

WARD: Clifton Down **CONTACT OFFICER:** Charlotte Sangway
SITE ADDRESS: Land On North Side Of Belgrave Hill Bristol

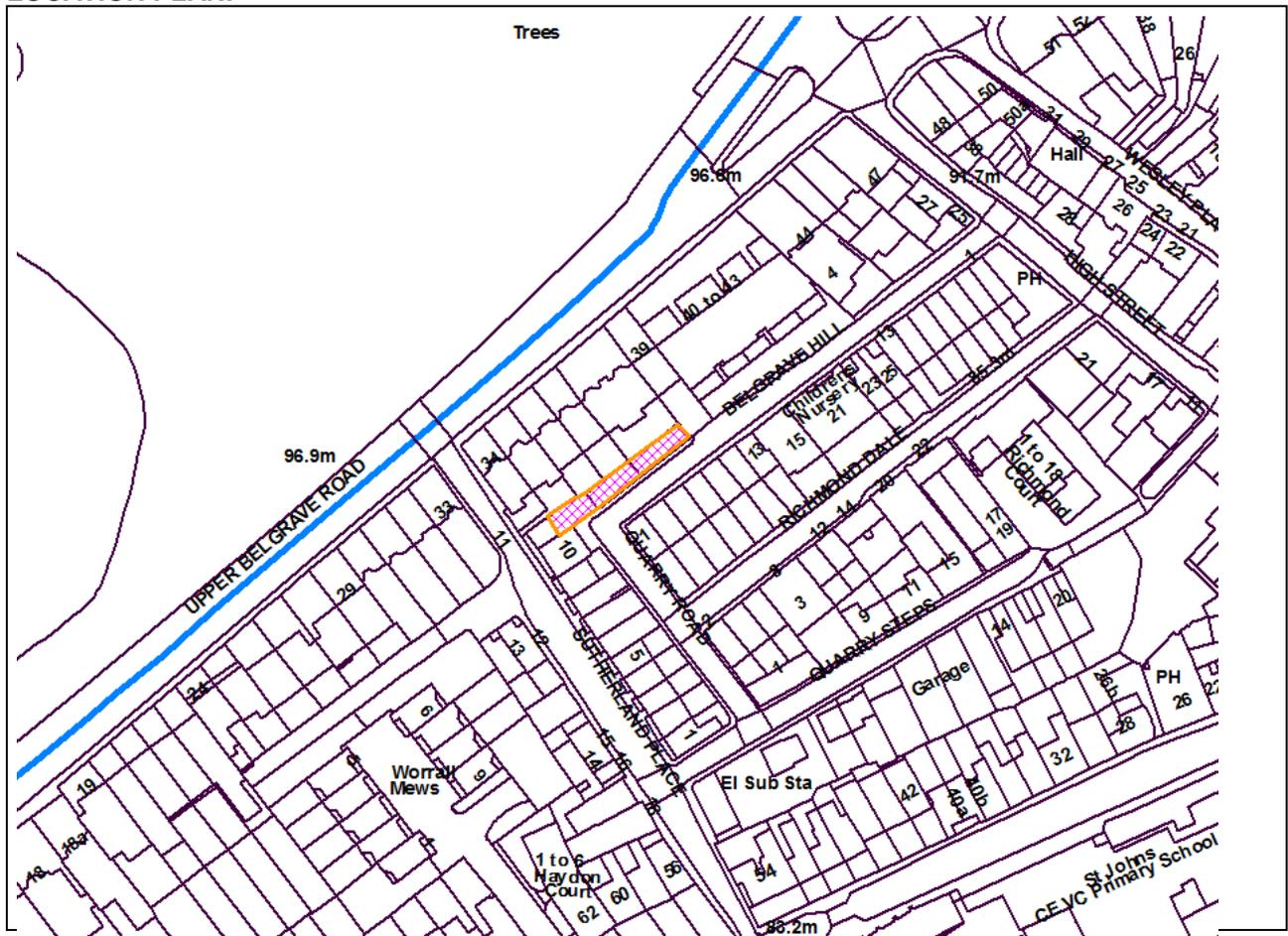
APPLICATION NO: 18/02902/F Full Planning
DETERMINATION DEADLINE: 5 October 2018
Proposed development of 2 no. Use Class C3 dwellings with associated external alterations.

RECOMMENDATION: Grant subject to Condition(s)

AGENT: CSJ Planning Consultants Ltd
1 Host Street
Bristol
BS1 5BU
APPLICANT: Mr James King
c/o Agent

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

LOCATION PLAN:



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

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

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

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

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

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

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

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

SITE DESCRIPTION

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

Other Planning History:

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

APPLICATION

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

RESPONSE TO PUBLICITY AND CONSULTATION

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

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

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

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

OBJECTION

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

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

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

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

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

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

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

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

SUPPORT

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

CONSULTEES

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

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

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

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

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

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

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

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

EQUALITIES

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

PRE-APPLICATION INVOLVEMENT

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

RELEVANT POLICIES

National Planning Policy Framework – July 2018

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

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

Clifton Conservation Area Character Appraisal

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

The Planning (and Conservation Areas) Act 1990

Technical housing standards – nationally described space standard (2015)

KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) WOULD THE PROPOSED DEVELOPMENT SAFEGUARD THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS AND WOULD IT MAKE SATISFACTORY PROVISION FOR THE AMENITY OF FUTURE OCCUPIERS?**Space standards for future occupiers**

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

Table 1

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

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

"The adopted policy arena in this regard remains unchanged.

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

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

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

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

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

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

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

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

Neighbouring occupiers

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

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

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

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

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

Condition 6- Construction environmental management plan (CEMP)

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

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

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

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

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

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

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

Condition 3- Insurance policy

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) HAVE NATURE CONSERVATION ISSUES BEEN ADDRESSED?

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

CONCLUSION

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

APPENDICES

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

COMMUNITY INFRASTRUCTURE LEVY

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

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

RECOMMENDED GRANT subject to conditions

Time limit for commencement of development

1. Full Planning Permission

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

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

Development Control – 17 October 2018**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol****Pre commencement conditions**2. Full-time supervision by a geotechnical engineer/engineering geologist during enabling works

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

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

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

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

3. Insurance policy

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

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

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

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

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

5. To ensure implementation of a programme of archaeological works

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

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

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

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

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

6. Construction environmental management plan

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

- a) Management of vehicle movements including parking, routes for construction traffic, proposed temporary traffic restrictions;
- b) Details of siting and form of the site compound/ office;
- c) Pedestrian and cyclist protection;
- d) Method of prevention of mud being carried onto highway;
- e) Hours of operation;
- f) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- g) Arrangements for liaison with the Council's Pollution Control Team;
- h) Procedures for emergency deviation of the agreed working hours;
- i) Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants;
- j) Measures for controlling the use of site lighting whether required for safe working or for security purposes;

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

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

7. Highway condition survey

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

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

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condition survey and any remedial works required.

