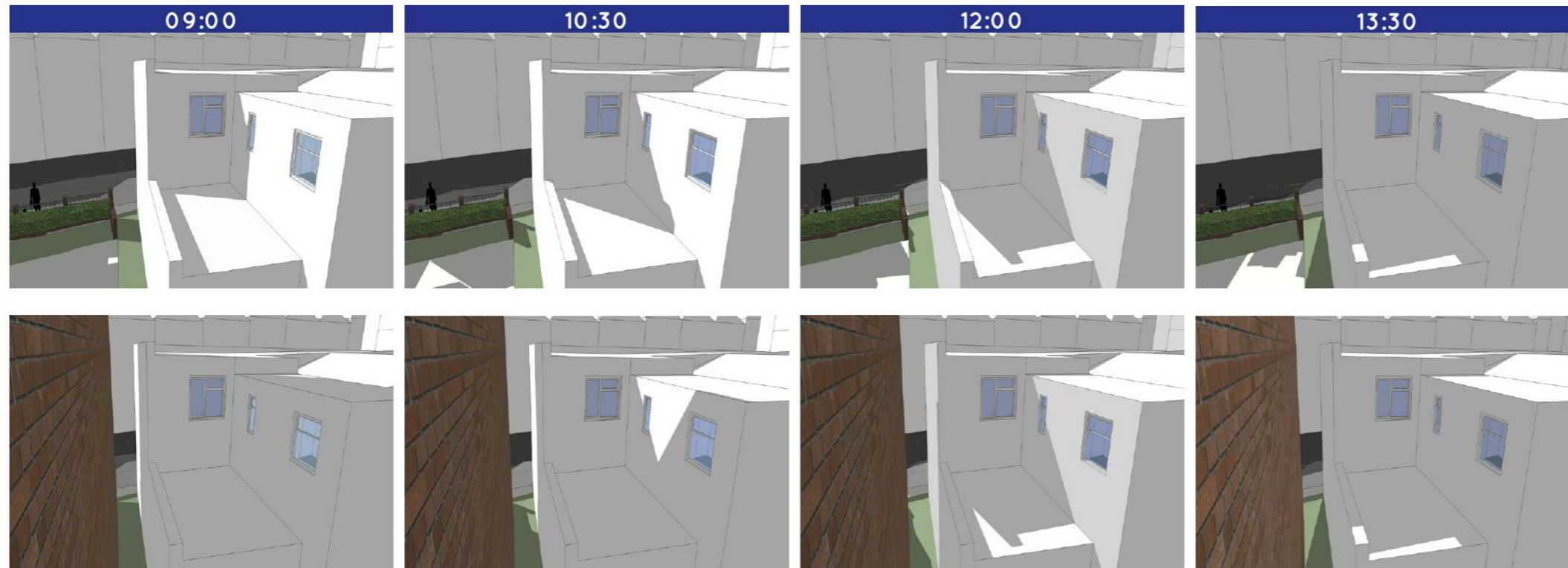
These images illustrate inclose up 3d view the indicative shading at regular times through the morning in relation to the rear windows

During the summer the proposals have no material affect on the overshadowing of the property over that that exists from around 9:30. The illustration shows at 10:30 as an example a situation unchanged from existing through to the point at around 1pm where the sun has passed around and placed it in shadow

