

WARD: Hotwells & Harbourside CONTACT OFFICER: Susannah Pettit

SITE ADDRESS: 39 - 40 Berkeley Square Bristol BS8 1HP

APPLICATION NO: 1. 17/06959/X & Variation/Deletion of a Condition
2. 17/06957/X Variation/Deletion of a Condition

DETERMINATION 10 July 2018

DEADLINE:

1. Application to vary condition No's 4 (Samples), 10 (Sustainability) & 11 (Approved Plans) attached to planning permission 16/05148/F.

2. Application to vary condition No's 10 & 11 attached to planning application 16/05148/F.

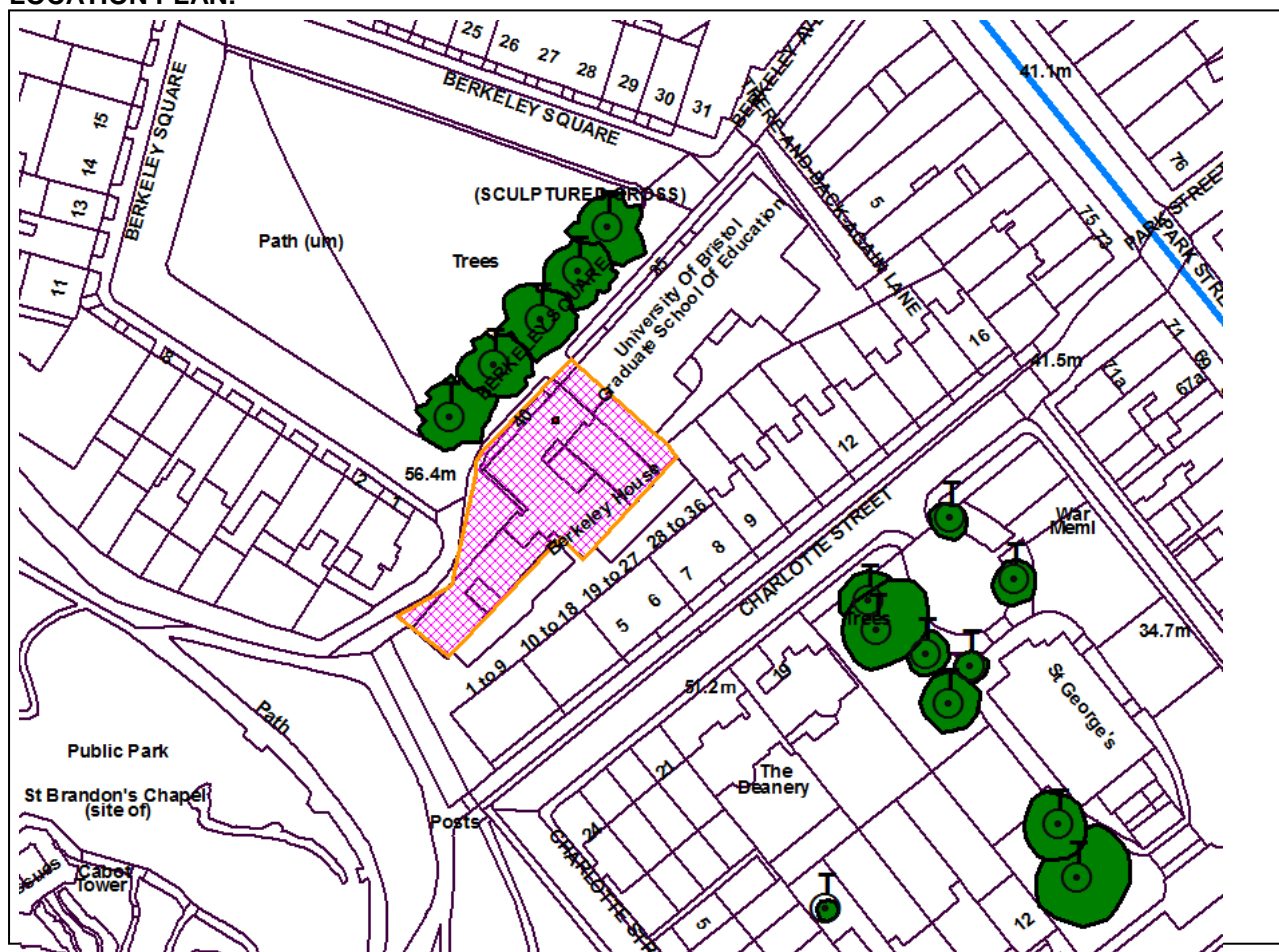
RECOMMENDATION: GRANT subject to Planning Agreement

AGENT: Lichfields
The Quorum
Bond Street
Bristol
BS1 3AE

APPLICANT: Whiteoaks Capital Ltd
39-40 Berkeley Square
Clifton
Bristol
BS8 1HP

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

LOCATION PLAN:



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SUMMARY

These applications (17/06957/X and 17/06959/X) are being referred to Committee for a decision due to the number of objections received (30). They both relate to changes and revisions now sought to amend an extant planning permission, which was granted on 14 December 2016.

The alterations that are being sought are threefold.

Firstly, (application 17/06959/X only) the applicant wishes to change the appearance of the additional storey, from the mansard style roof that was previously consented, to a more modern, flat roofed storey. The roof extension would have a similar set back to that shown in the previous approval. The approved roof terrace would be in the same position as approved, but with the addition of a glazed structure to cover the lightwell which is in the centre of the building. There would also be a pergola frame next to this structure.

Secondly, (both applications) the approved renewable energy technology (which was originally approved as Air Source Heat Pumps - ASHP) has been found by the applicant to be problematic, as the pumps were proposed internally to the basement. These would have required additional cooling plant in order to function. Instead, an array of PV panels is proposed to the roof of No. 40 - the modern building. During the course of the application, officer assessment revealed that the full array would have resulted in harm to nearby heritage assets, (namely the view from Brandon Tower and other parts of the Park Street and Brandon Hill Conservation Area) and officers therefore negotiated with the applicant, a reduction in the number of PV panels so that they only covered one quarter of the roof, and as a result posed less harm to the heritage assets. This reduction would only provide a reduction in residual carbon emissions of 5.5%, and not the full 20% required by policy, therefore a carbon off-set contribution of £113,534 is offered by the applicant and secured via Unilateral Undertaking.

Thirdly, (both applications) air conditioning plant is proposed to be relocated from the basement, where it was originally consented, to the front part of the roof facing Berkeley Square.

The objections have been received in the main from residents of Berkeley House, which is a residential building, Grade II listed, comprising of flats. The current relationship of this building with the application buildings is very close, with, at its closest, only a 10m gap between the two buildings. The issues raised include increased overlooking, loss of daylight and sunlight, and increased noise from the roof terrace, and these issues are explored in detail in the report.

During the course of the application, the applicant has responded to requests from officers for additional reports on Daylight and Sunlight, as well as Noise Impact arising from the roof terrace and the roof top plant, and officers have assessed these. A second consultation exercise was also undertaken (and the number of additional comments is included in the total number of objections above).

A number of conditions which were attached to the previous consent have been made stricter within this recommendation.

The three main additional conditions are as follows:

- Requirement that the roof terrace is not used at the weekends (in the previous scheme it was restricted to the hours of 9am-6pm on any day. These hours are still applied, but to weekdays only and not bank holidays).
- Noise from plant to remain 5dB below background noise level
- Management Plan required as a pre-occupation condition, to require details of how behaviour on the terrace would be managed, details of signage, and details of how often the terrace would be used.

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It is noted within this report, that any additional use of the terrace, such as for a bar or with amplified music, would require a licence to be obtained by the applicant, which would be subject to a separate regime. The application is for the terrace to be used as an ancillary amenity space to the office, therefore there is no intention by the applicant to have a bar or amplified music.

Officers are satisfied that the amendments to the scheme would not result in significant harm to amenity, and that steps have been taken by the applicant to alleviate concerns in this regard. The scheme would result in 'less than significant' harm to heritage assets - a harm which is outweighed by the public benefit of bringing the office back into use.

It should be borne in mind that the parent planning permission (16/05148/F) could still be implemented, and this has less controls than the scheme subject of this report. Officers therefore support this scheme as set out in the agenda report and recommendation.

SITE DESCRIPTION

The application site comprises two linked buildings located in the south east corner of Berkeley Square. The site is within the Park Street and Brandon Hill Conservation Area, and surrounded by a number of listed buildings although neither of the application buildings are listed. The three historic sides of the square still represent a good Bristol example of speculative housing development, by significant local architects, and is variously afforded Grade II and Grade II* Listed building status. To the rear of the site, (south-east) are nos.1-16 (consecutive) Charlotte Street, to the south-west are nos. 1-8 Berkeley Square, and to the north-east, nos. 20-30, which are all Grade II* listed. The site is adjacent to Brandon Hill Park, and is overlooked by the Grade II listed Cabot Tower.

The application buildings are currently in use as offices. No.39 emulates the traditional Georgian facades of the Square, where no.40 is a modern 1960s design which as stated as having a negative impact on the conservation area (in the Park Street and Brandon Hill Character Appraisal.)

The buildings are serviced collectively from a car park (13 spaces) and service yard which is accessed via an undercroft off Berkeley Square. To the rear of the site (at a lower level) are residential properties fronting Charlotte Street.

RELEVANT HISTORY

16/05148/F Alterations and extensions, comprising: an infill extension at ground floor level on part of the existing undercroft car park on 40 Berkeley Square; a three-storey extension to the front of 40 Berkeley Square to create a new entrance reception and roof terrace above; a third-floor rear roof extension to create additional office accommodation with communal terrace above; infill of the existing internal lightwell at 39 Berkeley Square; installation of new curtain walling glazing to the front and rear elevations; installation of new windows, doors and entrance ramp.

Date Closed 14 December 2016 PG

91/01299/F 39/40 Berkeley Square Bristol
Refurbishment of 4,105sqm to offices with an additional 380sqm gross of office floor space to be created.

Date Closed 9 September 1991 PCA

04/04989/F Replacement of windows and doors on secondary reception area.