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

8. Approval of footway works necessary

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

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

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

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

9. Sustainable Drainage System (SuDS)

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

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

10. Bat method statement and method of working

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

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

Reason: To conserve legally protected bats.

11. Further large scale details before relevant element started

Large scale detailed drawings of the following elements shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

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

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

12. Green living roof

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

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

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

13. Sample panels before specified elements started

Sample panels of the rubble stone wall, render and timber cladding; demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

Pre occupation conditions

14. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

15. Bird and bat boxes

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

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

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

No building hereby permitted shall be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored

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

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

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

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

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

18. Sustainability Statement and Energy Strategy

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

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

19. Solar photovoltaic and solar thermal panels

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

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

Post occupation management

20. Restriction of the use of the roof

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

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

21. No extensions

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

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

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22. No further windows/ enlargement of windows

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

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

23. Site clearance

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

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

List of approved plans

24. List of approved plans and drawings

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

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SUMMARY

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

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

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

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

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

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

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

SITE DESCRIPTION

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

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

The site is within Flood Zone 1.

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RELEVANT PLANNING HISTORY

The following recent planning history is associated with the site:

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

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

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

APPLICATION

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

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

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

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

RESPONSE TO PUBLICITY AND CONSULTATION

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

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

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

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

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

OTHER COMMENTS

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

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

Urban Design has commented as follows:-

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

Transport Development Management has commented as follows:-

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

Contaminated Land Environmental Protection has commented as follows:-

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

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Nature Conservation Officer has commented as follows:-

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

Archaeology Team has commented as follows:-

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

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

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Core Strategy (Adopted June 2011)

BCS5	Housing Provision
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

Bristol Site Allocations and Development Management Policies (Adopted July 2014)

DM1	Presumption in favour of sustainable development
DM14	The health impacts of development
DM15	Green infrastructure provision
DM17	Development involving existing green infrastructure
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM33	Pollution control, air quality and water quality
DM34	Contaminated land
DM37	Unstable land

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Supplementary Planning Guidance

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

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

Bristol City Council Space Standards Practice Note (July 2011)

The Planning (Listed Buildings and Conservation Areas) Act 1990

KEY ISSUES

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

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

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

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

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

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

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

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

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

Local heritage asset/ non-designated archaeological site

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

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

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

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

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

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

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Clifton Conservation Area and Whiteladies Road Conservation Areas

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

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

Listed buildings

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

Summary

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

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

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

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

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

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

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

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

Neighbouring occupiers

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

Overlooking

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

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

Reduction in light levels

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

Noise levels

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

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

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

Future occupiers

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

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

Summary

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

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

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

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

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

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

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

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

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

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

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

Land stability

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

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

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

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

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

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

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

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

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

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

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

Ground contamination

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

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

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

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

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

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(H) HAVE NATURE CONSERVATION ISSUES BEEN ADDRESSED?

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

(I) ARE THERE ANY OTHER MATERIAL CONSIDERATIONS?

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

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

CONCLUSION

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

COMMUNITY INFRASTRUCTURE LEVY

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

The CIL liability for this development is £8739.38.

RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

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

Pre commencement condition(s)

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

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

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

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

3. Insurance policy

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

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

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

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

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

5. To ensure implementation of a programme of archaeological works

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

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

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

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

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

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

6. Construction environmental management plan

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

- a) Management of vehicle movements including parking, routes for construction traffic, proposed temporary traffic restrictions;
- b) Details of siting and form of the site compound/ office;
- c) Pedestrian and cyclist protection;
- d) Method of prevention of mud being carried onto highway;
- e) Hours of operation;
- f) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- g) Arrangements for liaison with the Council's Pollution Control Team;
- h) Procedures for emergency deviation of the agreed working hours;
- i) Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants;
- j) Measures for controlling the use of site lighting whether required for safe working or for security purposes;

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

7. Highway condition survey

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

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

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

8. Approval of footway works necessary

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

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

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

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

9. Further large scale details before relevant element started

Large scale detailed drawings of the following elements shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail thereby approved shall be carried out in accordance with that approval.

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

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

10. Green living roof

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

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

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11. Sample panels before specified elements started

Sample panels of the rubble stone wall, render and timber cladding; demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason: In order that the external appearance of the building is satisfactory.

12. Bat method statement

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

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

Reason: To conserve legally protected bats.

13. Bird and bat boxes

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

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

Pre occupation condition(s)

14. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

No building hereby permitted shall be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway at any time or on the pavement except on the day of collection.

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

16. Completion and maintenance of cycle provision - shown on approved plans

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

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

17. Sustainability Statement and Energy Strategy

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

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

18. Solar photovoltaic and solar thermal panels

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

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

Post occupation management

19. Restriction of the use of the roof

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

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

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20. No extensions

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

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

21. No further windows/ enlargement of windows

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

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

22. Site clearance

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

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

List of approved plans

23. List of approved plans and drawings

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

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

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

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

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

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

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

Bat Survey, received 17 July 2014

Energy Statement, received 23 May 2014

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

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

Development Control Committee B – 12 November 2014
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Reason: For the avoidance of doubt.

Advices

1. Living green roof

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

The landform on the roof could be mounded with troughs and mounds to provide habitat diversity and structure, with stones, coils of rope and dry dead wood included to provide invertebrate niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Please see www.livingroofs.org for more information.

2. Construction site noise:

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

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

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

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

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

The certificate should be signed and dated.

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

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

Development Control Committee B – 12 November 2014
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should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).

