

WARD: Stoke Bishop **CONTACT OFFICER:** David Macfadyen
SITE ADDRESS: Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ

APPLICATION NO: 18/04727/F Full Planning

DETERMINATION DEADLINE: 15 March 2019

Demolition of existing WCs. and construction of cafe, replacement WCs and education booth.

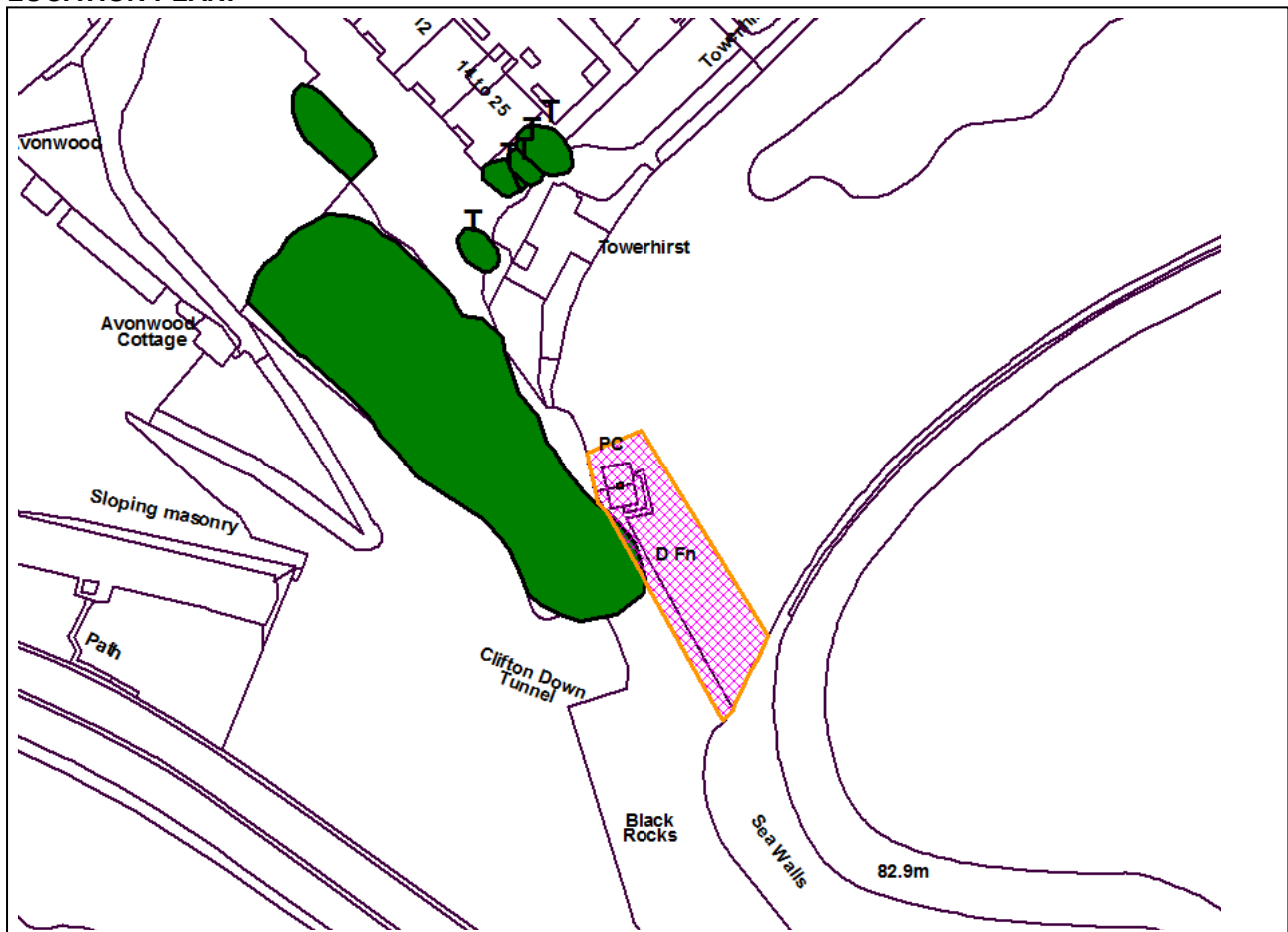
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Chris Goodsall Architect
48 Birchall Road
Bristol
BS6 7TT

APPLICANT: The Downs Committee
151 Whiteladies Road
Bristol
BS8 2RA

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

LOCATION PLAN:



Development Control Committee B – 13 March 2019**Application No. 18/04727/F : Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ****SUMMARY**

The proposed development involves demolition of the existing public toilet block at Sea Walls, north of Circular Road on Durdham Down open space, and construction of a replacement building including public toilets, café and education facilities. The site is within a sensitive context, both in terms of heritage and ecology. The proposed building would be of similar height to the existing toilet block but would be approximately double the overall size. The building would be of simple, modern design including a steel frame structure, predominantly glazed walls and flat green roof. It is noted that a first floor roof terrace area which previously formed part of the proposed building has now been removed from the application due to officer concerns regarding the increased height and massing this resulted in and resultant greater landscape impact.

Following public consultation, there have been a total of 96 responses received in objection and 37 responses received in support. Key concerns relate to the principle of building upon the open space, the appropriateness of the proposed design, the scale of the building, impact to wildlife and the post development management of impacts of the uses proposed (litter, car parking, noise etc.).

Following assessment, it is the conclusion of officer's that the proposed development would represent a very rare scenario where a minor degree of development on the open space would accord with national and local planning policy and would consequently be acceptable. This is due to the use of the proposed building supporting use of the wider open space for sports and recreational purposes and therefore ancillary to the designation as Important Open Space. Furthermore, the development would replace an existing building in the same location and it would be screened to some extent by an existing treeline, thus limiting the impact to open character of the area. The proposed design is found to be of a high quality and would provide a light weight and elegant appearance. The development would be of a scale, position and design which would cause negligible harm to adjacent buildings of historic significance. The proposals would also enhance the setting and significance of an adjacent historic drinking fountain. Subject to safeguarding conditions, it is found that the building would avoid detrimental impact to ecology, biodiversity, trees, green infrastructure, neighbouring amenity and living conditions, surrounding highways, public safety, climate change and flood risk. Specifically, conditions will be applied requiring a site management plan including detailed proposals for day-to-day management of the proposed uses as well as details of security measures.

In light of these conclusions, subject to the conditions outlined within the report, the development is found to be in accordance with relevant national and local planning policy. There are no material considerations which would warrant the refusal of planning permission. Consequently, it is the recommendation of officers that permission is granted subject to conditions.

SITE DESCRIPTION

The development site relates to an existing public toilet block which serves The Downs open space and adjacent land. The building is located to the far north western corner of the open space, sited approximately 40m north of Circular Road and the Sea Walls viewing point. The building is of single storey scale with a flat roof and stone walls. It is understood to date from the 1950s. The building comprises separate facilities for males, females and disabled users with level access from the front (east) and male facilities accessed from the rear (west). Durham Down open space surrounds the site to the north, south and east, with the Sea Walls clifftop and the Avon Gorge located to the west. The suburb of Sneyd Park is located further north of the site. This area is predominantly residential in use and character, commencing at Towerhirst (Grade II Listed) situated approximately 35m north of the site. A Listed (Grade II) drinking fountain is also located in the clifftop wall to the south west of the toilet block. The site is within The Downs Conservation Area, forms part of a Site of Nature Conservation Interest, is designated a Local Historic Park and Garden as well as Important Open Space. The Avon Gorge, adjacent to the west of the site is designated a Site of Special Scientific Interest as well as a Special Area of Conservation.

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PLANNING HISTORY

Application ref:	Proposal:	Decision:
05/04487/FB	Forming new door opening in external wall to allow formation of accessible W.C and construction of concrete ramp	GRANTED - 06.01.2006
18/02629/F	Construction of Cafe and Replacement WCs and Education Booth. Demolition of Existing WCs	WITHDRAWN - 14.08.2018

Since withdrawal of the above application for a similar proposal in August 2018, the applicant made a pre application submission to enter discussions with the Local Planning Authority which have culminated in the current application.

APPLICATION

The application seeks full planning permission for the proposed demolition of the existing toilet block and construction of a replacement building which would include a café, public toilets and an educational booth.

The proposed building would be sited similarly to the existing toilet block, oriented parallel with the adjacent cliff top wall to the west. The building would be larger than the existing toilets however, measuring 17m in width by 6.6m depth. The building would be of a single storey, a maximum of 3.2m in height from adjacent ground level.

The buildings construction would comprise a rectangular frame of ten steel columns spaced equally within the eastern and western elevations supporting a flat roof structure. The roof would comprise steel beams, plywood construction topped by single ply membrane with the upper face planted but for a flat glazed roof light and a flat array of solar panels. The proposed roof structure would overrun the perimeter walls creating a canopy structure.

The proposed café would be sited to the southern end of the building and would include large glazed walls. The toilets would be sited off centre, to the northern side of the building with timber clad walls and a small glazed element above. The northern end of the building would comprise the educational booth which would also be constructed with glazed walls. Both the northern and southern ends of the building would include series of full height glazed sliding doors which when open, would provide the effect of the building becoming a pavilion.

The proposed café would include a service bar and small area of indoor seating. A decking area is proposed surrounding the base of the building which would provide a further area of proposed outdoor seating. The café would have proposed opening hours of 8am to 7pm Monday to Saturday and 10am to 4pm on Sundays. It is proposed the café will be staffed by 2 full time staff and 2 part time staff. Bin storage relating to the café is proposed to the rear (west) of the building. This would be housed within an enclosure finished with woven stainless steel mesh. It is outlined that bins would be collected privately, with collections every second day. Café staff would manoeuvre bins to Circular Road for collection and then back to the building. A Sheffield stand housed within an enclosure which would accommodate cycle parking for x2 staff bicycles is proposed to the northern end of the building.

The proposed toilets would replace the existing public toilets at the site. It is highlighted that the Local Authority has cut funding to maintain public toilets across the city and the toilets at the site have been maintained by The Downs Committee since early 2018. Separate male, female and disabled facilities

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are proposed to operate in accordance with the opening hours of the café. Another single unisex toilet would also be available overnight. It is suggested that this may be offered subject to coin operated lock and will be fitted with more robust facilities to protect against the risk of vandalism. The disabled facilities would also be available overnight but via Radar (Royal Association for Disability Rights) key lock.