Date Closed 10 February 2005 PG

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Approval of a minor material amendment is sought under section 73 of the Planning Act, to vary condition 4 (sample panels); (10 (Energy and Sustainability Statement, which proposed a 20.4% reduction in residual carbon emissions through the use of Air Source Heat Pumps (ASHP)); and condition 11 (drawings list). The scheme would be amended to propose an array of PV panels instead of Air Source Heat pumps, and the drawings have been updated to reflect this change.

The reason for the proposed change, is that the applicants have received advice that ASHP would a) have decreased efficiency in an internally located plantroom than they would on an open air installation

- b) because of the plant being located internally, mechanical ventilation would be required in order to optimise efficiency
- c) the system would have a high electrical load in view of the above two points

As a revised response to renewable energy provision, the applicant proposes a PV array. Drawings have been submitted showing the PV array being located across the whole roof of no.40 (the modern 1960s annex building).

The alteration to condition 4 is to amend the appearance of the roof extension. The previously approved scheme showed a mansard style roof extension with terrace to the flat roof, which is now proposed to be altered to a vertically planed flat roof extension, to cover an almost identical footprint. Also proposed is a glazed structure to cover the lightwell which currently pierces the building at no. 39. The glazed structure would be at roof level in the centre of the roof measuring 5.4m (W) x 5.1m (D) x 1.5m (H) (to eaves) and 2.8m (H) (to roof apex). There would also be a timber pergola structure measuring 5.4m (W) x 3m (D) x 2.66m (H) on the south side of the glazed structure.

ALTERATION TO ROOF TOP PLANT

5 Wall-mounted plant installations are proposed to the Berkeley Square facing elevation, to be attached to current roof structures in the centre of the roof. These were previously shown at lower ground floor level, internally.

AMENDMENTS TO THIS APPLICATION

During the course of the application, the applicant was asked to provide amended drawings and documents. These were submitted on 15th June 2018 and showed the following changes:

- Revised Daylight and Sunlight Assessment
- Revised Noise report to assess plant and noise from roof terrace
- Drawings to include plant locations
- Drawings to show obscure glazed window locations to rear
- Revised Design and Access Statement (to correct diagrammatical portrayal of roof extension)

CONCURRENT APPLICATION

An application (17/06597/X) has been submitted alongside this one, to vary conditions 10 (Sustainability) & 11 (Approved Plans) attached to planning permission 16/05148/F. This application is identical to the application subject of this report, but is limited to the revised PV (instead of Air Source Heat Pumps), and new glazed roof lantern.

PHASING

Both applications seek to introduce a phased element - the works to the roof extension being Phase 1, and the works to the front extension being Phase 2.

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Whilst the application is not a major application, and therefore there is no requirement to undertake community consultation prior to submission, in view of the level of public interest, the applicant was asked to supply details of what level of consultation they had undertaken themselves. The following summary was submitted by email dated 27.04.18.

- A meeting with James Redshaw (Berkeley House Directors) on 26 September 2018.
- An informative flyer was distributed to residents in January 2018, informing residents of the upcoming works and planning applications (see copy attached).
- A series of informal drop in sessions were held on Thursday 18, Saturday 20, Tuesday 23 and Wednesday 24 January 2018, where members of Whiteoaks Capital and the project team were on hand to discuss the project and any queries. These were attended by neighbours and residents of Berkeley House, and feedback received was broadly positive.
- Requests to meet the Directors of Berkeley House to discuss the refurbishment works and other matters, which had not been taken up.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by site notice and press advert, both posted on 17.01.18. Letters were also sent to 128 neighbours. A total of 22 objections were initially received, all from residents of Berkeley House to the rear of the application site, and the issues raised are summarised below. The full responses are displayed on the Council's website during the course of the application process.

Details of the second consultation, consulting on the revisions received on 15th June are set out later in this report.

- The plans will result in light and outlook being blocked from the rear windows of Berkeley House.
- The proposed roof terrace will allow even more opportunity for views into bedrooms and bathrooms of properties in Berkeley House. Office workers in the building already have the view and the proposal will make it worse. If the development goes ahead there should be an opaque screen from floor surface to above head height, so that noise cannot travel under the barrier and people cannot peer over and look at naked residents in their bathrooms and bedrooms.
- The current application presents an opportunity to correct some mistakes from the past. Currently, the rear facing windows in the office block are covered with reflective windows - meaning that the office occupiers have a view out, but no one can see in. This gives Berkeley House residents the impression that they can't be seen, when in fact they can. The windows should therefore be fitted with an opaque screen as part of the refurbishment so that light may still pass through, but so that views to Berkeley House are prevented.
- The terrace would result in a great deal of noise which would be exacerbated by the building's close proximity to the Berkeley House. Because Berkeley House is listed, it is not possible to install double glazing to protect residents against noise disturbance.
- The plans do not include a continuous back wall to the ground level car park. This currently causes problems with anti-social behaviour, so the opportunity should be taken with the refurbishment to address this.
- More information is needed on the proposed roof fans, including their proposed location and likely decibel rating so that residents can ascertain whether noise pollution from this would occur.

Temple Bright Solicitors submitted two letters of objection (dated 30 April 2018 and 4 May 2018 respectively) on behalf of the residents of Berkeley House, and the second letter (dated 4 May 2018)

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was accompanied by a letter from an acoustic consultant (Red Twin Limited) which provided a critique of the acoustic reports submitted by the applicant in respect of applications 16/05148/F and 17/06959/X.

The letters are summarised below:

30 April 2018 - Temple Bright Solicitors

The proposal to place a raised glazed lightwell to create an atrium would adversely impact upon sunlight hours received by residents of Berkeley House. No addendum report to the original Daylight and Sunlight report was submitted to support this part of the proposal. This structure would also deflect noise back to our client's property, resulting in a perceptible change in loudness. Whilst an addendum noise report has been submitted for the plant on the roof, an addendum report has not been submitted for the rear roof terrace. The application should therefore been refused.

In terms of the alterations proposed to the roof, there are three aspects. One is to alter the roof extension from a mansard roof to a glazed façade. Secondly, the extension would be enlarged, and thirdly, the roof terrace would include a pagoda structure. The pagoda structure would be higher than the solid structure and would be closer to our client's property, further impacting on light received by it. This in turn would direct further noise down to our client's property.

In terms of the Daylight and Sunlight report submitted with the parent application (16/05148/F), the results reported showed two third floor windows failing to meet the Daylight Distribution test, and three second floor rooms falling marginally short of the minimum Daylight Distribution requirement to achieve no less than 0.8 times its former value (they achieved 0.74, 0.76 and 0.78). This is incorrectly reported in the officer report recommending approval, which said that NONE of the rooms fell short of the standard. This is simply wrong.

The current application states that 'the alternative design is no higher than the approved scheme and no closer to Berkeley House. This is incorrect, since the current proposal is for a vertical extension rather than an angled mansard. This additional height would result in a loss of amenity to the residential properties of our client. This further exacerbates the findings of the original Daylight and Sunlight report.

The third floor balcony is to be restricted to window cleaning and maintenance. If permission is granted, the balustrade for this balcony should not be clear, to resist overlooking. If it were obscure, then we revert to the additional interference with light. Within application 16/05148/F the balustrade was to be obscure glass. The applicant has corresponded with our client and has resisted agreeing to it being obscure glass to protect its views (including of our client's property).

The application should be refused, but if approved, the use of the roof terrace should be restricted to, 9am-6pm (as in the previous application) but with an additional restriction of Monday to Friday only. The balustrade should be secured to the roof surface to avoid noise escaping in the direction of our client's property.

The applications should be refused for the following reasons:

- Inaccurate and misleading information
- Insufficient information on noise and light
- Loss of light to below the recommended guidance
- Increased overlooking with no mitigation

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4 May 2018 - Temple Bright Solicitors and 4 May 2018 - Red Twin Limited (Acoustic Consultants)

The noise report accompanying application 16/05148/F uses the incorrect British Standard as a basis to assess noise impact from people and the conclusions reached are not relevant to the assessment of sound from an occupied roof terrace.

The noise readings were taken over 15 minute intervals, instead of 1 hour intervals as required by BS4142. No spectral information was provided for the survey. The main sources of noise in the area were not adequately described. There was not enough justification that the data used is applicable, therefore they could not have been checked by the LPA. There is also an anomaly in the measured noise levels quoted. In discussing the noise reduction that would be offered by the proposed 1.1m screen, this has been significantly overstated. The terrace is bounded by higher structures of 40 Berkeley Square which reflect sound and would negate much of the benefit from the screen. The report concludes 'an imperceptible change in noise levels'. This is based on a short-term sound event being imperceptible against the average sound, and is technically incorrect and reached in haste. Using our own judgement for attenuation, I would expect the L_{Amax} received at the façade of Berkeley House to be several decibels greater than reported.

The same report also does not accurately state where each item of plant is located. The noise from the Nuaire units is not provided, this would imply that these units are to be located indoors, but this should have been clarified.

For the current applications, an addendum report has been submitted. These applications seek to relocate mechanical plant from the lower ground floor to the fourth floor roof. The addendum report only considers noise from the relocated plant, and not from the amended fourth floor roof terrace or third floor perimeter terrace.

The introduction of the raised lantern over the lightwell will provide reflection of sounds generated on the terrace. The intensification of sound in the direction of Berkeley House will in my opinion result in more sound being received hence this design feature will lead indirectly to a greater noise impact than has been stated previously.

The calculations in relation to the relocated plant show that the local authority criteria would not be achieved. No consideration has been given to the cumulative noise level resulting from the new roof mounted condensers together with the originally approved Nuaire condensers. The overall level of both sources combined would be higher than has been reported and hence the noise impact would be greater. My estimate of the noise level from the roof mounted condensers is that it is 1dB above the minimum background sound level.

In my opinion, the plant noise assessments are incorrect as they are not in accordance with the British Standard method used by the LPA. Furthermore, the calculations do not reach the correct value and hence the conclusions based on these calculations are incorrect. The application to amend the scheme should have included a specific review of the changes to the building form in relation to acoustics, with specific reference to the introduction of a raised lantern over the atrium, the inclusion of a cover to part of the terrace and the introduction of a perimeter terrace around the third floor extension.