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

12. Party Wall Act

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

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

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

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

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

14. Bird and bat box guidance:

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

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

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

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

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

BACKGROUND PAPERS

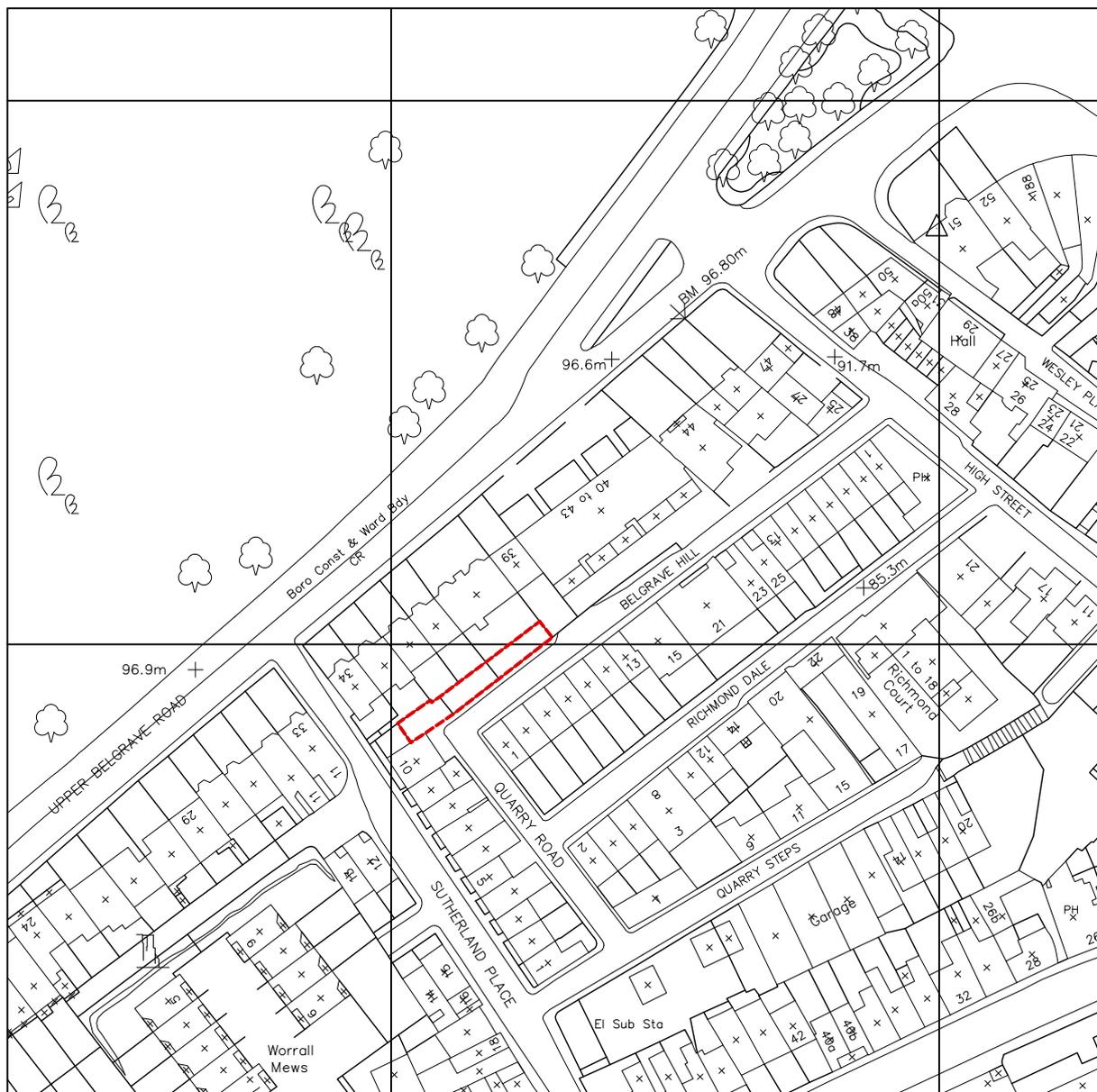
Urban Design	15 October 2014
Transport Development Management	8 October 2014
Contaminated Land Environmental Protection	26 June 2014
Nature Conservation Officer	24 July 2014
Archaeology Team	25 June 2014
Consultant Structural Engineer	30 September 2014
Conservation Advisory Panel	17 June 2014

Supporting Documents

1. Land On North Side Of Belgrave Hill, Bristol

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

Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



ISSUED FOR PLANNING

10/10/11

REV	Note	Date
-	-	-



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

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E Info@105west.co.uk

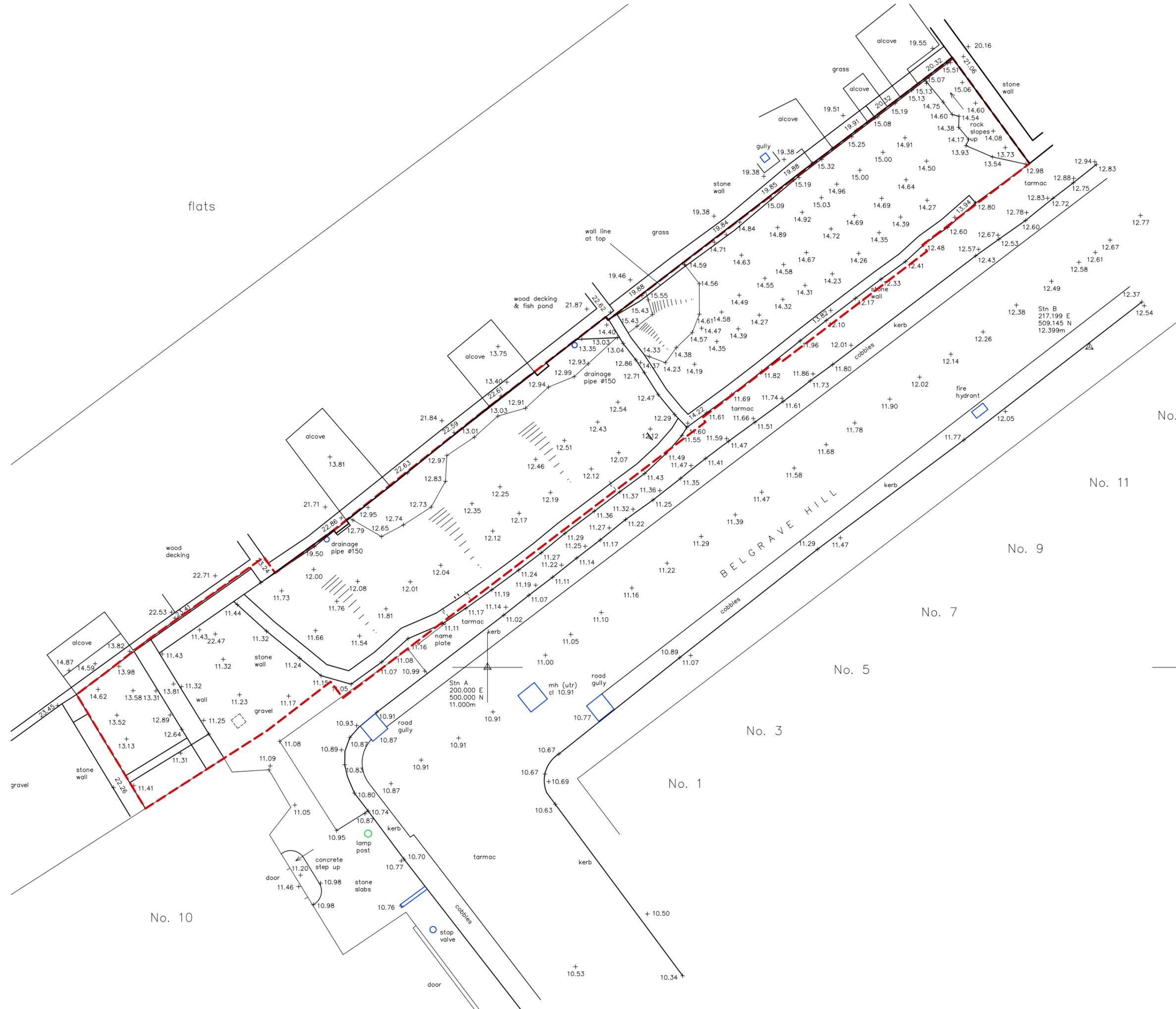
Project **Land at Belgrave Hill,
Clifton, Bristol**