The proposed education booth is designed to provide a base for the Avon Gorge and Downs Wildlife Project. This is an organisation set up to protect the wildlife interest of the Avon Gorge and Downs and raise awareness and understanding about the importance of the area for people and wildlife. The booth would have a total internal area of 7m² and would be used to facilitate the operation of the wildlife project and its various events. This would be expandable by use of outdoor decked area including retractable blinds to provide shelter in adverse weather conditions. The proposed blinds would be incorporated within the roof structure.

It is also proposed to re-instate the adjacent Listed fountain to a functional state and replace the existing tarmac surface adjacent to the fountain with individual paving tiles.

COMMUNITY INVOLVEMENT

The proposed development is classed as 'Minor' development; therefore there is no requirement for the Applicant to demonstrate community engagement prior to submitting the application. Nevertheless, it is understood that the applicant has reviewed the content of public consultation run by the Local Planning Authority on the previous application and as part of the current application, and revised proposals to reflect some for the responses.

EQUALITIES ASSESSMENT

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

RESPONSE FROM PUBLICITY AND CONSULTATION

186 neighbouring properties were directly notified of the application via neighbour notification letter. The proposed development was also advertised via site notice and local press advert.

The deadline for responses was 5th December 2018.

A total of 96 responses in objection were received, 37 responses in support and 1 response classified as neutral.

A summary of the grounds of objection is as follows:

- Unsuitable for The Downs
- Additional car parking on Circular Road and potential overspill onto the grass
- Design inappropriate for Victorian context
- No need or requirement for another café on The Downs given the existing one near the water tower

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- Additional rubbish and potential for littering surrounding the site directly associated with the café which would harm the appearance of The Downs
- The proposal will break the legislation which prevents development on The Downs (The Downs Act) and set a precedent for further development
- Green spaces should be protected
- Cafe will bring too many visitors to a rare, unusual and treasured site
- Presence of café will deter birds from the adjacent cliffs
- Wrong to develop a beauty spot and bound to result in negative effects to the character and setting of the area
- Existing toilets should simply be retained and upgraded
- Nobody should be allowed to build on The Downs
- The proposed building is x3 the size of the existing toilet block and not in the style of local buildings
- Harm to the setting of Towerhirst by moving the building closer to this site
- Impact to habitat within buffer zone of adjacent SSNI and SAC designated land
- Lack of Habitat Regulations Assessment relating to adjacent designated sites
- Change to the peace and tranquillity of the area
- Objections in relation to the inclusion of a roof terrace which converts a one storey building to a two storey building, making it more visible and increasing impact to neighbours
- Existing sewers may not be able to cope with the increased capacity required
- Increased risk of accidents involving children and vehicles directly relating to the café
- Potential for damage to the building and associated anti-social behaviour which will stretch the resources of the police
- Concerns relating to the building attracting more people to the area during the evening which will encourage anti-social and potentially criminal behaviour
- The design fails to blend in with the setting in a sensitive location
- The viability of a café at this location has not been demonstrated and no business plan presented. This causes concern the café may fail and become dilapidated
- The glass design will not appear as transparent as suggested
- Impact upon trees in the adjacent SSSI, potentially destabilising these
- The planted roof adds bulk to the form, increasing the impact upon the area
- Potential for the proposed bins to be left at the road side for a period following collection and detracting from the appearance of the area as well as encouraging foraging wildlife (sea gulls/rats etc.)
- There is no public transport nearby
- Food sold in the café may not be healthy resulting in increased obesity
- Potential overlooking and loss of privacy to neighbouring sites as a result of the proposed roof terrace

A summary of the grounds of support is as follows:

- The existing toilet building is an eyesore and provides little to the area
- Media reports of growth in 'coffee shops' suggest demand is there
- A good way to fund upkeep of the public toilets and The Downs as a whole
- The toilets need updating
- Support subject to enforcement of the opening hours as proposed
- Café is fine as long as it doesn't cause noise or block views

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- Education is important to enhance visitor experience of The Downs and educate users which will help protect the area

ELECTED MEMEBERS & AMENITY GROUP RESPONSES

Darren Jones, MP for Bristol North West has commented on the application as follows:

"I have had mixed views from local residents. Some wish to express their view that no structural developments should be permitted on the Downs whilst others are more open to the proposals, so long as it is done in the right way.

Specific concerns raised with me include:

- The impact of having a "destination" on the Downs in respect of the number of visitors arriving by car and the subsequent impact on car parking in the neighbouring area;

- Concerns about the impact on the neighbouring environment, specifically in respect of rubbish and the impact of artificial lighting that might be kept on overnight in an area that is naturally dark; and

- The impact of the design on the landscape, including the feasibility of the proposed "terrace" for additional seating.

There was a general concern about this proposal being the "thin edge of the wedge" in respect of further commercialisation and development on the Downs, which would not be welcomed by local residents.

I trust that you will take my constituents views into regard when taking decisions on this issue".

Councillor John Goulandris, Ward Councillor for Stoke Bishop has commented on the application as follows:

"There are mixed views amongst residents about the need and advisability of yet another cafe on the Downs, but almost universal objection to the design of proposed new cafe. It fails totally to blend with its verdant setting. It does serious harm to the visual amenity and detracts from what is a truly unique location with iconic views across the Avon Gorge. The second storey and viewing platform compromise the privacy of nearby residential properties. They also add to the massing and make the building very prominent in what is meant to be a green open space.

Concerns have also been raised about likely increased traffic, litter, noise and potential anti social behaviour at night.

There is a strong body of thought that, if a new cafe is definitely thought to be a good thing, it could and should be located in a much less sensitive location.

In summary, a more sympathetic, less dominant design in a less sensitive location might be acceptable. This proposal, however, is unacceptable and I have to agree with residents, who have called the proposal 'a veritable blot on the landscape'."

Friends of The Downs & Avon Gorge Group:

"The Friends of the Downs supports the Downs Committee initiative for the construction of a cafe and public convenience but with some reservations.

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The Friends group take the pragmatic view that in the current financial atmosphere without the development the toilet facility will be lost. Severe budget cuts means the Downs has little choice but to explore all possible income streams.

We acknowledge that the Downs needs to be financially stable.

However there are concerns about creeping commercialisation of the Downs and the very thing people come to the Downs for is lost.

There also concerns that sewerage may be a problem, along with light pollution, security and litter.

FOD+AG have concerns of how the building will be managed particularly the proposed upper deck.

As an organisation we are not fully convinced that the design is an exemplar of a sustainable building and seems at odds with its surroundings”.

Clifton & Hotwells Improvement Society:

“The Clifton & Hotwells Improvement Society supports the retention and enhancement of these public conveniences, which are needed in this location. No doubt the café will help to fund their upkeep.

The creation of refreshment facilities in this popular spot is welcomed and the planned viewing platform is an excellent idea.

Concerns from some commentators regarding refuse storage and vandalism will need to be addressed”.

Conservation Advisory Panel:

“The Panel felt it should clarify that it regretted the fact an application had been lodged to build a cafe in order to fund the public lavatories. The sublime atmosphere of the Seawalls should remain free of urban commercial gentility and continue to be the site of nothing more than the occasional visit of an ice cream van.

To turn to the design of the proposed cafe, the Panel noted that the building would be nearer to Towerhirst than had been intended previously and that a semi-circular section of stone paving was now proposed in front of the listed fountain. The Design and Access Statement referred to both Mies's Farnsworth House and Philip Johnson's Glass House as precedents to be emulated in some ways, yet both have significantly greater transparency than that which is proposed, no first floor viewing platform and no balustraded access ramps and rubbish bins. It is unfortunate that the proposed 3D views of the proposed cafe show neither the access ramps nor the rubbish bins; the impression given is idealised.

It seems inevitable that secure, vandal resistant shutters would be required and these must be included in the design as, if added as an afterthought, they would degrade the proposed building.

The present view from the Seawalls at ground level is marvellous. There is no need for a first floor viewing platform”.

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OFFICER RESPONSES TO PUBLIC CONSULTATION

It is highlighted that during the application process, a proposed first floor roof terrace area and external staircase were removed from the proposed building following concerns raised by both consultation and officers.

A number of comments refer to the Clifton and Durdham Downs (Bristol) Act 1861. It is highlighted that this is non-planning legislation and is not a material consideration in the determination of a planning application. The grant of planning permission would not override any other legislative process and legal approval under other legislative frameworks will be required irrespective of the outcome of this planning application. The determination of an application for planning permission holds no power over any other legislative process.

All other comments have been noted and are accounted for in the assessment beneath.

INTERNAL & EXTERNAL CONSULTEES

Avon Gardens Trust:

Avon Gardens Trust have looked at the revised submitted plans (November 2018), 18/04727/F and note that the proposed development is intended to be built on the enlarged site of the existing WC facilities. The AGT have reservations about the size of this proposed development and also the lack of night-time security from vandals. We consider that if these two reservations could be addressed satisfactorily, then we would consider the development to have less harm on the significance of this important Local Historic Park and Garden.

City Design Group, Bristol City Council:

Previously concerns were raised relating to the inclusion of the proposed roof terrace and the increased massing this caused. Following its removal, the proposals are supported subject to conditions.

Transport Development Management, Bristol City Council:

Clarifications were requested regarding the size of the bin store, waste management proposals and cycle parking for staff. These matters have all been clarified and are acceptable. Subject to conditions, the proposed development is acceptable in transport and highways terms.

Environmental Protection, Pollution Control, Bristol City Council:

No objection subject to the following conditions if the application is approved – conditions regarding no installation of equipment for the extraction and dispersal of cooking smells/fumes without the approval of the local planning authority, limits on noise from plant and equipment, limits on use of refuse and recycling hours as well as limiting the proposed opening hours.

Arboricultural Officer, Bristol City Council:

No major concerns regarding impact to trees. The boundary wall is likely to prevent the majority of the roots from entering the construction zone. Light pruning works have been specified to avoid damage to the branching during construction – this is reasonable management. The trees do not require protective fencing during construction as the boundary wall will create a sturdy shield. A condition is recommended to ensure works are carried out in accordance with all recommendations within the supplied arboricultural report.