RE-CONSULTATION

In the light of the amendments submitted on 15th June, a further consultation for 21 days was carried out, with letters sent to the same 128 neighbours plus all objectors. The 21 day period for comment ended on 17 July, and 23 comments were received (including 8 from addresses not previously having commented), raising the following additional issues (summarised):

- My choice to live in my flat in Berkeley House was based on the light and through view into Berkeley

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Square. Three of the flats in Block 11 have this view. This view and the light will be filled in and the light will be obscured. Nearly all the rooms at the rear of Berkeley House are bedrooms.

- The revised plans still keep the terrace towards Charlotte Street private windows and with only a chest-height non-sound proofed barrier. They are the opposite of what would reduce intrusion to us, which seems counter to the body of objections to date. If a roof terrace on this elevation is allowed then it should be restricted to not include a bar or to allow any events. The opaque windows to the stairwells would not go far enough to maintain privacy.
- Any additional windows in the development should be opaque to promote privacy in both directions
- This planning application should be dealt with by committee given the sensitivity of the issue.
- Workers have routinely started loud pieces of machinery at 7am, which with period windows is extremely loud.
- This is a historic part of Bristol and the proposal will encourage 'partying' on the hill. This coupled with the extension to St George's Chapel will completely spoil this quiet, residential area.
- Many of the residents in Berkeley House are doctors, nurses and key workers with varying shift patterns who will be attempting to get sleep during the day while the terrace is open.
- If this proposal goes ahead, there should be serious sound barriers of at least 2m in height installed on the terrace. This would also help maintain privacy.

16 July 2018 - Temple Bright Solicitors and 17 July 2018 - Red Twin Limited

- Red Twin raise continued concerns in relation to the revised Noise Impact Assessment, which shows that the LPA's requirement that noise be 5dB below background is not met
- The Noise Assessment does not have separate measurements for noise created by a) the plant and b) the roof terrace
- The report does not consider plant noise at night time
- The report does not consider any variation in speech level, including raised voices or laughter
- Hydrocks survey was taken from the roof and not the façade of the receptors
- The applicant has not suggested any mitigating factors either by increasing the height of the already approved balustrade or by using absorptive materials

In mitigation of overlooking our client's property from the roof terrace, the applicant has included provision for benching to be installed to the perimeter of the terrace and alongside the balustrade. However, encouraging people to sit facing away from our client's property will also have the corresponding effect of encouraging others to stand facing those sitting so that their mouths are above the balustrade and speaking directly towards our client's property.

The application should be refused.

- It is noted that the revisions to the outstanding permission alters the previously applied for pagoda above the roof terrace to a pergola. If permission is granted, it should be a condition that a covered roof above a pergola is not permitted as it will deflect sound waves towards our client's property, and increase use of the roof terrace, offering protection from sun and rain
- The use of the roof terrace should be restricted to Mondays to Fridays (excluding bank holiday); no covered roof structure; no amplified noise; no events or bar; and the noise attenuation measures suggested by Red Twin.
- The MES [daylight and sunlight] report states that the light to three bedrooms would be improved, which cannot be right

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- The number of windows shown to be changed to opaque would not ensure there is no reduction in overlooking
- Contrary to the comment in the Design and Access statement that the approved mansard roof design is not in keeping, quite the opposite applies, not having a mansard roof is not in keeping
- The brise soleil would bring the extension closer to our client's property

COMMENT FROM COUNCILLOR MARK WRIGHT

A resident has sent me the following list of requests for the plans:

- a) a proper sound barrier on the roof terrace perimeter i.e. 3m double glazed transparent glass
- b) of which the first part from ground up is opaque glass, minimum 1.1m high,
- c) with planters boxes terrace side 1.1m high, minimum 40cm deep (from barrier into terrace) around all perimeter with plants from 1.1m to 1.4m +. Therefore making it hard for people to step close to the barrier and look down on more bedrooms invading privacy further (a bench can just be stood on, plus encourages people to spend more time on the terrace). Though do note, there will still be many bedrooms the privacy of which will be damaged from people on the roof as Charlotte Street rises up the hill to the park, plus even with the 3m transparent barrier, there will still be noise disturbance. But a serious noise barrier and planters to set people back a bit from the barrier surface would be a mitigation of the impact (from noise and to privacy), a mitigation that we would be willing to accept at this point.
- d) and on the roof terrace no bars, no roofs encouraging all weather use, no sound systems, no music
- e) the roof terrace not being open at 9am on Sundays and Saturdays
- f) opaque glass for the additional glass in the third floor variation

These should be explored with the applicant and be incorporated into the plans, in preference to those already granted planning permission.

OTHER COMMENTS

Pollution Control has commented as follows:-

Due to the chronology of comments received on the two versions of the noise reports, comments are incorporated within the assessment at Key Issue (C).

Conservation Section has commented as follows:-

Summary of comments (full assessment incorporated into Key Issue (B))

-Initial objection due to large PV array on the roof of no. 39, and the harm this would cause to the setting of Grade II listed Cabot Tower due to the prominence of the roof when seen from this structure.

-No objection to the modern roof extension, which would not be out of character with the modern office building at no.39.

-Subsequent amendments to the PV array to reduce it to only a quarter of the size are acceptable in terms of their impact on the heritage assets.

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Sustainable Cities Team has commented as follows:-

No Objection - Collective comments made in writing over email in February 2018, following negotiations with the applicant and conservation officer, and are incorporated into Key Issue (D).

RELEVANT POLICIES

Park Street and Brandon Hill Conservation Area Character Appraisal

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – July 2018

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

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 PROPOSED CHANGES ACCEPTABLE?

The main impacts arising from the proposed changes are design and heritage, neighbouring amenity and sustainability. There are no land use implications as the buildings would remain in B1 office use.

(B) WOULD THE PROPOSAL RESULT IN ANY HARM TO THE NEARBY HERITAGE ASSETS, AND WOULD THE DESIGN RESPONSE BE ACCEPTABLE?

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

Section 12 of the national guidance within the National Planning Policy Framework (NPPF) 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with any harm or loss requiring clear and convincing justification. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, Para.133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Finally, Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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In addition, the adopted Bristol Core Strategy 2011 within Policy BCS22 and the adopted Site Allocations and Development Management Policies within Policy 31 seek to ensure that development proposals safeguard or enhance heritage assets in the city. Development in the vicinity of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

The proposed modern flat roofed addition is compared with the already approved mansard style addition with set-back roof terrace and glazed balustrade.

SIGNIFICANCE OF HERITAGE ASSETS

The site is surrounded by listed buildings, and is within the Park Street and Brandon Hill Conservation area. The site is also within the setting of Brandon Tower, and in accordance with the definition in the NPPF, setting means 'the surroundings in which a heritage asset is experienced'. The Character Appraisal for this area sets out that there is strong historic character conveyed by the mainly Georgian buildings, visual integrity, range and quality of historic features. It identifies threats as being loss or unsympathetic alteration to buildings and traditional architectural details.

IMPACT OF PROPOSALS

(i) PV array

Upon officer advice, after expressing an objection to the harmful impact of the whole roof of no.40 being covered by PV panels on the surrounding conservation area and the setting of Brandon Tower, the applicant reduced the PV array to only cover one quarter of the roof. The impact that the array would have is therefore minimised. (The impact that this would have on the renewable energy credentials of the proposal are explored below in the sustainability section.)

(ii) Roof Extension Alterations

The revised design of the roof terrace would make it more modern in its proportions. The roof terrace is positioned towards the rear of the property, and its impact on Berkeley Square would be minimal. Its impact would affect the setting of the listed building to the rear - Berkeley House on Charlotte Street, although in view of the modern style of the rear part of nos 39-40 Berkeley Square, to which it would be similar in style, the impact on this building compared with the previous scheme is also considered to be minimal.

LEVEL OF HARM

In view of the amendments, and the considerations above, the proposals would give rise to a less than substantial level of harm to the nearby heritage assets, however this harm would be outweighed by the public benefit of refurbishing the buildings and bringing them back into a sustainable office use.

In terms of design, the proposals would also comply with the following policies:

DM26 - Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of scale and proportions. AND respect build upon or restore local pattern and grain of development, including historical development of an area.

DM30 - The proposal would retain traditional or distinctive architectural features. The design approach should draw on analysis of local character and distinctiveness.

Due to the roof extension matching the existing modern rear part of the building, it would not introduce incongruous design features. The reduction in the amount of PV panels to the roof reduces the level of harm to 'less than substantial' and this harm would be outweighed by the public benefit of bringing the site back into office use, and through this application, securing funding received through Allowable

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Solutions to be invested in other renewable energy or carbon reduction measures to be installed elsewhere in Bristol.

(C) WOULD THE PROPOSALS SAFEGUARD NEARBY RESIDENTIAL AMENITY?

Good design and protection and enhancement of the environment are critical components of central government guidance, as identified in the NPPF. In addition, Core Strategy Policy BCS21 expects development to safeguard the amenity of existing developments and create a high-quality environment for future occupiers.

A number of objections have been received, raising the issues of noise, daylight and sunlight and overlooking. By way of an explanation, and for clarity, the assessment of the original scheme in respect of each individual issue is summarised in the following sections, along with a comparison and assessment of the current proposal.

(i) PREVIOUSLY APPROVED NOISE REPORT

The Noise report was produced by Hann Tucker Associates ON 21 September 2016. There were 3no 'Daikin' external condensers at lower ground floor and 4no 'Nuair' heat recovery units in Zones A B C and D, which are inside the building. The heat recovery units need extract and intake outlets on the roof, and these positions were shown on the drawings- one at the front adjacent to Berkeley Square, one adjacent to the lightwell and one on the modern building at no. 39. Noise monitoring had taken place between 11:45am on Tuesday 23 August 2016 and 10:30am on Wednesday 24 August 2016 and that the unmanned equipment took measurements at 15 minute intervals, but the report objection Red Twin points out that these were not done at 1hour intervals. The survey confirmed that wind conditions at the beginning and end of the survey were calm and the sky was clear, and that during the survey it is understood that the conditions remained similar. Measuring equipment was positioned at the front of the building on a tree, and at third floor roof terrace level. The dominant noise source was noted to be vehicular movements on nearby roads, although this was only noted at the beginning and end of the survey due to the test equipment being unmanned. The Red Twin report states that the report did not correctly identify the main sources of noise in the area.