Drawing Title **Location Map**

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

Scale	@A4	drawn by	Date	Rev
1:1250	DF		12/02/09	-

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No. 1.

No. 11

No. 9

No. 7

No. 5

No. 3

No. 1

No. 10

ISSUED FOR PLANNING 10/10/11

REV	Note	Date
-	-	-

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Project **Belgrave Hill, Clifton Bristol**

Drawing Title **Existing Plans**

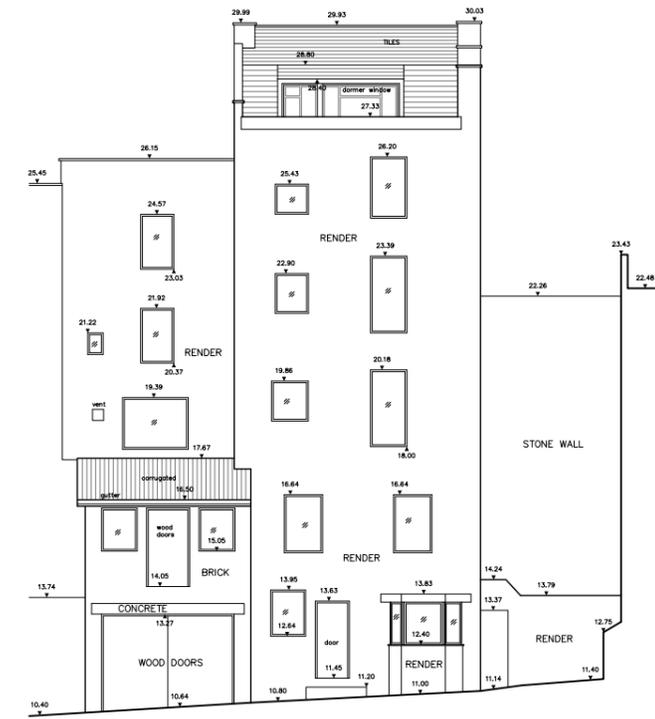
Drawing No. **1506(L)01**

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1:100 DF 18/09/07 -

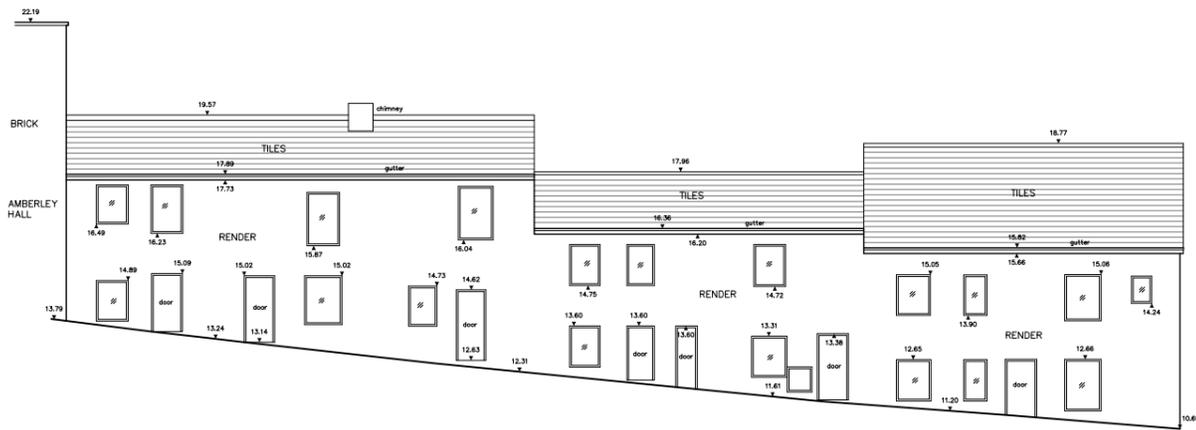
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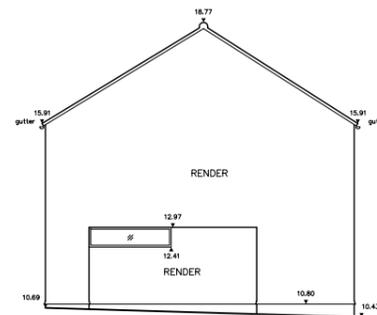
Retaining Wall Elevation