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Nature Conservation Officer, Bristol City Council:

This proposal is located close to but outside the Avon Gorge Woodlands Special Area of Conservation (SAC). I consider that the proposed relatively small scale demolition and construction works will not cause a likely significant effect on the interest features of the SAC. As such, a Habitats Regulations Assessment (HRA) under The Conservation of Habitats and Species Regulations 2017 (as amended) is not required in this instance.

This proposal directly impacts upon part of a designated Site of Nature Conservation Interest (SNCI), Clifton and Durdham Downs. However, with best practice construction methods incorporating pollution prevention methods, including the minimisation of dust pollution, significant ecological impacts are not anticipated. This can adequately be controlled by means of conditions attached to any consent.

Flood Risk Officer, Bristol City Council:

No objection subject to a drainage condition. Drainage proposals should follow guidance within the document titled "Bristol City Council Sustainable Drainage Standing Advice".

Crime Prevention Design Advisor, Avon & Somerset Constabulary:

After reading through the Design and Access Statement I have no concerns, along with the local neighbourhood policing team that patrol the area for this proposed application.

However I could not find any mention for the safety and security measures to be in place for this building, it only makes reference to surveillance, whilst this is important, it should not be relied upon as the sole strategy for tackling crime and disorder. Therefore consideration for the following:

- Access control to enter the building
- CCTV
- Lighting
- Additionally to consider the security of the building when closed
- The daily takings of cash, will this be taken daily off site or left in a Safe within a secure room

Reading through some of the residence objections and including the Neighbourhood Policing Team (concerns regarding the additional litter that may occur from the Café if providing a take away service), I suggest bins should be provided and emptied when full and when clearing the tables outside should also be responsible and mindful to pick up additional rubbish that has been purchased from the Café. Additionally the Bin store area to be secured.

Wessex Water:

Wessex Water has no objections to this application providing items shown in red are resolved prior to determination of the application. Specifically, detail is required relating to the proposed foundation design due to proximity to a 3400mm tunnel sewer at 10m below ground level. The drainage strategy is acceptable to Wessex Water.

Network Rail:

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have

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included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

RELEVANT LEGISLATION & POLICIES

The Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework – February 2019
Bristol Local Plan comprising Core Strategy (Adopted June 2011) and Site Allocations and Development Management Policies (Adopted July 2014)
Climate Change and Sustainability Practice Note (2012)
The Downs Conservation Area Enhancement Statement (1993)

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

ASSESSMENT**DEVELOPMENT OF OPEN SPACE**

Paragraph 96 of the National Planning Policy Framework (NPPF) states “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate”.

Paragraph 97 then states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.

The local policy in relation to open space can be found at Policy BCS9 of the Bristol Core Strategy which states: “Open spaces which are important for recreation, leisure and community use, townscape and landscape quality and visual amenity will be protected.

Some areas of open space may be released, through the development plan process, for appropriate development where:

- They are no longer important for recreation, leisure and community use, townscape and landscape quality and visual amenity;
- Development of all or part of an open space would result in improved urban form or an enhancement to existing open space areas.

The supporting text for the policy proceeds to expand on the above by stating: “Whilst the Core

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Strategy aims to retain the vast majority of green open space within the city, not all such land is important for recreation, leisure and community use, townscape and landscape quality and visual amenity. Existing open spaces may also offer opportunities to contribute to the delivery of necessary development, improvements to urban form or enhancements to existing open space areas. In determining whether open space should be released community involvement will be central to decision making. Account will also be taken of open space standards, levels of provision in the locality and the importance of the open space for recreation, leisure and community use, its contribution to townscape and landscape quality and its visual amenity”.

Policy DM17 of the Site Allocations and Development Management Policies Local Plan (SADMP) provides more detailed advice regarding development involving existing green infrastructure assets. This policy confirms the designation of The Downs as “Important Open Space”.

In relation to Important Open Space, Policy DM17 states “Development on part, or all, of an Important Open Space as designated on the Policies Map will not be permitted unless the development is ancillary to the open space use”. Essentially this prohibits all by very limited types of development upon such land.

In this case, the proposed development involves demolition of the existing toilet block and construction of a replacement building in place. Whilst the existing toilet block has a footprint of 42m², the proposed building would have a footprint of 90m². As such, it is recognised that the proposals involve development of some previously undeveloped land adjacent to the existing building.

Paragraph 97 of the NPPF indicates open space should only be developed in the limited circumstances outlined above. In this case, in relation to criteria a) it is noted that the open space concerned is not deemed to be surplus to requirements, and in relation to criteria b) no replacement of open space is proposed in this instance. As such, the development does not qualify with either of these criteria. In relation to criteria c) the proposed development comprises construction of a replacement building for use as café, public toilets and educational purposes. The Local Planning Authority is satisfied that all three of these uses can be attributed to sports and recreational provision and would encourage and support the use of the open space for sports and recreational purposes. The proposal is therefore found to accord with paragraph 97 of the NPPF.

In relation to Core Strategy Policy BCS9, it is recognised that The Downs remain highly important for recreation, leisure and community use, townscape and landscape quality and visual amenity. As such, permitting development on the Important Open Space is subject to delivering an improved urban form or an enhancement of the open space area. The requirement for development on Important Open Space at Policy DM17 to be ancillary to the open space use is also noted.

As highlighted above, all three proposed uses are found to support use of the open space. Specifically, the proposed toilets would replace the existing public toilets, offering an upgrade upon the existing facilities which are recognisable dated. The provision of public toilets on The Downs is of paramount importance to facilitate equal use and access to the open space by all sections of society. The presence of publicly accessible toilets will enable prolonged use of the open space for its various sports and recreational purposes by all sections of the community. As facilities essential to use of the open space, the proposed public toilets would achieve an ancillary relationship to the open space.

The proposed café will serve and support visitors to The Downs by provision of hot/cold drinks and a range of food which (subject to proper management) would encourage, extend and enhance public use of the open space. It is not unusual for public parks or open spaces to include some form of provision for sale of food and drink. This would support the experiences of existing visitors to the open space. The café would be sited 1.2km from the existing café adjacent to the water tower, with no similar existing facilities available in this part of the open space. Whilst it is recognised that the proposed café is less essential than public toilets to the function of the open space, there would

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remain a direct link between the provision of food and drink supply and enjoyment of the public open space. Furthermore, the proposed café would also be directly linked to supporting the maintenance of the toilets with café staff taking responsibility for their management and maintenance including cleaning.

The educational booth is proposed for use by the Avon Gorge and Downs Wildlife Project. This is an organisation set up to protect the wildlife interest of the Avon Gorge and Downs and raise awareness and understanding about the importance of the area for people and wildlife. This use would promote access, understanding and knowledge of important characteristics of the area and therefore contribute to supporting the preservation and function of the area for open space use. As such, this use would also support the primary activities and role of the area as public open space.

There would be a direct link and relationship between all three of the proposed uses and the function of the open space for sports and recreational purposes. In this regard, the proposed use of the building would be ancillary to the main function of area as an open space. In light of the aforementioned factors, the proposed uses are found to be sufficiently ancillary to the use of The Downs as Important Open Space.

Overall the proposed uses are all found to stand to support and enhance user experience of the area as open space in accordance with Policy BCS9. It is highlighted that only a very small degree of currently developed open land is proposed for development when considering the scale of the open space as a whole. As such, the area would remain well served in terms of open space. Furthermore, the contribution of this land, directly adjacent to the existing toilet block and its contribution to enjoyment and use of the open space is found to be relatively limited. Users would generally likely utilise other parts of the open space which are not in close proximity of the toilet block. The current proposals will likely enhance experience of this part of the open space through upgrade and modernisation of the facilities as well as more regular cleaning due to the association with the café.

The impact of the building upon the character of the area will be discussed in greater detail beneath, however the proposed scale, form and design are not found to harm important characteristics of the area as open space. Consequently the development would not prejudice user experience of the open space by means of its position, scale, form or general design. Overall, the proposed uses are found to be suitably ancillary to the use of The Downs as Important Open Space and would avoid prejudicing this function. The development is therefore in accordance with the requirements of national and local planning policy and is acceptable in this regard.

APPEARANCE, CHARACTER & HERITAGE ASSETS

The Authority is required (under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as well as the setting and significance of Listed buildings or structures. The case of *R (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed building or a conservation area the decision maker "must give that harm considerable importance and weight".

Section 12 (Achieving well-designed places) of the NPPF outlines that "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities". Planning policies and decisions should aim to ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and

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effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 of the NPPF also states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents".

Section 16 (Conserving and enhancing the historic environment) of the NPPF outlines that heritage assets "are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 189 of the NPPF states that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary".

Paragraph 195 of the NPPF states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 196 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

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use".

Policy BCS21 (Quality Urban Design) of the Core Strategy advocates that new development should deliver high quality urban design that contributes positively to an area's character and identity, whilst safeguarding the amenity of existing development.

Policy BCS22 (Conservation and the Historic Environment) of the Core Strategy states that new development will safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including:

- Scheduled ancient monuments;
- Historic buildings both nationally and locally listed;
- Historic parks and gardens both nationally and locally listed;
- Conservation areas;
- Archaeological remains

Policy DM26 (Local Character & Distinctiveness) of the Site Allocations & Development Management Policies (SADMP) Local Plan outlines that all development is expected to contribute positively to an area's character and identity. The policy builds on policy BCS21 (above) by stipulating the characteristics which development should seek to respond to. General principles include:

- i. Responding appropriately to and incorporating existing land forms, green infrastructure assets and historic assets and features; and
- i. Respecting, building upon or restoring the local pattern and grain of development, including the historical development of the area; and
- ii. Responding appropriately to local patterns of movement and the scale, character and function of streets and public spaces; and
- iii. Retaining, enhancing and creating important views into, out of and through the site; and
- iv. Making appropriate use of landmarks and focal features, and preserving or enhancing the setting of existing landmarks and focal features; and
- v. Responding appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes; and
- vi. Reflecting locally characteristic architectural styles, rhythms, patterns, features and themes taking account of their scale and proportion; and
- vii. Reflecting the predominant materials, colours, textures, landscape treatments and boundary treatments in the area.

The policy states that "development will not be permitted where it would be harmful to local character and distinctiveness or where it would fail to take the opportunities available to improve the character and quality of the area and the way it functions."