Noise levels on the roof terrace were also assessed, and based on a roof terrace with a similar capacity (40 people max).

No conditions relating to noise were attached to the consent.

(ii) CURRENTLY SUBMITTED AND AMENDED NOISE REPORT

The current proposal is supported by a noise report by Hydrock (dated 13 June 2018). This application seeks to relocate the three 'Daikin' condensers from the lower ground floor, as well as three additional condensers, onto the fourth floor roof. Due to the initial lack of clarity, and to respond to some of the objections in this regard, the applicant was asked to prepare drawings showing this plant, manufacturer's details, and a revised noise report. As reported above, the applicant submitted this information on 15 June 2018.

The Council's pollution control officer reviewed the revised noise report and made the following comments:

"It is stated in paragraph 11.1 that 'The calculated noise emissions are significantly below the minimum background noise level and therefore likely to be inaudible' but at Berkeley House Flats in table 9 the predicted façade level at 44 is only 1 dB below the minimum background level of 45. It is also not clear how the façade level at 44 became the rating level of 42. This then isn't mentioned in the discussion 11.1.1 where just the levels at 1 Berkeley Square are mentioned.

The levels at 1 Berkeley Square are detailed in the summary and conclusions. Here it would be useful to state what the difference will be between and, for completeness the difference between the

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rating level and the typical background level should be stated along with the fact that levels may be reduced further by the use of the enclosure to the Nuaire DE6 fan."

In the light of these comments, the report was revised a second time on officer advice. The pollution control officer confirmed that the second version was acceptable as it addressed the concerns above. This second revised version (dated and referenced identically to the first) was made public but no additional public consultation took place because the Council's Pollution Control Officer was satisfied with the findings.

Specifically, the report addresses previous concerns as listed below:

- Does the revised noise report give readings over 1 hour intervals?

Yes.

- Does it provide spectral information?

Yes - it includes noise modelling

- Does it correctly identify the main sources of noise in the area?

Yes - in relation to each monitoring position. Vehicle noise, plant from other buildings and to a small degree, internal building works

- Does it state where each item of plant is located and do the readings therefore give sufficient comfort? Does it say how far away from the plant the measurements were taken?

Yes - one at either end of the roof. The revised Noise Report and drawings indicate the location of the proposed plant on the roof. It says plant would only operate between 7am and 11pm and that it would be mitigated by attenuators. It says that plant noise would be significantly below the background noise levels and likely to be inaudible taking into account the urban location.

- Does it consider noise from the roof terrace as well as plant?

Yes - the roof terrace would be in operation between 9am-6pm, and these hours are commensurate with the previous approval. The noise report anticipates 10-15 separate conversations taking place at any one time - 15 being a worst case scenario. It confirms that no music would be played as it would only be used by office workers and not for private events. Any additional usage would require a license which would be applied for and determined under the licensing regime. An additional condition is proposed to require a management plan to set out how the roof terrace would be used, and how it would be managed.

- Does it consider reflection of sounds from surrounding buildings and the glazed lantern?

It says the pergola and lantern would not influence the noise levels.

- Does it consider the combined noise of plant and roof terrace and is there an acceptable outcome?

The terrace would have capacity for 40 people. The Hydrock report finds that noise from the terrace will be virtually inaudible within residential properties, but this is based on normal speech levels, and the objection from Red Twin feels that the assessment should take into account variation in speech levels. It predicts that with varied speech, people-noise will be apparent over the normal sounds normally experienced within the properties in Berkeley House, and hence would have an adverse impact.

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It should be noted that the external area is for office use only and one would therefore expect much less raised speech than at a bar or restaurant or in a public space. The external area is only permitted to be used up to 6 pm and therefore it would be difficult to prove that the use of the terrace would have a significantly adverse impact in terms of noise.

The calculated noise emissions for the plant are significantly below the minimum background noise level (as shown at Table 9 of the revised noise report, the predicted rating level of the plant being 13 dB below the background level at 1 Berkeley Square and 14 dB Berkeley House. Whilst no condition was applied during the previous application (because the plant was proposed to be indoors at lower ground floor level), it is proposed to include such a condition in this recommendation. The condition would require that noise from plant would be at least 5dBA below the background levels.

In view of the above considerations, there would be no quantifiable reason to refuse the application on the grounds of noise disturbance.

(iii) ACOUSTIC MITIGATION

In terms of the mitigation suggested within the consultation responses, the applicant has agreed to accept a further limitation on hours of use, to limit the use of the terrace to Mondays to Fridays only (excluding bank holidays). They have also agreed to submit a management plan for approval prior to occupation, which sets out how behaviour on the terrace would be managed. An acoustic barrier of up to 3m (as requested in some of the objections) is not considered to be appropriate on conservation, design and amenity grounds. The conditions on hours of use, and plant noise output would enable the scheme to adequately address concerns.

(iv) PREVIOUS DAYLIGHT AND SUNLIGHT REPORT

The Daylight and Sunlight report was produced by MES Building Solutions on 7 September 2016. This set out the applicant's measurements taken in respect of the proposals' effect on light received by windows in the rear of Berkeley House. The standard BRE tests were applied, and no significantly harmful impact was envisaged in this regard.

The results for two dormer windows on the third floor (R1/W1 28-38 Berkeley House and R3/W3 19-27 Berkeley House) showed that the rooms fell short of the BRE guidelines - they were shown to experience a reduction of 0.69 and 0.65 respectively, and three of the windows at second floor level of Berkeley House showed a 'Marginal' result (showing a reduction of below the recommended standard of 0.78, 0.76 and 0.74). R1/W1 28-38 Berkeley House and R3/W3 19-27 Berkeley House are shown in the schedule attached to the BRE Assessment to measure 7.82sqm and 8.35sqm. Due to the modest size of these rooms it would be fair to assume that these are not the main habitable rooms of the flats, although the use of the rooms is not confirmed in either the Daylight and Sunlight report, or the letter from Temple Bright solicitors. A habitable room is generally understood to mean a 'room used for dwelling purposes but which is not solely a kitchen, utility room, bathroom, cellar or sanitary accommodation' (definition taken from the Planning Portal website). Habitable room windows (such as those relating to living rooms or bedrooms) are generally expected to achieve better levels of outlook and daylight and sunlight, than non-habitable rooms (such as kitchens and bathrooms).

Whilst the proposed development would be noticeable in terms of daylight and sunlight received by certain windows in surrounding properties, it must also be borne in mind that the BRE tests are guidelines only, and not planning policy, however they are a useful tool for assessing the impacts of developments on light received by neighbouring windows. They are intended to be applied flexibly, and the background sets out that in some areas (for example city centres and high density areas,) developments may not always achieve optimum levels of daylight or sunlight.

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Out of the 71 no. windows tested, two dormer windows on the third floor failed the tests, and three windows on the second floor fell marginally short of the BRE guideline reduction. These shortfalls did not illicit a reason for refusal in the previous application, and they would not now, for the reasons stated above.

In terms of the position of the revised roof extension, and the roof terrace and structure on the roof, the drawings submitted for both applications have been compared. For the parent scheme this was drawing ref: 525-PA.11 - Proposed section BB, and for the current scheme the comparison drawing is P40-AHR-B1-ZZ-PDR-A-24-101 Proposed East Elevation. Whilst there are differences between the two applications in how the drawings are scaled and shown due to them having been prepared by different architects, both sets of drawings are to an appropriate scale and this allows an assessment to be made by officers as to the relevant distances displayed by each version of roof extension.

There are three key measurements as set out in the table below:

	16/05148/F drawings	17/06959/X drawings
Distance from parapet to base of roof extension / mansard	2.1m	2.06m
Distance from parapet to top of roof extension / mansard	2.5m	2.06m
Distance from parapet to roof terrace balustrade	4.3m	4.6m

When examining these key measurements, it can be seen that there is no significant difference between key distances within the two schemes, aside from the current proposal for the terrace being set back 0.3m further than the original terrace.

In spite of this, the applicant was asked to prepare a revised Daylight and Sunlight Assessment for this application to include an assessment of the new pergola structure (confirmed as pergola which is open not covered), which is to be set further back in the roof (at a distance of 12m from the existing parapet).

(v) CURRENT DAYLIGHT AND SUNLIGHT REPORT

The revised report was prepared by MES Building Solutions dated 14 June 2018 and sent out to consultation for 21 days. The revised report was based on the drawings submitted for the current application, therefore the proposed lightwell and the pergola structure are included. The findings of this second report are very similar to that of the first application, and they do not change the results in terms of whether windows pass or fail or marginally meet the guidelines. The third floor window (R3) in 19-27 Berkeley House would go from 0.65% reduction to a 0.69% reduction (so would actually be slightly improved in this scheme) and the third floor window (R1) in 28-36 Berkeley House would go from 0.69% to 0.66% reduction. The other 'marginal' rooms would vary no more than 0.03% in comparison to the first scheme.

It should also be noted that the brise-soleil which was initially proposed, was removed on officer advice, (due to design and amenity concerns) and the latest drawings reflect this.

There is no quantifiable reason to sustain a reason for refusal of this application on the grounds of loss of daylight and sunlight.

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(iii) OVERLOOKING

The assessment for the previous scheme in respect of the new windows and infill on the south elevation was as follows:

"Due to this being an existing relationship, it is not considered that these new windows would give rise to additional harmful overlooking as the same views are already possible from the upper floors of the existing office. A number of comments received in response to the consultation have reported problems with the current office having views into private rooms in Berkeley House. It would be unreasonable and unnecessary to require the applicant to fit either the new or existing windows with obscure glazing."

In spite of this, and in view of the comments received in consultation, the applicant was asked to look at whether, as part of the refurbishment of the building, it would be possible to install obscure glazing or at least a directional film as these were considered to be measures that could easily be incorporated to overcome the existing problems reported by the Berkeley House residents.