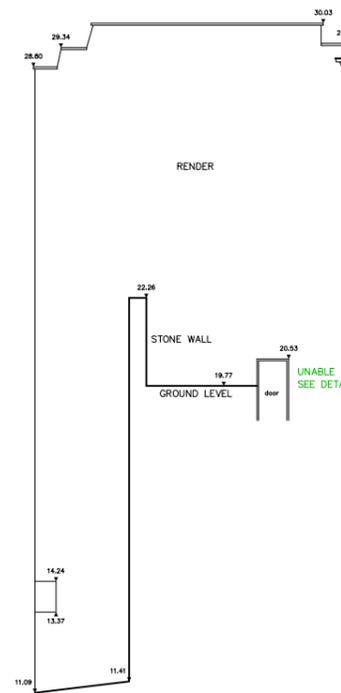
Rear Elevation
10 Sutherland Place



Front Elevation
1 to 13 Belgrave Hill



Side Elevation
1 Belgrave Hill



Side Elevation
10 Sutherland Place

ISSUED FOR PLANNING 04/07/11

REV Note Date

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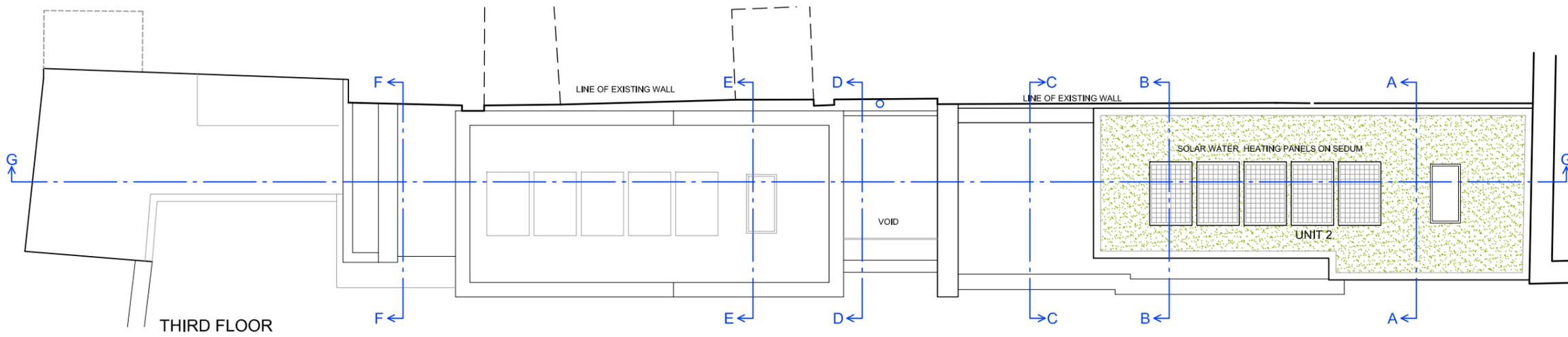
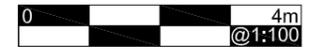
Project **Belgrave Hill, Clifton
Bristol**

Drawing Title **Existing Elevations**

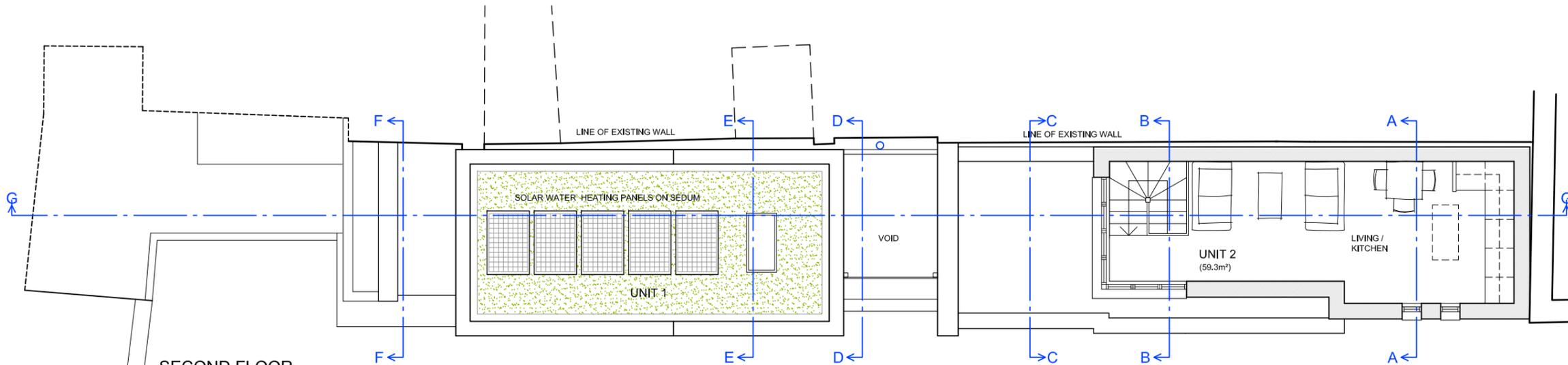
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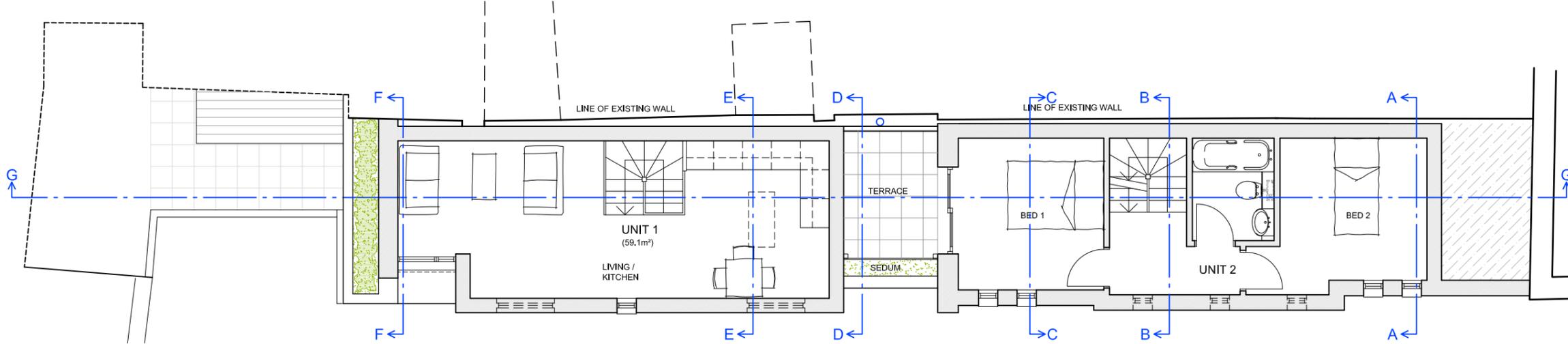
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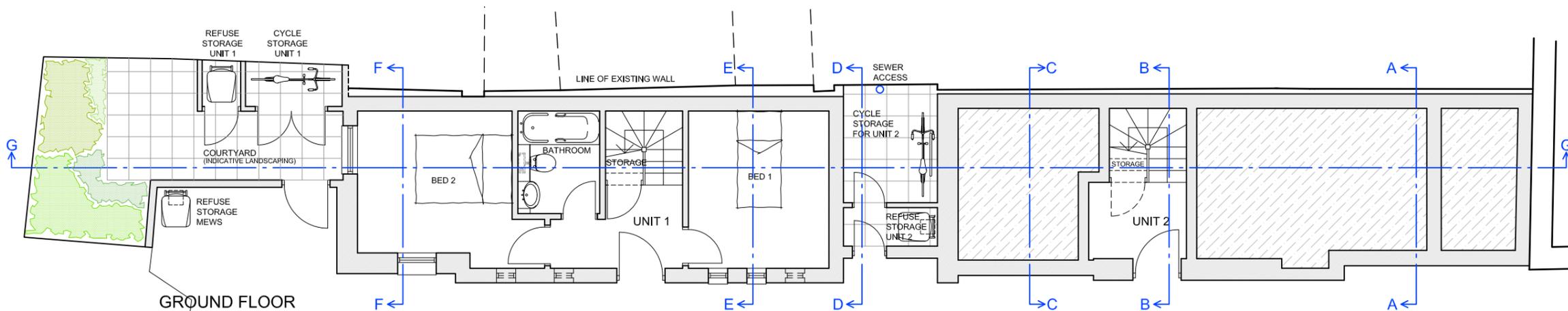
THIRD FLOOR