Policy DM27 (Layout and Form) of the SADMP outlines that the layout, form, pattern and arrangement of streets, open spaces, development blocks, buildings and landscapes should contribute to the creation of quality urban design and healthy, safe and sustainable places. It should make efficient use of land, provide inclusive access and take account of local climatic conditions.

Policy DM29 (Design of New Buildings) of the SADMP states the design of new buildings should be of

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high quality. Proposals for new buildings will be expected to:

- i. Be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate, the uses they will serve and the context they will address; and
- ii. Incorporate active frontages and clearly defined main entrances facing the public realm that emphasise corners and reinforce the most prominent frontages; and
- iii. Respond to the solar orientation of the building to support energy efficient design while ensuring as far as possible that active rooms face the public realm; and
- iv. Provide appropriate natural surveillance of all external spaces; and
- v. Ensure that existing and proposed development achieves appropriate levels of privacy, outlook and daylight; and
- vi. Allow for future adaptation or extension to accommodate alternative uses or to respond to the changing future needs or circumstances of occupiers by means of their internal arrangement, internal height, detailed design and construction; and
- vii. Provide appropriately for inclusive access and circulation; and
- viii. Incorporate opportunities for green infrastructure such as green roofs, green walls and green decks that may be accessed and used where appropriate; and
- ix. Incorporate exteriors and elevations that provide visual interest from a range of viewing distances and are visually organised and well-proportioned; and
- x. Incorporate high quality detail of an appropriate scale and proportion, arranged in a coherent way that contributes positively to the overall design approach of the building; and
- xi. Employ high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that contribute positively to the character of the area.

Policy DM31 (Heritage Assets) of the SADMP outlines that where development has an impact upon a heritage asset, it will be expected to conserve and, where appropriate, enhance the asset or its setting.

The site is located within The Downs Conservation Area and is also within the setting of Towerhirst and an adjacent drinking fountain which are both Grade II Listed structures for their historic significance. The Downs are also designated a Historic Park and Garden of local significance which represents a heritage asset under Policies BCS22 and DM31.

The important characteristics of the area which have warranted designation as a conservation area are described within The Downs Conservation Area Enhancement Statement. This document states: "The Conservation Area is dominated by the Downs, an expansive plateau of open parkland, defined by the Avon Gorge and Westbury Road to the west and east with the slopes of Clifton and Stoke Bishop to the south and north. This was bought up mainly by the Wills family and laid out for the people of Bristol in the Victorian period. It is now maintained by the City of Bristol. It divides into six distinct areas. The second, the main plateau is short grass land with some low shrubs edged along principal roads by avenue trees. This generous open area is enclosed by substantial buildings predominantly villas and institutional buildings dating from the Victorian and Edwardian period". General enhancement objectives for the conservation area are stated to include:

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- A traffic management scheme
- A study into restrictions on use of main roads at certain times
- The effects of Park & Ride
- Resisting loss of gardens for car parking where visible from The Downs
- Resist conversion of large dwellings to flats where excessive car parking will result
- Audit of significant street furniture of historic interest
- Landscape management scheme required to ensure maintenance of open space
- Groups of significant buildings will require strengthening in terms of character created by traditional materials and original features

The existing public toilets building and surrounding area are not specifically referenced within the Enhancement Statement. However the general characteristics of the wider area, the expansive plateau of open parkland comprising short grass land with some low shrubs edged along principal roads by avenue trees, does apply to the site. The existing building is relatively non-descript but does utilise stone cladding which is reflective of buildings within the local area. It is positioned sensitively, roughly equidistant between the Sea Walls viewing point and the grand dwelling of Towerhirst. This area is at the far north western corner of the open space, before the transition to the residential area of Sneyd Park. A row of low trees line the clifftop to the west of the site. The trees screen the existing toilet block in views from the west, including the Avon Gorge and Leigh Woods beyond. The flat roof form of the existing building with a maximum height of approximately 3m provides a relatively low profile to the structure. In longer views across the open space, the building does not appear prominently on the horizon given the backdrop created by the adjacent treeline. Whilst neutral and effective, the existing building would not however warrant retention or protection.

The proposed building would be built in a similar position, replacing the existing toilet block. It is recognised the proposed building would be larger than the existing building in terms of width, depth and overall footprint. The existing toilet block has a footprint of 42m² and the proposed building would total 90m². As such, the proposed building would be more than double the overall footprint. This increase would largely be in terms of total width, with the proposed building extending 1.8m further north and 6m further south than the existing. The building would have a similar rectilinear footprint and shape created by proposed flat roof form. The total height of the proposed building would be approximately 20cm taller than the existing toilet block.

In terms of proposed siting, the location of the proposed building on the site of the existing toilet block is supported. The presence of the existing structure at this location would help to offset some of the perceived impact of the proposed building upon the openness of the area. Furthermore, the position is roughly equidistant between the Sea Walls viewing point and Towerhirst, reducing the impact to both, as well as providing sufficient separation to avoid impact views of the Listed drinking fountain. Similar to the existing toilet block, the position would also benefit from the screening and backdrop provided by the clifftop trees to the west. This would further limit the impact of the building upon the openness of the area in longer views. As such, the proposed siting is supported.

With regards to the proposed scale, it is recognised that this would be significantly larger than the existing building. This would predominantly be to the south however, away from Towerhirst and therefore limiting the impact upon the setting of this adjacent Listed building. The increase in height proposed would be very minor which would work to limit perception of the increased scale. The majority of the additional mass would be positioned to the south and would benefit from the screening provided to the rear by the clifftop trees.

In relation to the detailed form and design, the building would utilise a free standing steel frame, comprising ten steel columns spaced equally within the eastern and western elevations supporting a flat roof structure. But for the proposed centrally positioned toilet block, the walls would be glazed. Whilst it is noted that glazed will not appear completely transparent in all settings and conditions, this

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will provide the building a light weight appearance and minimal structural form. This would further offset the increased scale of the building in comparison to the existing building. The structural steel columns will measure 15cm in width and the roof slab will measure 30cm in depth. The equal spacing of the structural columns will provide a coherent elevational layout. The minimal scale of these solid features is found to contribute to an overall elegant built form. The roof of the building would include an upper surface which would be planted with species native to the adjacent Avon Gorge. This would not be highly visible from ground level however would offset some of the impact of development of green land. The design includes a flat solar panel module to meet sustainability objectives whilst ensuring the low profile and elegant flat roof form are retained.

The proposed toilet block would be located off centre to the northern side. This would be finished with timber cladding. Whilst timber is not a commonplace cladding material utilised on adjacent buildings, it would provide a natural appearance which would not be at odds with the park land setting. A detailed specification for the cladding would be secured by condition prior to its installation to ensure the layout, detail and finish is of a high quality. A glazed infill section is proposed to the upper part of the toilet block, providing natural light as well as an important visual separation between the structure and the roof. This acts to emphasise the freestanding nature of the structure.

It is recognised that the design of the building does not seek to mimic the Victorian architecture found locally. This would likely result in a building of greater bulk and mass by incorporation of pitched roof forms, greater extent of solid forms and resultantly greater landscape impact. No objection is held to this approach given the design is found to be coherent and of a high quality modern approach. The proposed design is reflective of the differing function and role of the building in relation to the public realm in comparison to adjacent buildings.

Details of proposed materials including the detailed finish of proposed steel work, glazing manifestations, timber cladding, woven steel mesh bin enclosure and rain water goods will be secured be condition to ensure these are of high quality.

Taking account of the preceding assessment, the proposed development is found to result in a negligible impact to the setting and historic significance of Towerhirst. The proposals would result in a very low degree of harm to the status of The Downs as a Local Historic Park and Garden. The proposed development would minimise conflict with important characteristics of The Downs Conservation Area and would result in a low degree of harm to the conservation area. The development would avoid harm to the setting of the adjacent Listed drinking fountain. The proposals involve restoration of this feature to working state as well as improved surfacing (individual paving stones) surrounding the fountain which will highlight this feature of historic significance within the public realm. This would enhance the setting of the heritage asset and offer public benefit in this regard. Further public benefits associated with the proposed development lie within the upgrade of public toilets, community benefit relating to educational use, a minimum of 3 full time jobs and more broad economic benefits both relating to construction of the building as well as the local economy through the café.

Officers have undertaken the assessment required under the Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as that required by Section 16 of the NPPF and have given special regard to the requirement to preserve the setting and significance of heritage assets. There is a low degree of less than substantial harm caused as a result of the proposals, this has been given considerable importance and weight. However, overall, the development would preserve and in some cases enhance the status and significance of adjacent heritage assets. Sufficient public benefits are attributed to the proposed development which would outweigh the low level of less than substantial harm identified. The design of the proposed building is found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

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ECOLOGY & BIODIVERSITY

Paragraph 175 of the NPPF states: “When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 177 of the NPPF states: “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

Policy BCS9 of the Core Strategy states: “The integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken.

Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required.

Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site”.

In relation to Biological Conservation the policy states: “Internationally important nature conservation sites are subject to statutory protection.

National and local sites of biological and geological conservation importance will be protected having regard to the hierarchy of designations and the potential for appropriate mitigation. The extent to which a development would contribute to the achievement of wider objectives of the Core Strategy will be carefully considered when assessing their impact on biological and geological conservation.

Where development would have an impact on the Bristol Wildlife Network it should ensure that the integrity of the network is maintained or strengthened”.

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Policy DM19 of the SADMP states: “Development which would be likely to have any impact upon habitat, species or features, which contribute to nature conservation in Bristol will be expected to:

- i. Be informed by an appropriate survey and assessment of impacts; and
- ii. Be designed and sited, in so far as practicably and viably possible, to avoid any harm to identified habitats, species and features of importance; and
- iii. Take opportunities to connect any identified on-site habitats, species or features to nearby corridors in the Wildlife Network.

Where loss of nature conservation value would arise development will be expected to provide mitigation on-site and where this is not possible provide mitigation off-site.

Development on or adjacent to sites of nature conservation value will be expected to enhance the site’s nature conservation value through the design and placement of any green infrastructure provided”.

In relation to Sites of Nature Conservation Importance (SNCI), the policy states: “Development which would have a harmful impact on the nature conservation value of a Site of Nature Conservation Interest will not be permitted”.