The applicant was not prepared to install obscure glazing or an applied directional film to either the existing or proposed new windows, however, they submitted a drawing showing that the balustrade on the further floor roof terrace would be obscurely glazed, as well as the windows in the lower ground floor wellness centre and the stair core of no. 39. They submit that "the scheme now provides significant betterment regarding these matters to the fall-back of the existing building and the extant permission."

Comments have suggested that the position of planter boxes and benches could be positioned on the terrace to discourage views. The applicant has also referred to this in their latest submission, by showing benches positioned close to the edge of the terrace. Whilst these will be secured by listing the approved drawings on the decision notice, it is beyond the remit of the planning system to seek to control where furniture is positioned within a space.

The third floor balcony is proposed to be for maintenance purposes only, and a condition is imposed to reinforce this. It is not therefore considered necessary to require this to be fitted with obscure glazing, indeed the applicant has shown a horizontal rail balustrade in the latest drawings instead.

It is acknowledged that the revised roof extension includes a larger area of glazing than as previously proposed. It should be noted here that the latest versions of the south elevation include solid spandrel panels (opaque coloured glazing) which align with the existing concrete frame below. These were added in response to officer concerns that the originally submitted scheme showed glazing across the full width of the extension. It was considered that in design terms this approach was sensible, and the applicant's claim that spandrel panels would reduce the amount of clear glazing and further allay overlooking concerns, was accepted. The fact that views are already possible from this property to Berkeley House is also a material consideration as it was with the previous scheme.

In the light of the above considerations, it is considered that the applicant has taken reasonable steps to address concerns relating to overlooking. Whilst they are not incorporating all the suggestions arising from consultation responses, it is not considered that the current scheme would introduce harmful overlooking impact such a significant loss of amenity would occur.

To conclude the amenity section, the concerns of the residents of Berkeley House have been acknowledged and it is not refuted that certain elements of this proposal would affect light received by a small number of rooms within Berkeley House, and that the additional storey with its windows and roof terrace would present further opportunities for views between the two buildings. These concerns have been given due weight. The applicant has responded to requests for further analysis and studies, and as a result, it is considered that the scheme presented here, with the proposed conditions, is a better response in terms of amenity than the parent scheme 16/05148/F. The proposal would not have a significantly harmful impact on daylight and sunlight received by neighbouring

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properties, overlooking relationships or noise. The application is acceptable in terms of amenity and complies with the above-mentioned policies.

(D) IS THE SUSTAINABILITY RESPONSE ACCEPTABLE?

As embedded in the NPPF, sustainability should be integral to all new development. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

Bristol City Council's Climate Change and Sustainability Practice Note provides additional advice on how to deliver the requirements of these policies.

As set out in the Description of Application section above, the application seeks to amend the type of renewable energy from Air Source Heat Pumps to PV panels. A number of discussions have taken place during the course of the application on the acceptability of a PV array on the roof of no. 40 (the 1960s part of the building). As originally submitted, the PV array was shown to extend the full length of the roof, however the Heritage officer raised concerns that this would be visually harmful within the conservation area and in views of the site from the listed Cabot Tower, and this was envisaged to result in substantial harm that would not be outweighed by any public benefit. It is acknowledged that in this case, there is a balance to be struck between the harm inflicted on the setting of nearby and surrounding Heritage assets, and the requirement to deliver sustainable development with a policy compliant renewable energy response. Following negotiations, a PV arrangement that covered approximately one quarter of the roof at no. 40 has been agreed to.

On site PV is proposed to reduce residual CO₂ emissions. Whilst a 20% reduction is required by policy, due to the heritage objection, the potential for a PV array is greatly reduced. With the PV array on the reduced area of roof (25%), the scheme can therefore achieve a 5.5% reduction through the PV.

The applicant is proposing to meet the remainder through allowable solutions by way of a financial contribution (calculated at £60/tonne CO₂ shortfall x 30yrs) to Bristol City Council to be secured by S106 to be spent on CO₂ reduction measures off site. This approach is allowed by policy BCS14, where it is written in the supporting text: "Where the full requirements of Policy BCS14 cannot feasibly be delivered onsite, an alternative allowable solution will be considered, such as providing the residual emission reduction through a contribution to a relevant citywide low-carbon energy initiative or by agreeing acceptable directly linked or near-site provision." This approach has been taken on other sites successfully.

The energy strategy submitted suggests £60/tonne/yr over a 30yr period. This price is equivalent to the approximate cost to install PV on another building to deliver the required CO₂ savings. It is also a nationally recognised carbon price (it is the discounted figure published by DECC for a home built in 2017 to abate 30 yrs of carbon (up to 2046)). £60/tonne has been adopted by a number of other local authorities for the purpose of carbon offset monetary in-lieu contributions. This would be put towards other renewable energy projects within the vicinity of the site, within ten years from the date of the decision.

Based on the above, the carbon off-set contribution would be £113,534 and the applicant has prepared a Unilateral Undertaking pledging this amount. This has been accepted by the council.

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CONCLUSION

The development is found to be acceptable, and the additional measures that are built in, in the form of conditions that were not included in the parent scheme would give a greater control over the operation of the roof terrace and the limits on plant noise. The changes are agreed as being minor, and the development is supported.

Section 73 amendment applications such as this act as a new planning permission that supersedes the existing permission, therefore the conditions to be attached must be reviewed accordingly. The development on site has not commenced, and none of the conditions have been discharged. The recommendation for this application therefore reflects the most up to date list of conditions.

This application is recommended for approval, subject to the conditions on the recommendation, and the Unilateral Undertaking to secure the allowable solutions contribution.

COMMUNITY INFRASTRUCTURE LEVY

This development is liable for CIL, however the CIL rate for this type of development, as set out in the CIL Charging Schedule, is £nil and therefore no CIL is payable.

RECOMMENDED GRANT subject to Planning Agreement

Time limit for commencement of development

1. Full Planning Permission

The development hereby permitted shall begin before the end of 14 December 2019.

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. Further details before development starts

No development (of the relevant phase as shown on Phasing Plan submitted on 02.08.2018) shall take place until detailed section and elevation drawings at a scale of 1:5 of the following have been submitted and approved in writing by the Local Planning Authority. The detail thereby approved shall be carried out in accordance with that approval.

A. Phase 1

- a) Proposed window and glazing system showing frame profiles, and material connections, including with the external ground surfaces, in context
- b) Glazed balustrade and handrails
- c) Proposed windows to rear including roof, frame, and return finishes

B. Phase 2

- d) Proposed window and glazing system showing frame profiles, and material connections, including with the external ground surfaces, in context
- e) Glazed balustrade and handrails
- f) Proposed vertical louvres and all material connections
- g) Stonework to entrance feature showing detail, construction, and material connections.
- h) Stonework to facade showing detail, construction, and material connections.
- i) Parapet and coping detail to roof level of the façade and to roof level of projecting 4-storey entrance feature.

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Reason: In the interests of safeguarding the special character of the Conservation Area.

3. Further details of hard landscaping before development starts

No development of the Phase 2 works shall take place until drawings showing hard landscaping, to a scale of 1:10 have been submitted to the Local Authority and approved in writing. These shall show all proposed paving slabs, ramp, kerbs, steps, delineation of public and private realm, street furniture, and the re-use of the existing iron railings within the scheme. The development shall be completed in accordance with the approved details.

Reason: In the interests of safeguarding the special character of the Conservation Area.

4. Further details of samples before relevant element started

Sample panels of the following shall be made available on site for inspection, and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

- 1) Proposed natural or cast stonework to the principal elevation
- 2) Proposed natural or cast stonework to the entrance canopy detail.
- 3) Proposed anodised aluminium louvres including the proposed final finish and colour
- 4) Proposed blanking/spandrel panels to glazed curtain wall system including finished colour and finish, including to rear roof extension
- 5) Section of the proposed curtain wall glazing frame
- 6) Render proposed for the recessed sections of the north elevation including colour and finish
- 7) Proposed paint colour for the south-west façade of the building and elsewhere.

Reason: In the interests of safeguarding the special character of the Conservation Area.

5. Construction Management Plan (CMP)

The CMP details approved in respect of application reference 18/02717/COND, decision issued on 31.07.18, shall be adhered to during the construction phase of the development, unless otherwise agreed in writing with the LPA.

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.

Pre occupation condition(s)

6. New works to match

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 character of the conservation area is safeguarded.

7. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the

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

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

8. Completion and Maintenance of Cycle Provision - Shown on approved plans

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

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

9. Management Plan

Prior to occupation of the roof extension, a Management Plan setting out how the roof terraces hereby approved would be managed in terms of noise and capacity, shall be submitted and approved in writing by the LPA. The development shall thereafter be operated in accordance with the approved management plan.

Reason: In order to safeguard the amenity of nearby residents.

Post occupation management

10. Hours of operation of roof terraces;

The use of the front and rear roof terraces shall not be carried out outside the hours of 9am to 6pm on Mondays to Fridays, and shall not be used on bank holidays.

Reason: To safeguard the residential amenity of nearby occupiers.

11. Energy and Sustainability in accordance with statement

The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the submitted energy statement (entitled Energy Statement Addendum, and dated 4 June 2018) prior to first occupation. A total 24.4% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a 5.5% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with policies BCS13 (Climate Change), BC14 (sustainable energy), BCS15 (Sustainable design and construction), DM29 (Design of new buildings), BCAP20 (Sustainable design standards), BCAP21 (connection to heat networks).

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12. Third floor balcony - maintenance

The balcony area at the rear of the third floor shall only be used for maintenance purposes or for emergency escape access, and not for amenity or sitting out.

Reason: In order to protect the amenity of nearby residents.

13. Restriction of noise from plant and equipment

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

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

List of approved plans

14. 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.