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

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

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

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Project **Belgrave Hill, Clifton Bristol**

Drawing Title **Proposed Plans**

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

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

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MATERIALS

Unit 1
 Walls - Random Rubble Stone to match existing and Painted Render
 Windows - Natural Timber
 Doors - Natural Timber
 Courtyard - Marshalls Tegula Priora permeable paving. Colour: pennant

Unit 2
 Walls at street level - Random Rubble Stone to match existing
 Walls at upper levels - Painted Render and Natural Timber
 Windows - Natural Timber
 Doors - Natural Timber
 Terrace - Marshalls Firedstone Flame. Colour: dusk.

All Roofs - Sedum on grey single ply membrane

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

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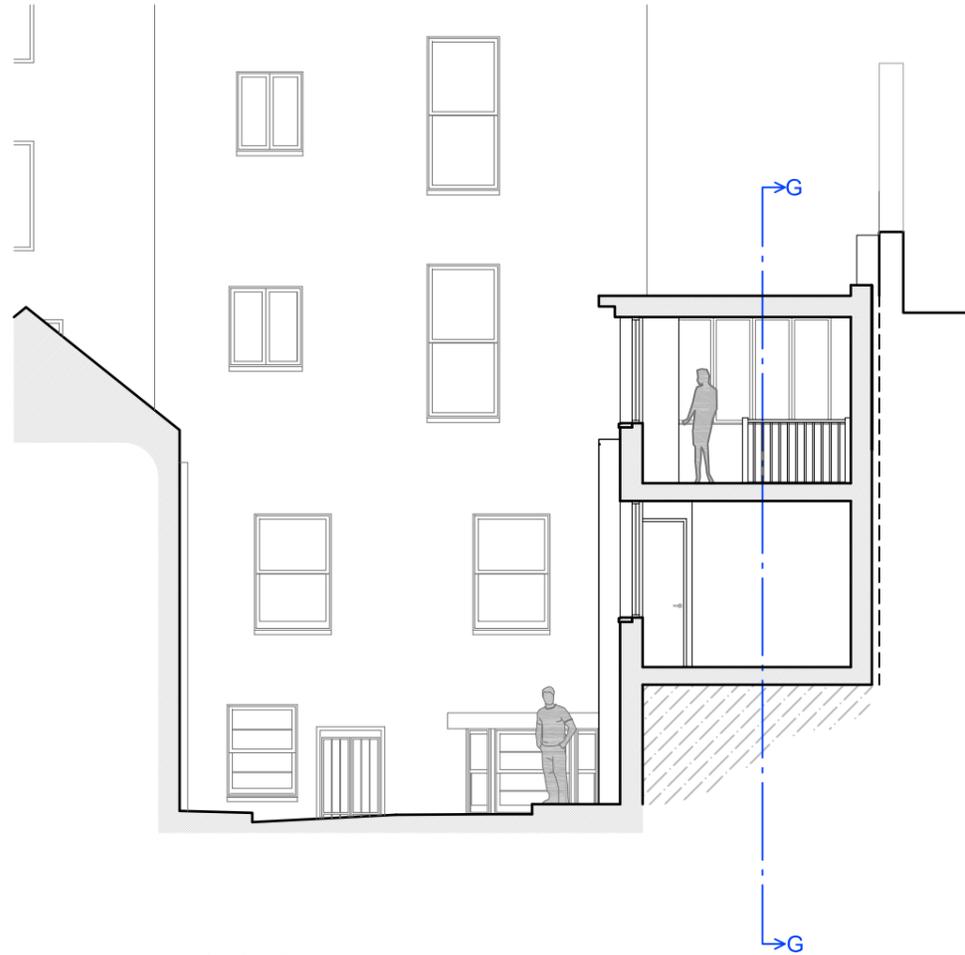
Project **Belgrave Hill, Clifton
 Bristol**