The site and the wider open space form part of a Sites of Nature Conservation Importance. The Avon Gorge which is situated 3-4m west of the site is designated a Site of Special Scientific Interest (SSSI) as well as Special Area of Conservation (SAC). The Local Authority Nature Conservation officer has therefore been consulted upon the potential impacts of the proposals with regards to biodiversity. The requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) with regards to Habitats Regulations Assessment (HRA) have been reviewed and it has been established that whilst this proposal is located close to the Avon Gorge Woodlands SAC and SSSI, it is found that the proposed development will not cause a significant effect on the interest features of the SAC. This is due to the relatively small scale demolition and construction works proposed.

The development will however directly impact upon part of the Clifton and Durdham Downs SNCI. However, following review it is found that with best practice construction methods incorporating pollution prevention methods, including the minimisation of dust pollution, significant negative ecological impacts are not anticipated. The Nature Conservation officer has confirmed that conditions attached to any eventual consent would be sufficient to safeguard biodiversity. These would require checks for nesting birds prior to commencement of development, the provision of green roofs (which are included within proposals), details of glazing manifestations to prevent risk posed to birds through striking the glazed walls as well as an assessment of predicted light levels experienced surrounding the site. Subject to these measures, the development would avoid harmfully impacting upon habitat, species or features, which contribute to nature conservation in Bristol. The development is therefore found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

TREES & GREEN INFRASTRUCTURE

Section 15 (Conserving and enhancing the natural environment) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by: “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”.

Paragraph 175 of the NPPF proceeds to outline that when determining planning applications, local planning authorities should apply the following principles: “development resulting in the loss or

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deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists". Exception reasons exist in scenarios such as infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

Policy BCS9 (Green Infrastructure) of the Bristol Cores Strategy outlines that the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced. Opportunities to extend the coverage and connectivity of the existing strategic green infrastructure network should be taken. Individual green assets should be retained wherever possible and integrated into new development. Loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan Document or is necessary, on balance, to achieve the policy aims of the Core Strategy. Appropriate mitigation of the lost green infrastructure assets will be required. Development should incorporate new and/or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off site.

Policy DM17 (Development Involving Existing Green Infrastructure) of the Site Allocations and Development Management Policies Local Plan (SADMP) outlines that development should integrate important existing trees. Development which would result in the loss of Ancient Woodland, Aged trees or Veteran trees will not be permitted. It is suggested that where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the standard set out within Policy DM17 known as the Bristol Tree Replacement Standard (BTRS).

In relation to green infrastructure provision, it is recognised that the development would result in development of some previously undeveloped open, grassland. The development has however incorporated a green, planted roof covering the majority of the building. This is proposed to be planted with species native to the adjacent Avon Gorge. It is noted that the existing building at the site does not offer such a feature. As such, whilst the development involves the loss of a degree of existing green infrastructure, this would be mitigated at roof level to offer an enhancement upon existing green infrastructure levels. Details of proposed planting will be secured by condition attached to any eventual consent to ensure planted materials are appropriate to the context and are maintained through to establishment.

The site is located adjacent to a row of trees that grow beyond the adjacent clifftop wall which runs to the west of the site. These are relatively small specimens, most likely due to the limited rooting environment created by the cliff face and adjacent wall, noted to be of low to moderate quality however offering some landscape value.

An arboricultural report including tree survey, impact assessment, method statement and protection plan has been submitted accompanying the application. This finds that the trees will require will require both above and below ground protection. Above ground, minor pruning works are recommended as well as installation of temporary ground protection during construction. This will be subject to a watching brief maintained by the Project Arboriculturalist. It is anticipated that the existing boundary wall will have prevented tree root penetration below ground towards the development site. These measures have been reviewed and are accepted by the Local Authority Arboricultural officer. It has also been specified that a post construction tree survey will be undertaken and submitted to the Local Authority, 1 year following substantial completion of the building. This will ensure any unlikely impact to trees is identified and can be mitigated following development. These details would be secured by condition attached to any eventual permission. Subject to these measures, the development would avoid harmfully impacting upon green infrastructure assets including trees. The development is therefore found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

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NEIGHBOURING AMENITY

Section 12 (Achieving well-designed places), paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Policy BCS21 (Quality Urban Design) of the Core Strategy outlines that all new development within Bristol will be expected to strive to achieve high standards of urban design. With regards to amenity it is outlined, that new development is expected to safeguard the amenity of existing development.

Policy BCS23 (Pollution) of the Core Strategy outlines that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM35 (Noise Mitigation) of the SADMP outlines that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation. In assessing such a scheme of mitigation, account will be taken of:

- i. The location, design and layout of the proposed development; and
- ii. Existing levels of background noise; and
- iii. Measures to reduce or contain generated noise; and
- iv. Hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites.

In relation to neighbouring residential properties, the proposed building would be in closest proximity of Towerhirst which is sited approximately 35m north of the site. Seawalls, a post war flatted development is located approximately 60m from the site, beyond Towerhirst. The next closest property is 27 Sea Walls Road, separated by some 90m of the site. Given the scale of the proposed building and the aforementioned separations, no harmful loss of light, overshadowing, impact to outlook or loss of privacy would result to any adjacent residential property.

In relation to noise and potential disturbance, it is noted that given the surrounding layout, the only property which would stand to experience any potential change in conditions would be Towerhirst. The garden of this property extends to within 15m of the site. There is however a substantial wall between the garden and the neighbouring property. It is also understood that the garden of this property is tiered with other parts located at lower level further from the site. This neighbouring site shares its boundary with the public open space and therefore some level of noise and disturbance resulting from this public/private relationship is inevitable. In closest proximity of the neighbouring property would be the educational booth and public toilets. The public toilets would be sited similarly to the existing facilities and it is unlikely these would cause any more noise or disturbance than the present facilities. High levels of noise would also not be anticipated to be associated with the educational booth given the proposed use and scale of this facility.

Some noise and activity would be generated by patrons relating to the proposed café and its outdoor seating area. This facility would be sited at the southern end of the proposed building, thus furthest from the neighbouring property. Under normal use this would only relate to noise from conversation

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and general human activity which could be commonly expected at any point of a public open space.

The opening hours for the café are proposed to be restricted to Monday to Saturday 08.00 to 19.00 and 10.00 to 16.00 on Sundays. These are found to be reasonable to safeguard against noise creating activity at quieter times of day. Restrictions also secured via conditions will also be applied to hours of collection for waste to prevent noise relating to this servicing at quieter times of day. It is noted that no plant or extraction equipment is proposed for the café and therefore noise emissions relating to such equipment would not be an issue. A condition has been recommended by the Pollution Control officer to prevent installation of such equipment without the prior approval of the Local Authority. Further conditions are also suggested to ensure that any noise generated by plant or equipment which is installed at any point shall be at least 5 dB below the background level at any time at residential premises.

Information submitted with the planning application with regard to how the café, toilets and educational booth will be managed by the occupiers is basic in nature at this point as an operator for the café has not been identified. As such, a condition securing a detailed site management plan will be attached to any eventual consent. This will set out details of various operations of the café, public toilets and education booth, including waste management, security, servicing and deliveries, communications and complaints procedures, out of hours procedures, health and safety and cleaning and maintenance.

Subject to these measures, the proposed development is not found to cause undue harm to the amenity, living conditions and enjoyment of adjacent residential properties. The development is therefore found to accord with the objectives of national and local planning policy and resultantly the development is acceptable in this regard.

TRANSPORT & HIGHWAYS

Section 9 (Promoting Sustainable Transport) of the NPPF outlines that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

In relation to sustainable transport, the NPPF states that development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy BCS10 (Transport & Access Improvements) of the Core Strategy states that development

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proposals should be located where sustainable travel patterns can be achieved, with more intensive, higher density mixed use development at accessible centres and along or close to main public transport routes. Proposals should minimise the need to travel, especially by private car, and maximise opportunities for the use of walking, cycling and public transport.

Developments should be designed and located to ensure the provision of safe streets and reduce as far as possible the negative impacts of vehicles such as excessive volumes, fumes and noise. Proposals should create places and streets where traffic and other activities are integrated and where buildings, spaces and the needs of people shape the area.

The following hierarchy for transport user priorities is set out:

- a) The pedestrian;
- b) The cyclist;
- c) Public transport;
- d) Access for commercial vehicles;
- e) Short stay visitors by car;
- f) The private car.

Policy DM23 (Transport Development Management) of the SADMP outlines that new development should not give rise to unacceptable traffic conditions and will be expected to provide safe access to the highway network. The policy also outlines that new development should be accessible by sustainable transport methods such as walking, cycling and public transport. Furthermore, the policy sets standards for parking provision. These can be found at Appendix 2 of the SADMP document. The parking standards are maximum levels for car parking and minimum levels for cycle parking.

Policy DM32 (Recycling & Refuse Provision in New Development) of the SADMP outlines that all new development should provide bin and recycling storage facilities fit for the nature of development, with adequate capacity for the proposed development, in a location which is safe and accessible for all users and does not harm the visual amenity of the area or neighbouring amenity.

The site is located at the far north western corner of The Downs open space which the proposed uses are designed to serve. By virtue of the lack of development bordering the site to the south, east and west, the site is recognisably not best served by public transport. There is however bus stops located at Rockleaze and Downleaze between 600-800m or 8-10 minutes' walk (dependent on inbound or outbound) east of the site. These are presently served by the route 4 service running between the city centre and Cribbs Causeway via Shirehampton. This would provide a reasonable means of public transport access to the site.

Given the position within a public open space where people are likely to attend for sports and recreational purposes, the distances users are likely willing to walk or cycle to reach their destination are likely greater. As such, it is not foreseen that the scale of distances involved to reach the site would discourage walking or cycling as in other contexts. As such, the development can be considered to promote such active and sustainable means of transit. Within this context, the 1.3km walk from other bus stops at the top of Whiteladies Road or even from Clifton Down Railway Station (2.1km) would not be unreasonable for some. It is consequently concluded that the site would be accessible by public transport and sustainable means.

It is noted that the parking standards do not require the provision of any car parking or cycle parking within cafes under 250m². It is recognised some users will inevitably access the site via cars however there is found to be sufficient parking on Circular Road that this would not cause a significant highways issue. Any illegal parking which is presently an issue on The Downs and may also be attributed to the proposed development can be dealt with through other highways legislation.

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There is existing publicly accessible visitor cycle parking in the form of Sheffield stands available at the Sea Walls viewing point. A staff cycle parking stand is proposed for x2 bikes within the development.