LP.01 Location Plan, received 23 September 2016

EX.01 Existing Basement Plan, received 23 September 2016

EX.02 Existing Ground Floor Plan, received 23 September 2016

EX.03 Existing First Floor, received 23 September 2016

EX.04 Existing Second Floor Plan, received 23 September 2016

EX.05 Existing Third Floor, received 23 September 2016

EX.06 Existing Fourth Floor, received 23 September 2016

EX.07 Existing Roof Plan, received 23 September 2016

EX.08 Existing Front Elevation, received 23 September 2016

EX.09 Section AA, received 23 September 2016

EX.10 Existing Rear Elevation, received 23 September 2016

EX.11 Existing Section B B, received 23 September 2016

EX.12 Existing Side Elevation, received 23 September 2016

PA.01 Proposed Lower ground floor plan, received 23 September 2016

PA.02 Proposed Ground Floor, received 23 September 2016

PA.03 Proposed First Floor, received 23 September 2016

PA.04 Proposed Second Floor, received 23 September 2016

PA.05 Proposed Third Floor, received 23 September 2016

PA.06 Proposed Fourth Floor, received 23 September 2016

PA.07 Proposed Roof Plan, received 23 September 2016

PA.08 Proposed Front Elevation, received 23 September 2016

PA.09 Proposed Section A A, received 23 September 2016

PA.10 Proposed Rear Elevation, received 23 September 2016

PA.11 Proposed Section BB, received 23 September 2016

PA.12 Proposed Side Elevation, received 23 September 2016

Unilateral Undertaking , received 21 May 2018

Phasing Plan, received 2 August 2018

P40-AHR-ZZ-00-S73-A-20-001-P1-P01 Ground floor plan, received 15 June 2018

P40-AHR-ZZ-01-S73-A-20-001-P1-P01 First floor plan, received 15 June 2018

P40-AHR-ZZ-02-S73-A-20-001-P1-P01 Second floor plan, received 15 June 2018

P40-AHR-ZZ-03-S73-A-20-001-P1-P01 Third floor plan, received 15 June 2018

P40-AHR-ZZ-04-S73-A-20-001-P1-P01 Fourth floor plan, received 15 June 2018

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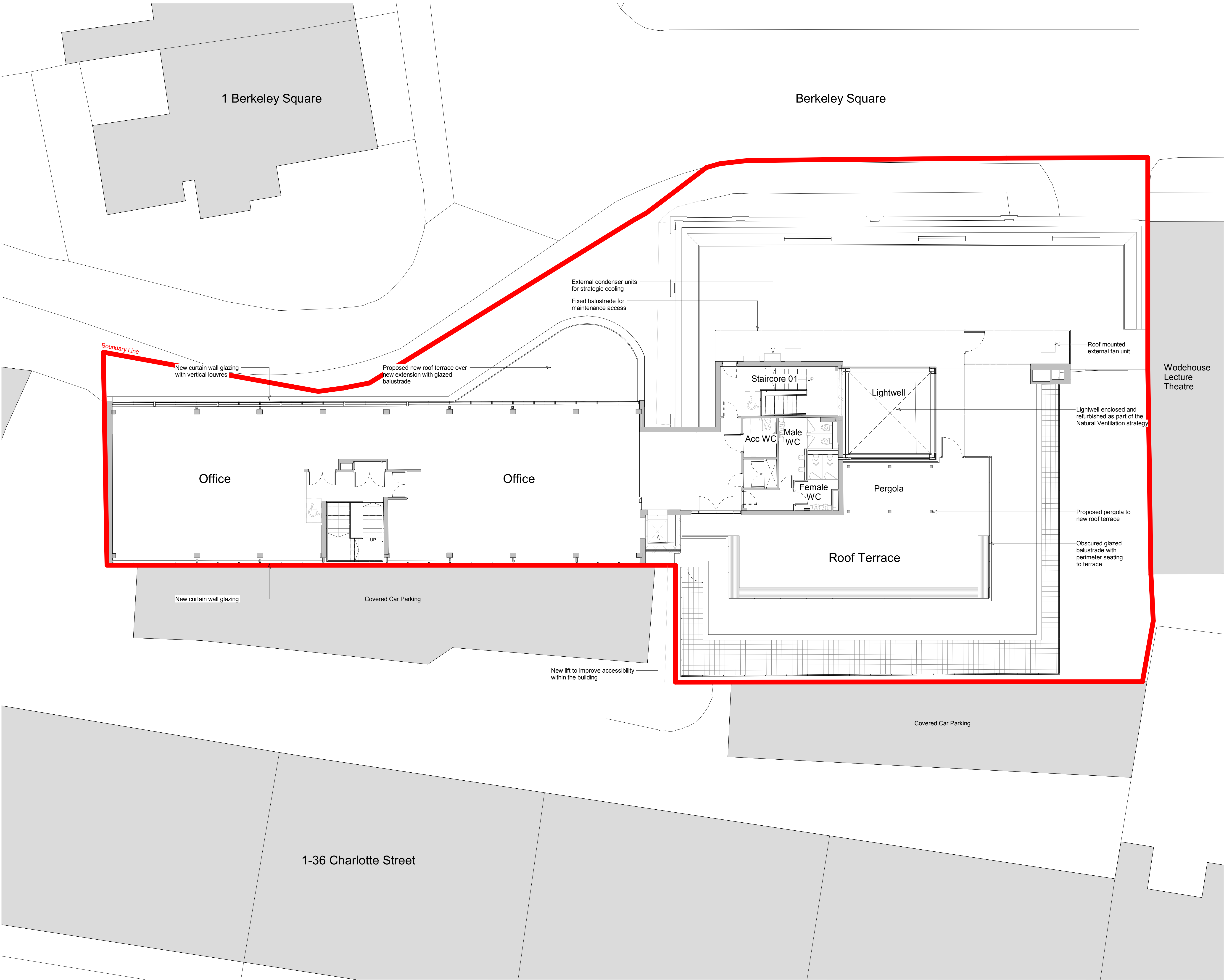
P40-AHR-ZZ-05-S73-A-20-001-P1-P01 roof plan, received 15 June 2018
P40-AHR-ZZ-B1-S73-A-20-001-P1-P01 Lower ground floor plan, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-100-P1-P01 Proposed north elevation, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-101-P1-P01 Proposed east elevation, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-102-P1-P01 Proposed south elevation, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-103-P1-P01 Proposed west elevation, received 15 June 2018
P40-AHR-B1-XX-P73-A-A3-RP02-S1-P02 Optimised Design and access statement, received 15 December 2017
P40-AHR-ZZ-ZZ-S73-A-20-201-P1-P01 Section B-B, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-205-P1-P01 THIRD FLOOR ROOF EXTENSION SECTION, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-300-P1-P01 3S PERSPECTIVES - ROOF EXTENSION, received 15 June 2018
P40-AHR-ZZ-ZZ-S73-A-20-301-P1-P01 3D PERSPECTIVES - ROOF EXTENSION 2, received 15 June 2018
P40-AHR-B1-XX-P73-A-A3-RP01A-S1-P01 DESIGN AND ACCESS STATEMENT (ADDENDUM 1), received 15 June 2018
P40-AHR-B1-XX-P73-A-A3-RP02A-S1-P02 DESIGN AND ACCESS STATEMENT (ADDENDUM 2), received 15 June 2018

Reason: For the avoidance of doubt.

Supporting Documents

4. 39-40 Berkeley Square

1. 4th Floor plan
2. Roof plan
3. South elevation
4. West elevation (From park)
5. Previous scheme Lower ground floor
6. Previous scheme proposed rear elevation
7. Previous scheme roof
8. Previous scheme section A-A



P01	First Issue	11.06.18	GE	SO
Rev	Description	Date	Dr	App
by			by	by
original by	date created		approved by	
Author	06/01/18		Approver	