Drawing Title **Proposed Elevation**

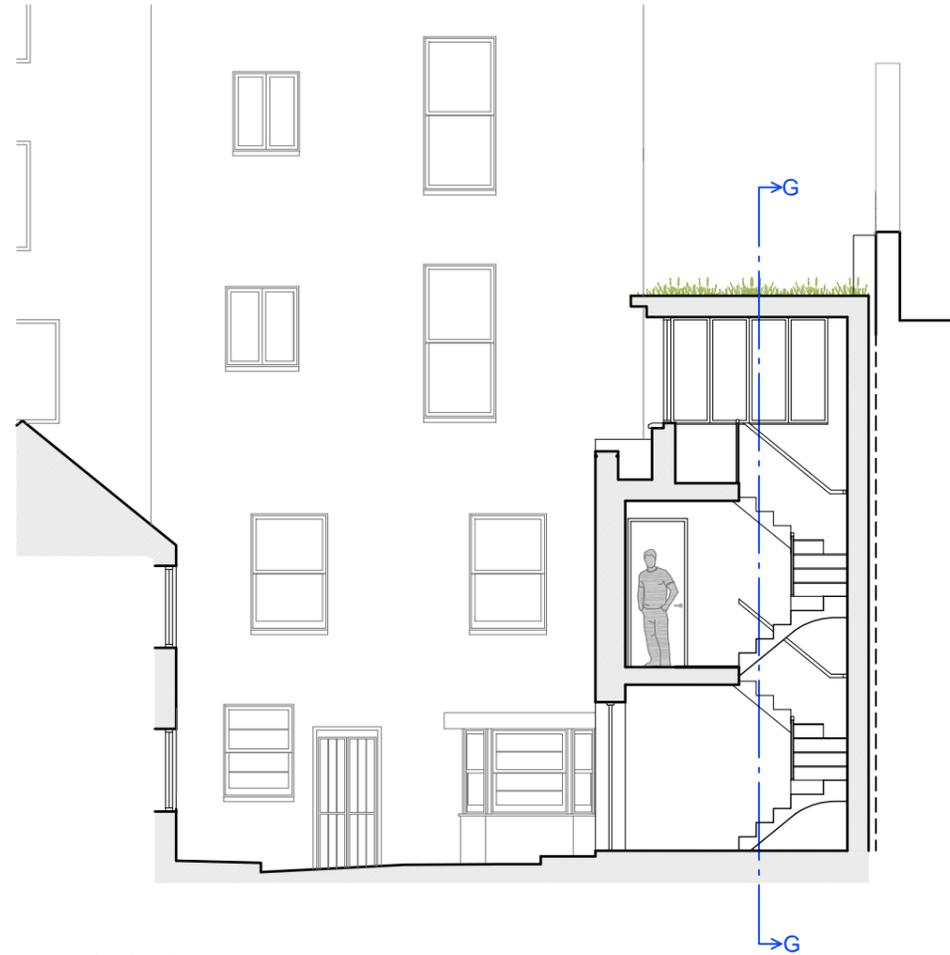
Drawing No. **1506(L)21**

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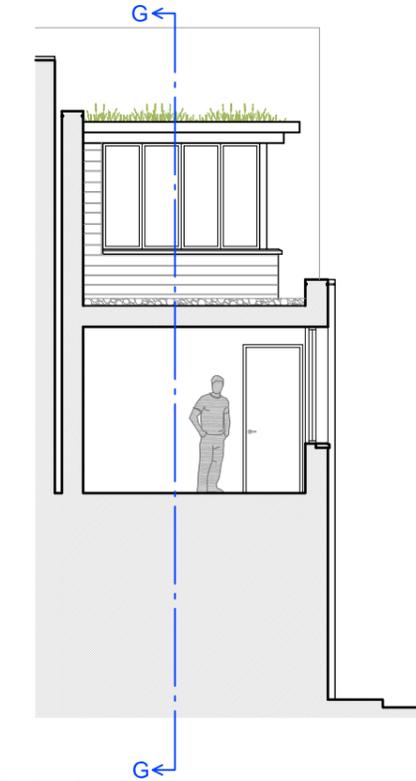
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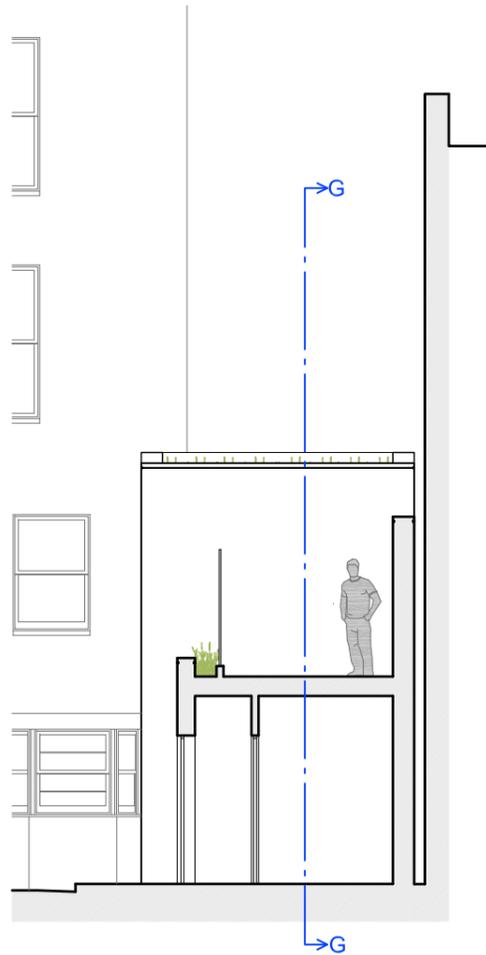
SECTION A-A
(UNIT 2)



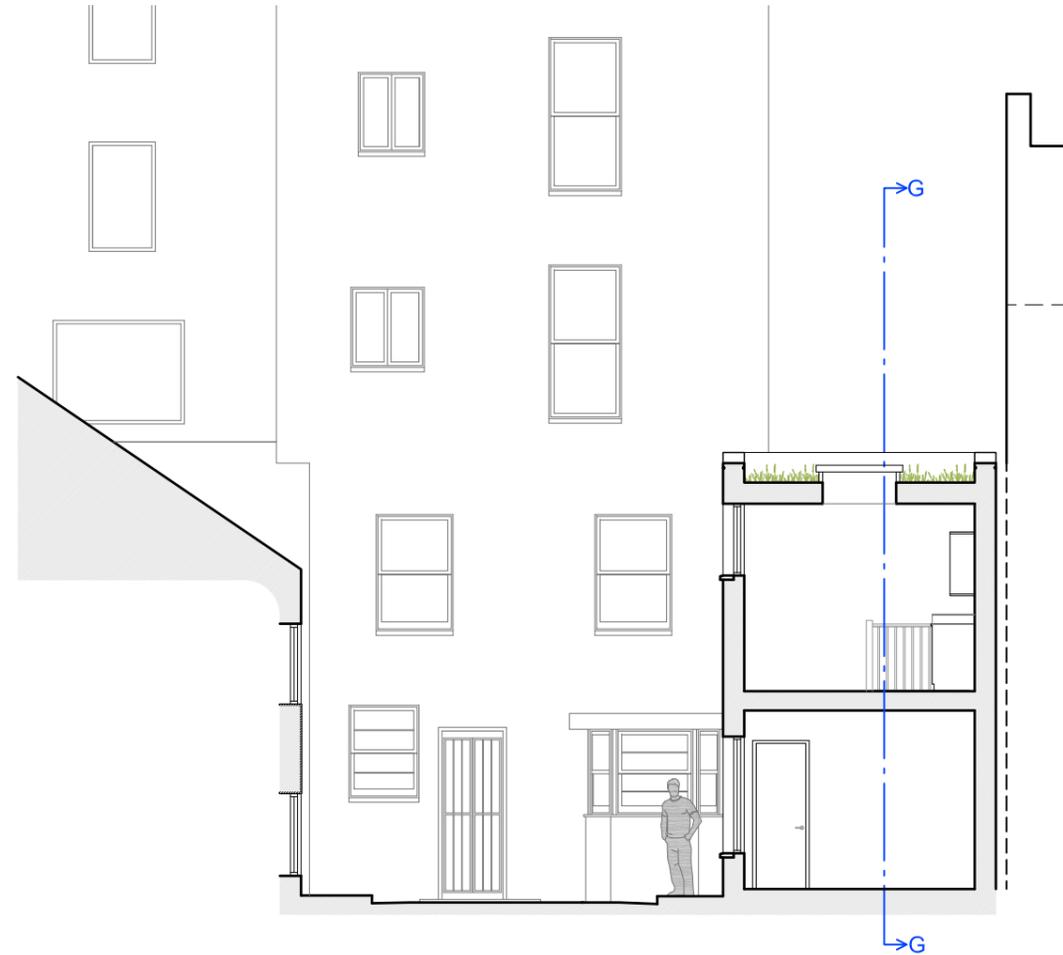
SECTION B-B
(UNIT 2)