As highlighted above, the implications of the Equalities Act 2010 have been considered both procedurally and in relation to the proposed development. The development would include level access from the surrounding public realm and would be required to accord with all necessary aspects of Part M of Building Regulations. It is noted that there is an existing on street disabled parking bay adjacent to the site on Circular Road at Sea Walls. This is deemed to accord with policy requirements in relation to equal access.

In relation to waste storage and management, a bin store is proposed to the rear of the building. This would be sited to have the lowest possible public perception. The bin store is deemed to be of sufficient scale to accommodate bins required to serve the development. It is outlined that staff will transport the bins to Circular Road for collection. This will take place every second day. To ensure full management of the waste collection process, a detailed waste management strategy will be required prior to commencement of use of the café. This would be secured via condition in the event of permission being granted. Subject to this measure, the proposals would accommodate acceptable facilities for storage of refuse and recycling.

Subject to conditions, the proposed development is therefore found compatible with national and local policy objectives for sustainable development through encouraging active and low carbon travel. The development would also avoid any detrimental impact upon the safe and free flow of the surrounding highway network. On this basis the proposed development is therefore acceptable in terms of transport and access.

SITE MANAGEMENT & CRIME PREVENTION

Policy DM10 (Food and Drink Uses and the Evening Economy) of the SADMP states that food and drink uses will be acceptable provided that they would not harm the character of the area, residential amenity and/or public safety, either individually or cumulatively; and that proposals resulting in a harmful concentration will not be permitted.

Policy DM28 (Public Realm) of the SADMP states that: “development will be expected to “reduce crime and fear of crime by creating a well-surveilled public realm that is well managed and cared for”.

As concluded within the preceding sections, the proposed café is not found to harm the character of the area or harm residential amenity. A harmful concentration of such uses would also not be created in this instance. There are however some implications for public safety and crime prevention. Due to the isolated nature of the site and public accessibility of the open space, this area is understood to attract crime. It is noted that the proposed café would offer benefits over the existing public toilet block in terms of increased public surveillance over this part of the open space.

Avon and Somerset Police have been consulted on the development and the local policing team responsible for patrol of the area have raised no specific concerns. The Crime Prevention officer has however recommended that further details of access control, CCTV, lighting and cash handling are submitted. The proposals do include an extensive CCTV system as shown on plans. Further details of security aspects will be sought via condition prior to first use of the building. This will include details of general site management plan relating to management of the café, public toilets and educational booth. This will include details of public waste bins (which are shown on plans) and how these will be managed to prevent an increase in littering relating to the development. Subject to this measure, the development would not be directly associated with increased crime or detriment to public safety.

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Themes of sustainability, carbon reduction and climate change underpin national planning policy. Policies BCS13-15 of the Core Strategy relate to the Council's expectations with regard to sustainable construction of new buildings and emissions in respect of climate change. These policies must be addressed and the guidance within the Council's Climate Change and Sustainability Practice Note followed. New dwellings are expected to minimise energy requirements. This will be achieved by high standards of energy efficiency including optimal levels of thermal insulation, passive ventilation and cooling, passive solar design, and the efficient use of natural resources in new buildings. Core Strategy Policy requires new dwellings also incorporate an element of renewable energy to reduce carbon emissions by a further 20% above energy saving measures.

The applicant has supplied a sustainability statement in support of the proposed development. This outlines a range of measures the development would take to achieve high levels of energy efficiency and reduce energy consumption. These include specification of thermal elements above and beyond the building regulations requirements. In turn, this will decrease the overall heating demand of the development. Due to the location of the site the heating fuel will be electricity. Incorporating an air source heat pump and a heat recovery ventilation system will reduce the electricity demand, and therefore the CO₂ emissions. The building has been designed with a large overhanging roof to create shading. This design feature mitigates the risk of overheating which would otherwise be likely in the summer months due to excess solar gain.

The sustainability statement includes an energy table which indicates these measures would make a 10% reduction in carbon emissions beyond Building Regulations Part L levels. The energy table also indicates a further 29% reduction in carbon emissions (beyond the improved Part L level) can be achieved via on site renewable energy generation, specifically via installation of photovoltaic panels. These are proposed for installation to the flat roof and will be installed flat. These are shown on the proposed drawings. Further detail would be sought via condition regarding the exact positions and specifications proposed prior to the installation of this element. A condition would also be applied to any eventual permission ensuring full compliance with the supplied a sustainability statement and energy statement. Subject to this, the proposed development would therefore make an acceptable contribution to policy objectives of sustainability and climate change.

DRAINAGE & FLOOD RISK

Policy BCS16 (Flood Risk and Water Management) of the Core Strategy states that development in Bristol will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will be considered where essential for regeneration or where necessary to meet the development requirements of the city.

Development in areas at risk of flooding will be expected to:

- i. be resilient to flooding through design and layout, and/or
- ii. incorporate sensitively designed mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary, in order to ensure that the development remains safe from flooding over its lifetime.

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

Policy DM33 (Pollution Control, Air Quality and Water Quality) of the SADMP states that Development

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which has the potential, either individually or cumulatively, for an unacceptable impact on environmental amenity, biodiversity or water quality by reason of pollution as set out in the Core Strategy but is considered desirable for reasons of economic or wider social need will be expected to provide an appropriate scheme of mitigation.

The policy proceeds to outline that “Development adjacent to underground or surface water bodies covered by the Water Framework Directive and Severn River Basin Management Plan should contribute towards those water bodies maintaining or achieving Good Ecological Status. This may take the form of on-site measures or a financial contribution to off-site measures.”

“In terms of water quality, the River Frome, Brislington Brook, Malago, River Trym and Colliter’s Brook do not currently achieve Good Ecological Status due to impacts from flood protection / land drainage schemes and urbanisation. To comply with the Water Framework Directive water bodies should reach good ecological potential by 2027. Measures will therefore be sought from development adjacent to waterways covered by the Water Framework Directive, where feasible and viable, either through measures in the Severn River Basin Management Plan or other good practice such as naturalised river habitats, deculverting and appropriate vegetation management plans. The River Avon is at good ecological status and this should not be allowed to deteriorate through development.”

The site is not located within a flood zone and is not at risk of flooding. The proposed development is located within surface drainage discharge zone where the priority is to use infiltration techniques where possible, or reduce the discharge rate and provide water quality improvements. The proposed development of undeveloped green land would likely result in increased discharge rates. It is noted that the development includes proposals for a large green roof which would mitigate some of the effects in terms of increased discharge rates. Wessex Water has confirmed proposals to discharge surface water via the main sewer as acceptable. Measures to reduce surface water run off into the existing combined sewer, to improve water quality and reduce flood risk are however encouraged. The applicant is referred to local flood risk and drainage standing advice. The application does not detail proposals to meet these objectives. As such, a condition will be applied to any eventual consent requiring a detailed sustainable urban drainage strategy prior to commencement. Subject to this measure, the development would avoid causing any significant increase in flood risk locally.

COMMUNITY INFRASTRUCTURE LEVY

Some new developments granted planning permission will be liable to pay Community Infrastructure Levy (CIL) to Bristol City Council.

CIL is payable where development comprises 100m² or more of new build floorspace or results in the creation of one or more dwellings.

The proposed development does not qualify to pay CIL.

CONCLUSION

The proposed development has been assessed against all relevant national and local planning policy as well as relevant adopted supplementary guidance. The proposed development of open space is found to be acceptable in this instance on the basis the proposed use would be for sports and recreational purposes and ancillary to the designation as Important Open Space. The development is found to preserve and in some cases enhance the status and significance of adjacent heritage assets. The design of the building presents an acceptable response to the context. Following assessment and subject to safeguarding conditions, it has been confirmed that the proposed development would avoid detrimental impact to ecology, biodiversity, trees, green infrastructure, neighbouring amenity and living conditions, surrounding highways, public safety, climate change and flood risk. The development is therefore found to be in accordance with relevant national and local planning policy.

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There are no material considerations which would warrant the refusal of planning permission. It is therefore recommended permission is granted subject to conditions.

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

1. Full Planning Permission

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

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

Pre commencement condition(s)

2. Construction management plan

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

- o Parking of vehicles of site operatives and visitors
- o Routes for construction traffic
- o Method of preventing mud being carried onto the highway
- o Pedestrian and cyclist protection
- o Proposed temporary traffic arrangements including hoardings and/or footway closures
- o Arrangements for turning vehicles
- o Arrangements to receive abnormal loads or unusually large vehicles
- o How the delivery of construction materials and the collection of waste will be managed
- o Where construction materials and waste will be stored
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

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

3. Site Specific Construction Environmental Management Plan

No development shall take place including any works of demolition (with the exception of erection of the single storey environmental classroom and enabling works) until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting on the surrounding area and all surrounding premises and infrastructure.

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

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4. Vegetation Clearance

No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the Local Planning Authority. The authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected including by disturbance before giving any approval under this condition. Where checks for nesting birds by a qualified ecological consultant are required they shall be undertaken no more than 48 hours prior to the removal of vegetation or the demolition of, or works to buildings.

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

5. 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. This shall demonstrate use of infiltration techniques where possible, or reduce the discharge rate and provide water quality improvements. 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.

6. Artificial Light

Prior to the commencement of development a detailed lighting scheme and predicted light levels by a suitably qualified Lighting Engineer shall be submitted and approved in writing by the Local Planning Authority. The report should include details of all internal and external lighting (including any decorative lighting and security lighting within external amenity/access areas) and associated light spill plans unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In order to safeguard the amenities of adjoining residential occupiers, the appearance and character of the area as well as local ecology.

7. Further details: Drinking Fountain Restoration

Prior to commencement of development a detailed method statement and phasing strategy of the proposed restoration works for the historic drinking fountain, including large scale details and samples (where necessary) as well as details of the future management and maintenance of the fountain shall be submitted to and approved in writing by the Local Planning Authority. The restoration works shall be completed in accordance with the agreed strategy, prior to first

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use of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposed works do not result in harm to the historic fabric of the Listed drinking fountain and deliver the public benefit associated with the development.

8. Detailed External Area Landscape Scheme

Notwithstanding notations on any approved plans or documents, a full detailed design of hard landscaping and structures within the external areas and access paths to the development hereby approved shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. This scheme shall include large scale details of the approved paved area surrounding the drinking fountain with proposed levels in relation to the existing footway, details of the proposed access ramp including levels and details of the proposed decking including levels. The scheme shall also provide specifications and where necessary samples of all proposed surfacing materials. The development shall be completed in accordance with the approved scheme and implemented prior to the first occupation of the building(s) hereby approved and maintained as such in perpetuity.