AHR Architects Ltd

8th Floor

Clifton Heights

Triangle West

Bristol

BS8 1EJ

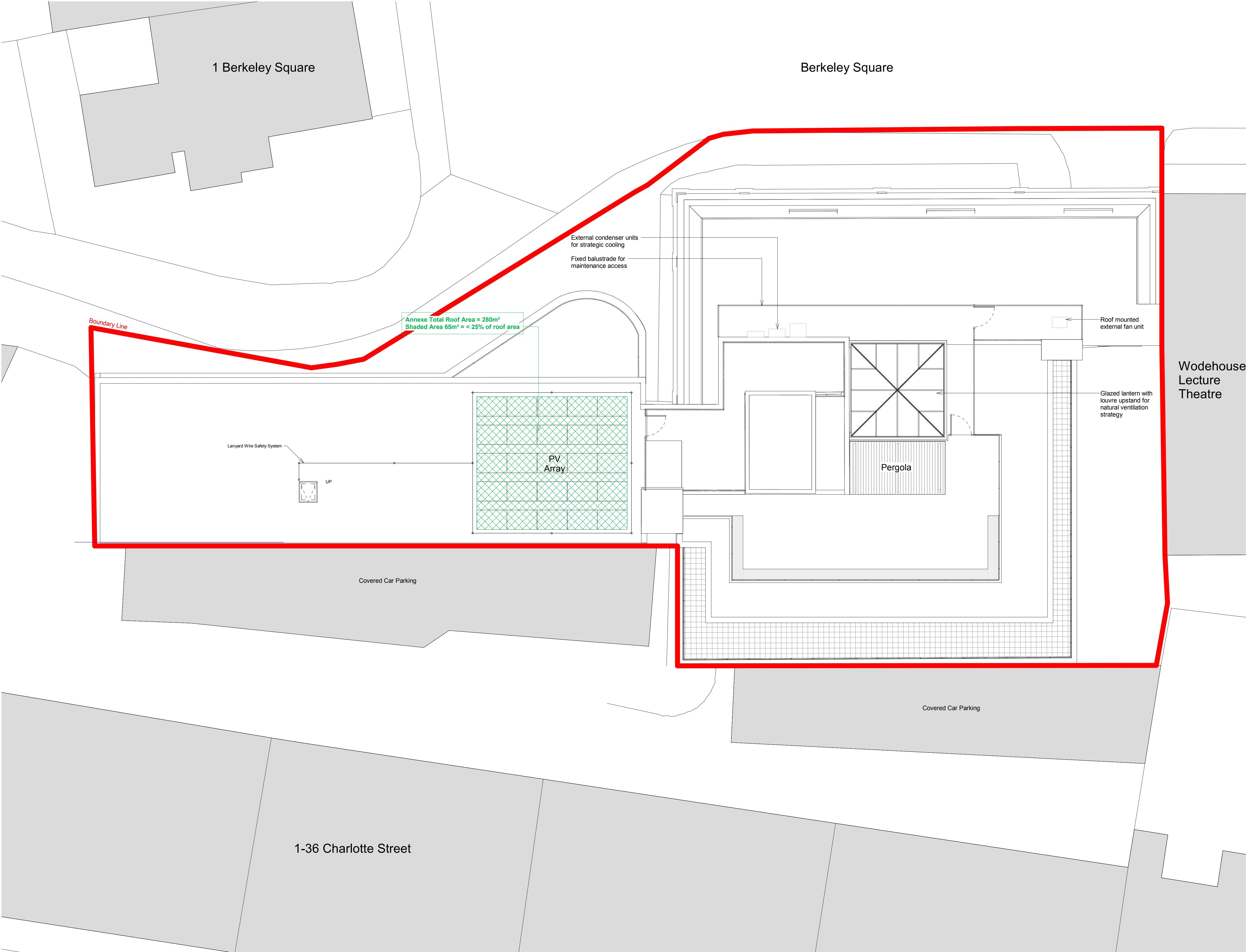
United Kingdom

T +44(0)117 9299146

E bristol@ahr-global.com

www.ahr-global.com

client name			
Whiteoaks Capital			
project			
Project 40			
drawing			
Fourth Floor - Section 73			
computer file		plot date	
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project number		scale	
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drawing number		rev	
P40-AHR-ZZ-04-S73-A-20-001		P01	
		issue status	
		P1	
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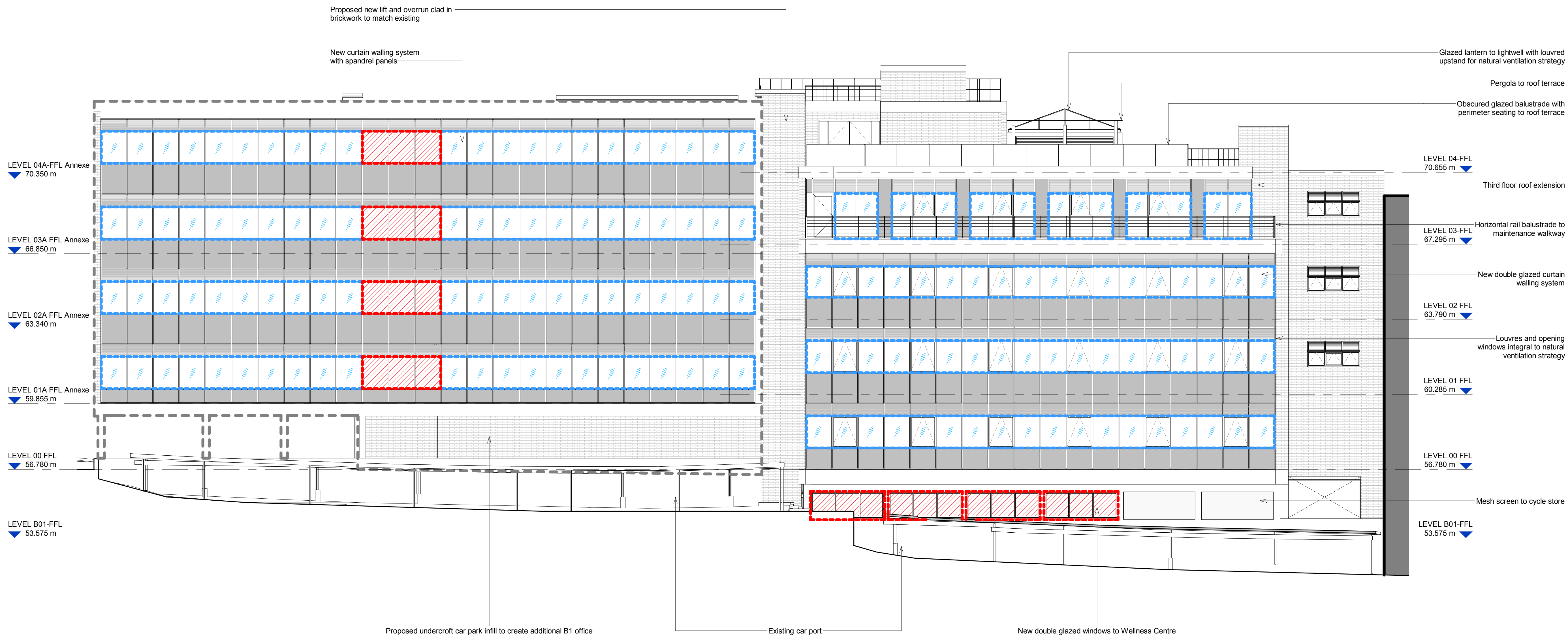
P01	First Issue	11.06.18	GE	SO
Rev	Description	Date	Dr	App
by			by	by
original by	date created		approved by	
Author	06/01/18		Approver	

AHR

AHR Architects Ltd
8th Floor
Clifton Heights
Triangle West
Bristol
BS8 1EJ
United Kingdom

T +44(0)117 9299146
E bristol@ahr-global.com
www.ahr-global.com

client name			
Whiteoaks Capital			
project			
Project 40			
drawing			
Roof - Section 73			
computer file		plot date	
C:\Rev\Projects\40-AHR-ZZ-ZZ-M3-A-BLDG1-CENTRAL_Sarah Edwards.rvt			
project number		scale	
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No.40 - Annexe

Obscure Glazing = 21m²

Clear Glazing = 159m²

Existing clear glazing = 200m² - 20% reduction in clear glazing

No.39

Obscure Glazing = 15m²

Clear Glazing = 135m²

Existing clear glazing = 147m² - 9% reduction in clear glazing

Totals:
Existing Clear Glazing = 347m²
Proposed Clear Glazing = 294m²
15% Reduction in clear glazing overall in reference to existing building

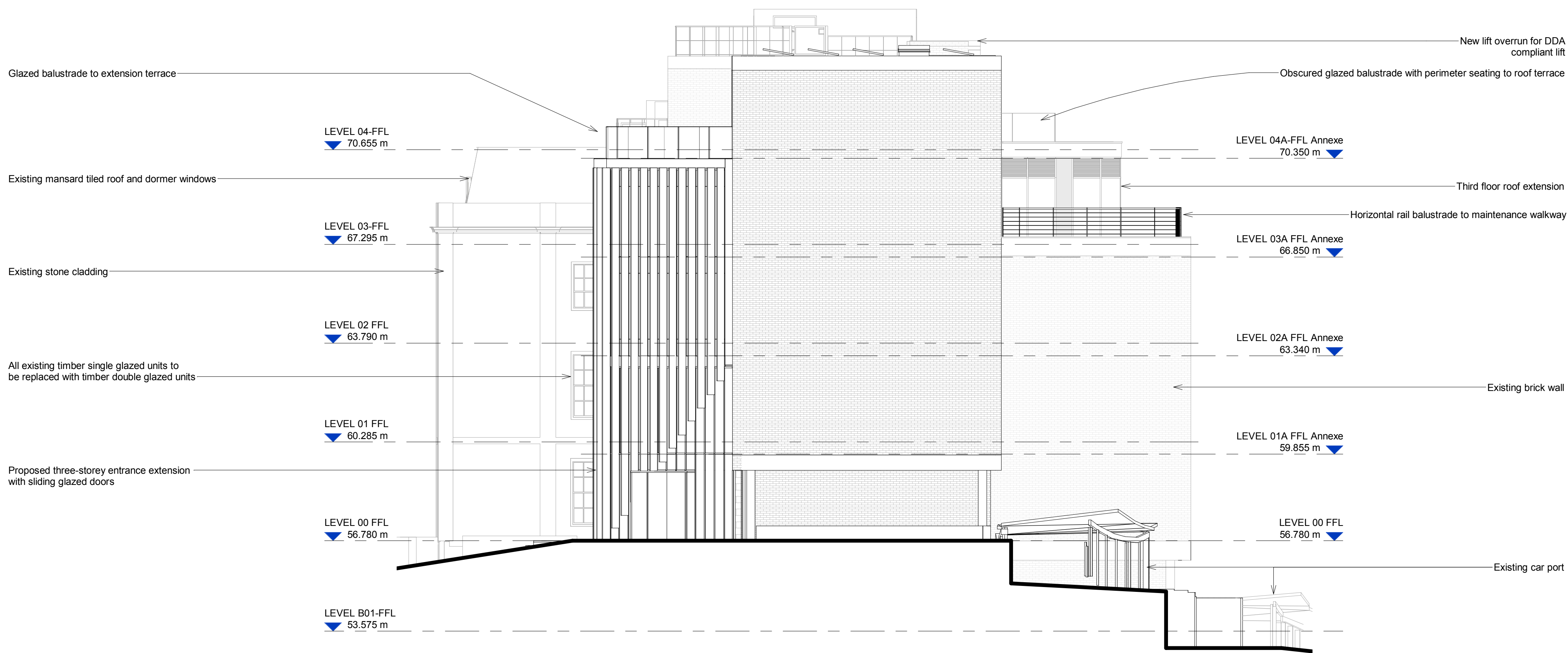
P01	First Issue	11.06.18	GE	SO
Rev	Description	Date	Dr	App
by			by	by
Author		06/04/18	approved by	Approver



AHR Architects Ltd
8th Floor
Clifton Heights
Triangle West
Bristol
BS8 1EJ
United Kingdom