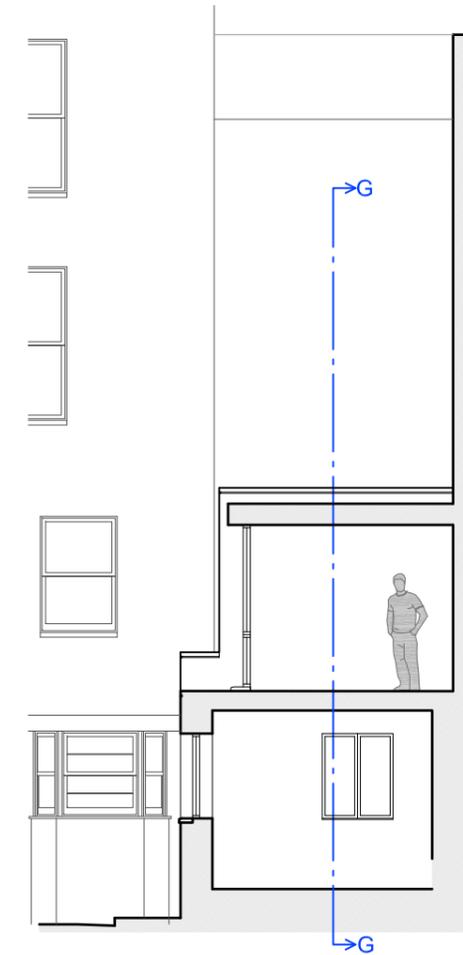
SECTION C-C
(UNIT 2)



SECTION D-D
(UNIT 2)



SECTION E-E
(UNIT 1)



SECTION F-F
(UNIT 1)

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

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

REV Note Date

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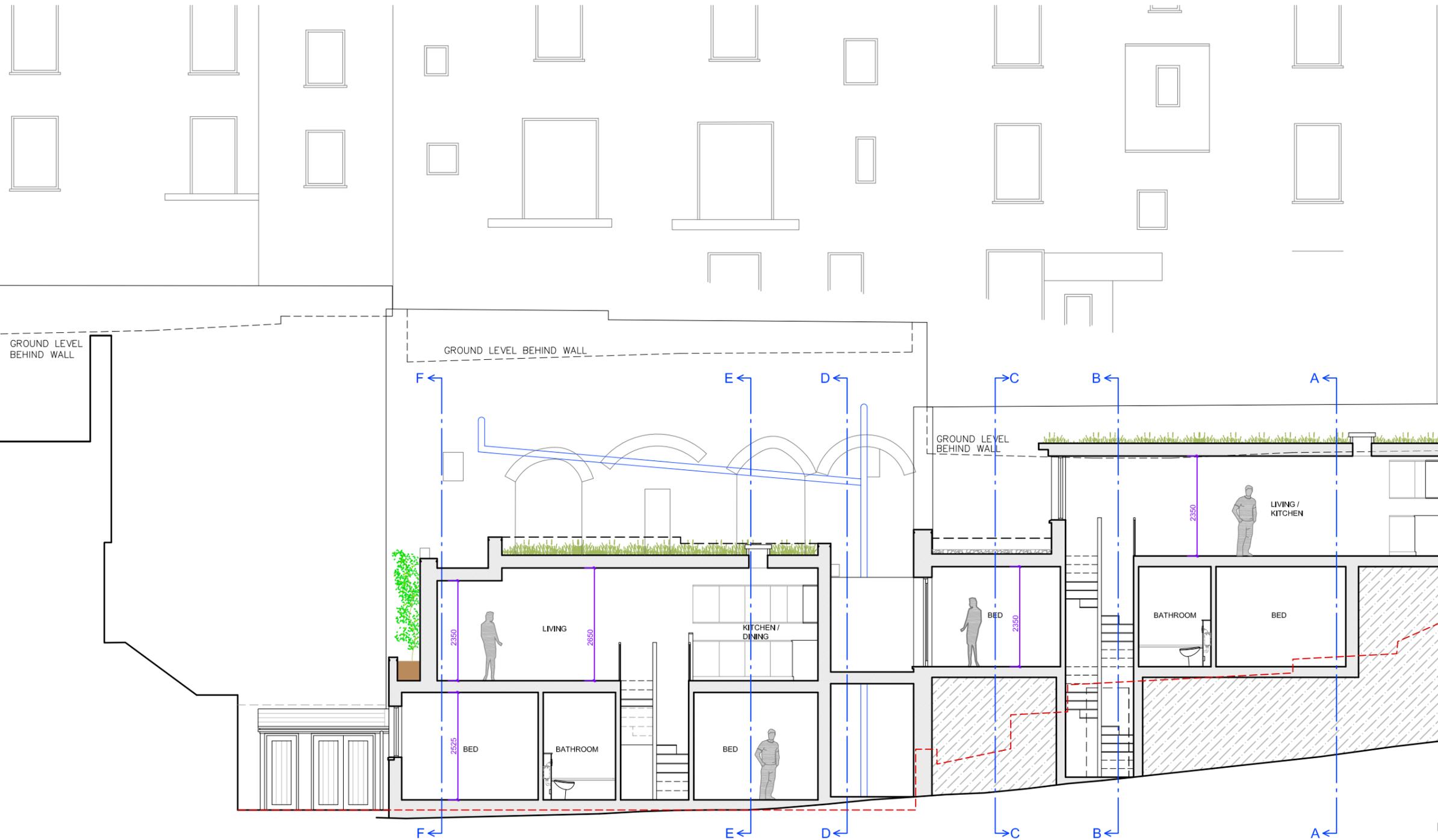
Project **Belgrave Hill, Clifton
Bristol**

Drawing Title **Proposed Sections**

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

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

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SECTION G-G

Approx extg ground line

Extg kerb line

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

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

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

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Project **Belgrave Hill, Clifton
 Bristol**

Drawing Title **Proposed Section G-G**

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

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