# AUTUMN EQUINOX

EXISTING

PROPOSED



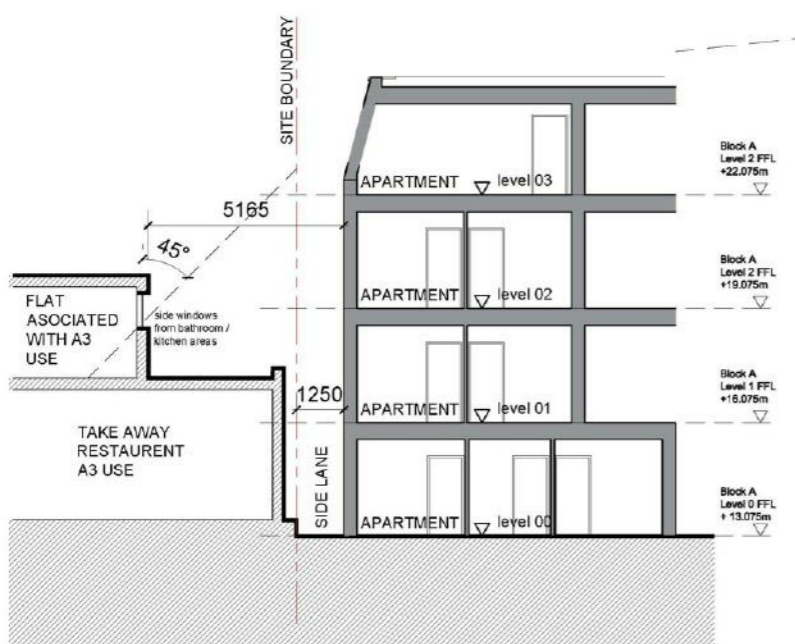
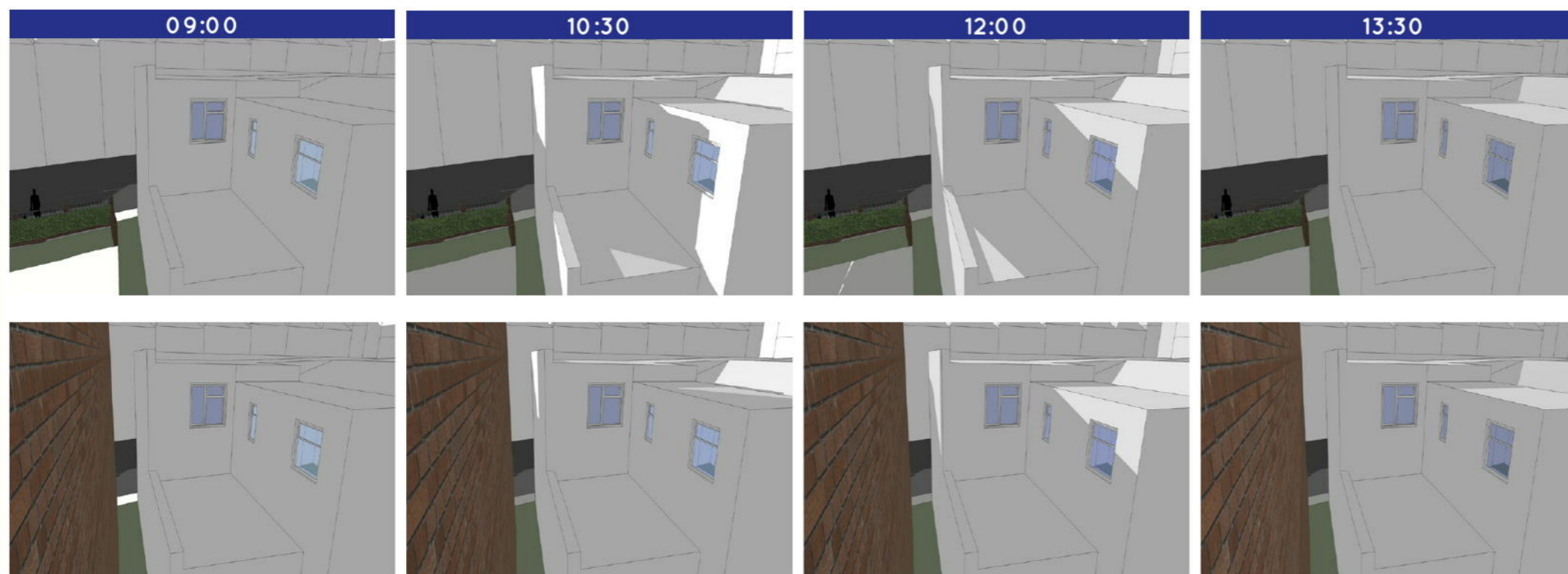
During equinox with a lower sun in the morning additional shading is present in the early hours of the morning but it can be seen that from 10-10:30 the direct sunpath to the side windows is retained demonstrating nominal effect

## 3D VIEW INDICATIVE SOLAR STUDY

## WINTER SOLSTICE

EXISTING

PROPOSED



SECTION THROUGH ADJACENT PROPERTY

## CONCLUSION

The images demonstrate a nominal impact to early morning direct sun during some periods of the year. These are however minimal in respect of the overall available direct sunlight that is currently available.

It is suggested that no impact is made in relation to the rear facing assumed bedroom window and as the apartments are dual aspect the amenity currently enjoyed from habitable accommodation will not be made worse by the proposed development

The side facing windows are assumed to serve support accommodation not normally afforded windows within new development which demonstrates the general view that this accommodation is not as sensitive to impacts in respect to view and sunlight.

The impact however is demonstrated to be low and these windows still benefit from proportion of morning sun for the majority of the year.

The massing of the proposals is set back from the site boundary and provides effective privacy screening to these existing windows and the windows maintain a northern outlook across the rear of the property to the parking court behind the site

For these reasons it is considered that the effect on the adjacent property is acceptable