T +44(0)117 9299146
E bristol@ahr-global.com
www.ahr-global.com

client name	Whiteoaks Capital
project	Project 40
drawing	South Elevation - Section 73
computer file	C:\Rev\Projects\P40-AHR-ZZ-ZZ-M3-A-BLDG1-CENTRAL_Sarah Edwards.rvt
plot date	
project number	2018.00235.000
scale	1 : 100 @A1
drawing number	P40-AHR-ZZ-ZZ-S73-A-20-102
rev	P01
issue status	P1
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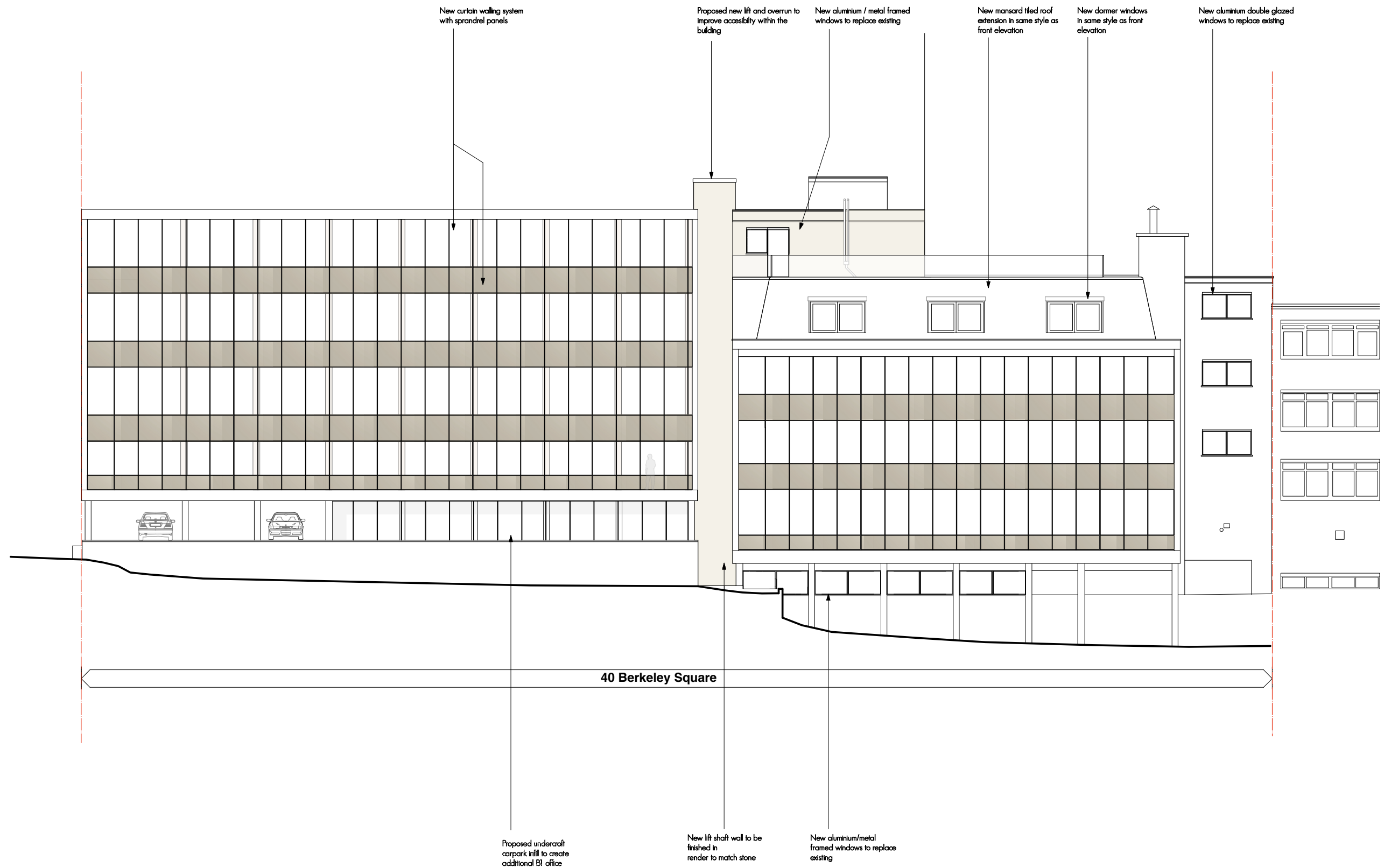


P01	First Issue	11.06.18	GE	SO
Rev	Description	Date	Dr	App
by			by	by
original by	date created		approved by	
Author	06/04/18		Approver	

AHR
AHR Architects Ltd
8th Floor
Clifton Heights
Triangle West
Bristol
BS8 1EJ
United Kingdom

T +44(0)117 9299146
E bristol@ahr-global.com
www.ahr-global.com



client name		Whiteoaks Capital	
project			
Project 40			
drawing			
West Elevation - Section 73			
computer file		plot date	
C:\Rev Projects\P40-AHR-ZZ-ZZ-M3-A-BLDG1-CENTRAL_Sarah Edwards.rvt			
project number		scale	
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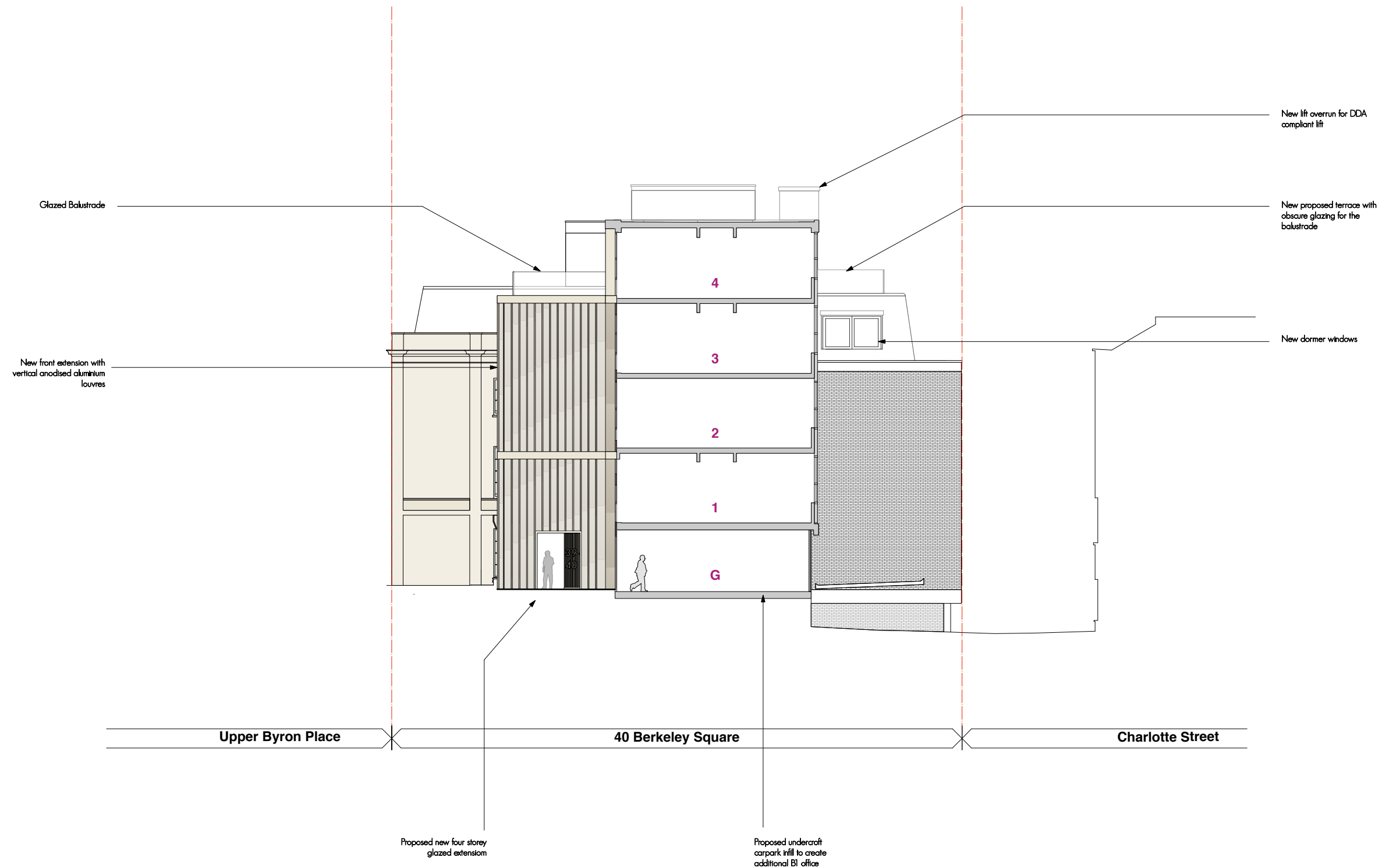


PROPOSED REAR ELEVATION

0 2m 4m 6m 8m 10m 20m

PLANNING

			PROJECT 40 BERKELEY SQUARE, BRISTOL, BS8 1HU					DRAWING TITLE PROPOSED REAR ELEVATION	
			CLIENT BOULTBEE BROOKS (BERKELEY SQUARE) LLP					<div> architecture & interior design</div> <div>T: 020 7549 2133 F: 020 7549 2144 E: info@gpadlondonltd.com W: www.gpadlondonltd.com</div> <div>Unit 1 9a Dollington Street Clerkenwell London EC1V 0BQ</div>	
rev.	date	notes	SCALE 1:100 @ A1 DATE SEPT 2016 DWG BY HBW REV.						
			CHCKD. DS DWG NO. 525-PA.10						
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PROPOSED SECTION AA

0 2m 4m 6m 8m 10m 20m

PLANNING

			<div>PROJECT</div> <div>40 BERKELEY SQUARE, BRISTOL, BS8 1HU</div> <div>CLIENT</div> <div>BOULTBEE BROOKS (BERKELEY SQUARE) LLP</div> <div>SCALE 1:100 @ A1</div> <div>DATE SEPT 2016</div> <div>DWG BY HBW</div> <div>REV.</div> <div>CHKD. DS</div> <div>DWG NO. 525-PA.09</div>	<div>DRAWING TITLE</div> <div>PROPOSED SECTION AA</div> <div><div>gpad</div>architecture & interior design</div> <div>T: 020 7549 2133 F: 020 7549 2144 E: info@gpadlondonltd.com W: www.gpadlondonltd.com</div> <div>Unit 1 9a Dollington Street Clerkenwell London EC1V 0BQ</div>
rev.	date	notes		
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