Reason: To deliver a high quality and inclusive external space and to make the most efficient use of the public space and to ensure acceptable means of access to the building from the existing public realm and protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

9. Further details: Materials

Notwithstanding any materials noted on any approved plans, sample panels and/or detailed specifications (as appropriate) of all proposed external finishing materials (including exposed steelwork, timber cladding, timber doors, glazing specifications including manifestation details, steel mesh, timber decking and rainwater goods) are to be submitted and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced or items installed.

The development shall be completed in accordance with the approved details before commencement of use of the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the external appearance of the building is of a high quality and would be appropriate to the setting.

10. Further details: Education Booth Blinds

Prior to installation of the external blinds proposed for installation within the roof fabric surrounding the educational booth, detailed specifications demonstrating proposed appearance, material, colour and method of fixing at ground level shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall then be completed in accordance with the approved details prior to the first commencement of the use hereby approved and maintained thereafter for the lifetime of the development as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the external appearance of the building is of a high quality and would be appropriate to the setting.

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11. Further details: Green Roof Specification

Prior to installation of the green roof hereby approved, a detailed planting specification comprising locally appropriate species as well as a maintenance schedule through to establishment shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the first commencement of the use hereby approved and maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. If the roof planting fails, it shall be replaced in full to a specification as agreed in writing by the Local Planning Authority and maintained to establishment.

Reason: To ensure the proposed planting is compatible with local biodiversity, will support local ecosystems and provide a satisfactory appearance appropriate to the surroundings.

Pre occupation condition(s)

12. Site Management Plan

Prior to first use of the café, toilets and educational facility hereby approved, a detailed site management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include detailed management proposals for each use including proposed operating arrangements for each use including waste management, security, servicing and deliveries, communications and complaints procedures, out of hours operational details, management of all external outdoor areas, health and safety information and cleaning and maintenance proposals. The uses shall then operate in direct accordance with the details indicated within the site management plan in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development protects the amenity of the area, neighbouring residents and public safety.

13. Waste Management Plan

Prior to first use of the building hereby approved, a detailed waste management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall outline detailed proposals for the management of waste relating to the uses hereby approved including:

- o Management of waste/bins at the site
- o Details of recycling provisions for the site
- o Details of manoeuvring of receptacles to and from the site
- o Detailed collection proposals for waste from the site

The development shall then operate in accordance with the approved waste management strategy thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area including that of neighbouring occupiers as well as manage highways impacts relating to waste management.

14. Site Security Strategy

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Prior to first use of the building hereby approved, a detailed security strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. This shall outline detailed security measures for the site hereby approved including:

- o Access control for the building
- o CCTV proposals
- o Lighting proposals
- o Out of hour's security strategy
- o Details relating to management of cash

The development shall then operate in accordance with the approved security strategy in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard public safety and minimise the likelihood of crime.

15. No Installation of Plant and Equipment

No equipment for the extraction and dispersal of cooking smells/fumes shall be installed until details including detailed plans, method of construction, any odour control measures and predicted noise levels have been submitted to and been approved in writing by the Local Planning Authority. Such equipment shall then be installed directly in accordance with the approved details prior to the first commencement of the use hereby approved and permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the local area including appearance, character and neighbouring living conditions as well as to prevent airborne odours

16. Renewable Energy Generation (Solar Roofing Membrane)

The renewable energy generation technology hereby approved (solar roofing membrane - Alwitra Evalon Solar) shall be installed and fully operational prior to first use of the building hereby approved and maintained in perpetuity.

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

17. Refuse and Recycling

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

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

18. Cycle Parking

No building or use hereby permitted shall be occupied or the use commenced until the staff cycle parking provision shown on the approved plans has been completed, and thereafter, be

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kept free of obstruction and available for the parking of cycles only.

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

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

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

Reason: In the interests of highway safety

Post occupation management

20. Opening Hours

All patrons, customers and members of the public shall vacate the building and external seating areas outside the hours of 08:00 to 19:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenity of neighbouring occupiers.

21. Seating area extent

The seating area hereby permitted shall only take place on the area and in strict accordance with the extent set out on the approved plan ?. All tables, chairs and associated furniture and receptacles will furthermore be removed from the area and stored internally outside of the stated opening hours.

Reason: To ensure that pedestrian and bicycle movement would not be obstructed and to safeguard safety and security as well as residential and visual amenity

22. Hours of Waste Collections

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08:00 and 19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring occupiers

23. Deliveries

Activities relating to deliveries shall only take place between 08.00am and 19:00pm Monday to Saturday and not at all on Sundays or Bank Holidays.

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

24. Restriction of noise from plant and equipment

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

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

25. In accordance with Arboricultural Report

The proposed development shall be implemented in accordance with all findings and recommendations (including arboricultural watching brief) as outlined within the supplied Arboricultural Impact Assessment (Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, Hillside Trees Ltd, February 2019). The project arboricultural consultant must be present to oversee works within root protection areas in accordance with the arboricultural supervision recommendations in the arboricultural method statement. Copies of written site notes and/or reports detailing the results of arboricultural site supervision shall be submitted to the Local Planning Authority following the operations detailed within the arboricultural method statement. In accordance with the Tree Protection Plan, a BS5837:2012 tree survey shall be undertaken 1 year following substantial completion of the building.

Reason: To protect green infrastructure and the character and appearance of the area in line with Policy BCS9 of the Core Strategy and Policy DM17 of the Site Allocations & Development Management Policies Local Plan.

26. In accordance with Sustainability and Energy Statement

The development hereby approved shall incorporate all energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statements (Sustainability Statement and Energy Strategy (Iteration 2), Chris Goodsall Architect, 26th February 2019) prior to first occupation. A total 10% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved through improved building fabric, and a 29% reduction in carbon dioxide emissions below residual emissions through renewable technologies (solar roofing membrane) shall be achieved.

Reason: To ensure the development incorporates measures to minimise the effects of, and can adapt to a changing climate in accordance with Policies BCS13 (Climate Change), BCS14 (Sustainable Energy), BCS15 (Sustainable Design and Construction) and DM29 (Design of New Buildings).

27. Restriction on Use of Roof

The flat roof of the building hereby approved shall not be used as a roof terrace, roof garden, balcony or for any other form of amenity area without further specific consent by the Local Planning Authority.

Reason: To safeguard to the special characteristics of the surrounding conservation area as well as neighbouring amenity.

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List of approved plans

28. List of approved plans and drawings

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

DC2-ED01 B Location and block plan, received 31 October 2018
DC2-ED02 Site analysis, received 31 October 2018
DC2-ED10 B Site plan as existing, received 31 October 2018
DC2-ED70 A Existing wc's - plans and elevations, received 31 October 2018
DC2-PD11 C Proposed site plan (no map), received 6 February 2019
DC2-PD80 A Proposed visualisations, received 6 February 2019
DC2-PD100 B Proposed volumetric model, received 18 February 2019
DC2-PD61 B Proposed section A-A, received 18 February 2019
DC2-PD62 Proposed section B-B (retractable blinds), received 18 February 2019
DC2-PD10 D Site plan as proposed (with map), received 6 February 2019
DC2-PD20 F Proposed plans, received 18 February 2019
DC2-PD70 F Proposed elevations, received 18 February 2019
Sustainability statement and energy strategy (Iteration 2), received 26 February 2019
Arboricultural Report (inc. Impact Assessment, Method Statement & Tree Protection Plan) (REV A), received 26 February 2019
Design and access statement and heritage statement, received 31 October 2018
Method statement for ecological protection, received 31 October 2018
Waste management strategy, received 18 February 2019

Reason: For the avoidance of doubt.

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- 1 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.
- 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 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.
- 3 Application for listed building consent potentially needed: This permission does not act as listed building consent and you are accordingly advised of the potential need to submit a separate listed building consent application in respect of the works shown on the drawings hereby approved (restoration of the drinking fountain).
- 4 BS Standard - tree work: Any works should be completed in accordance with British Standard 3998: Recommendations for tree work, you are advised that the work should be undertaken by a competent and suitably qualified tree contractor.
- 5 Tree Protection: You are advised to refer to BS5837 : 2012 Trees in relation to construction for detailed information on types of tree protection, protection zones and other relevant matters.
- 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 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 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>.
- 8 Are existing public sewers affected by the proposals?

According to our records the proposed site will be over a 3400mm tunnel sewer. Whilst this sewer is approximately 10 metres deep, the applicant will need to submit details to our Buildover Team so that we can assess what is required when building over this critical asset.

In the circumstances it is recommended that further details are submitted to the LPA prior to planning decision showing details of the proposed foundations including depth and type. Wessex Water can then assess the feasibility of building over this critical sewer without disruption of normal services. 9 Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action

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should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

This structure is within the zone of influence of Clifton Down Tunnel, as the application does not contain any foundation plans and any foundation would most likely require piling into rock, therefore, our Structures Engineers require foundation plans which will need to be approved by Network Rail's AssetProtectionWestern@NetworkRail.co.uk

TUNNELS

Network Rail's Engineer is to approve details of any development works within 15m, measure horizontally, from the outside face of the tunnel extrados with special reference to:

The type and method of construction of foundations

Any increase/decrease of loading on the tunnel both temporary and permanent.

Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.

Any proposal must not interfere with Network Rail's operational railway not jeopardise the structural integrity of the tunnel. The above details should be submitted to the Council and only approved in conjunction with Network Rail.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network Rails tunnels or railway land.

10 Network Rail

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. assetprotectionwestern@networkrail.co.uk

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Development Control Committee B – 13 March 2019**Application No. 18/04727/F : Public Conveniences Circular Road Sneyd Park Bristol BS9 1ZZ****EXCAVATIONS/EARTHWORKS**

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details.

Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

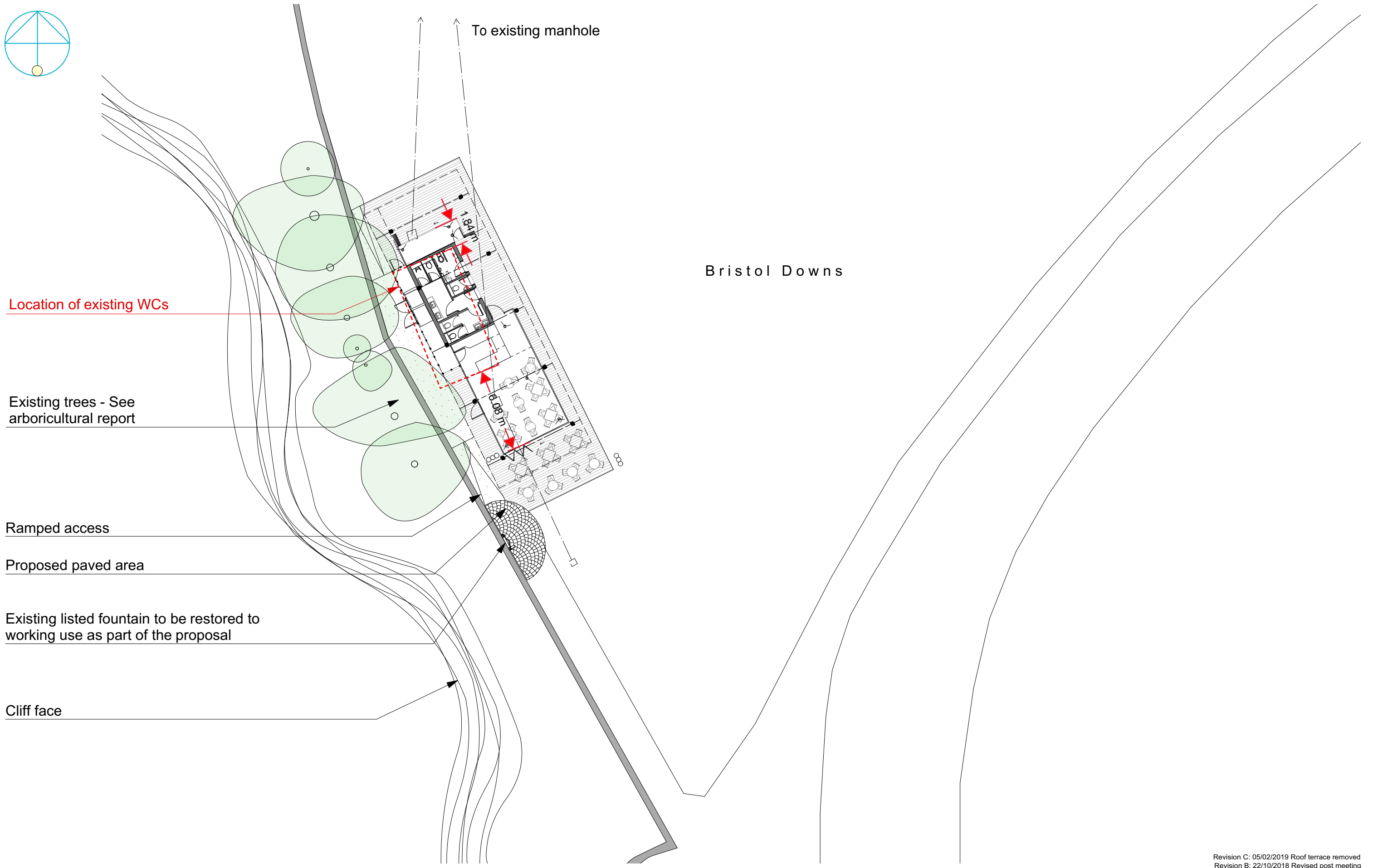
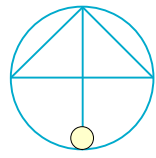
Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

- 11 Application for advertisement consent needed: You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which you may wish to display on these premises.

Supporting Documents

4. Public Conveniences, Circular Road, Sneyd Park, Bristol, BS9 1ZZ

1. Proposed site plan
2. Proposed plans
3. Proposed elevations
4. Proposed section
5. Proposed visualisation
6. Site Photographs



Location of existing WCs

Existing trees - See arboricultural report

Ramped access

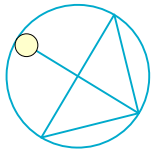
Proposed paved area

Existing listed fountain to be restored to working use as part of the proposal

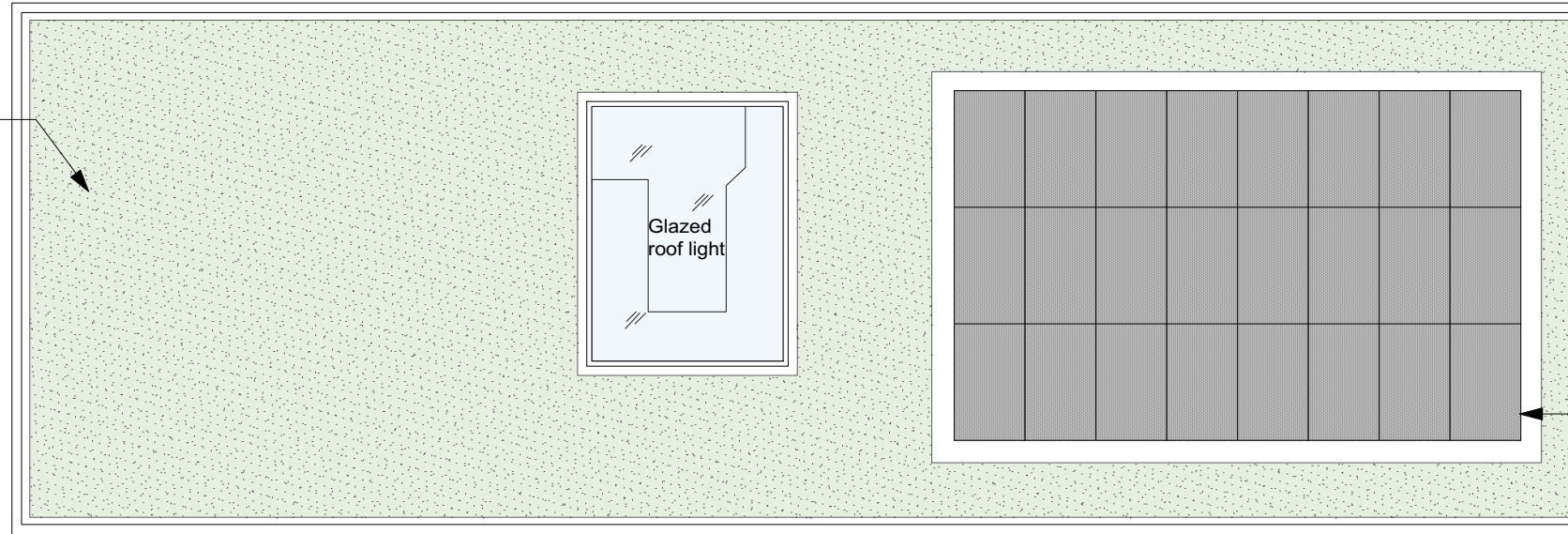
Cliff face

Bristol Downs

Revision C: 05/02/2019 Roof terrace removed
 Revision B: 22/10/2018 Revised post meeting
 Revision A: 12/09/2018 Site layout adjusted



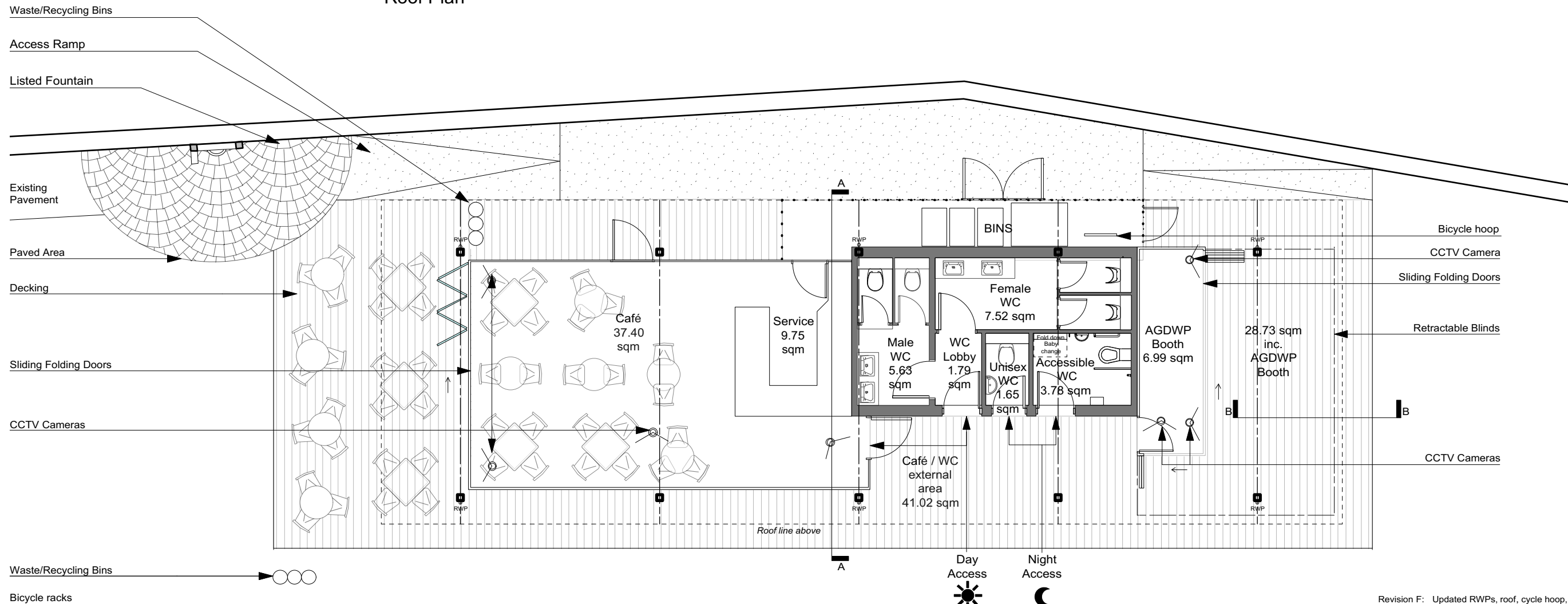
Extensive roof planted with local native species, interpreted for educational purposes



Roof Plan

Area Schedule

Ground:	74.51 sqm
External:	62.76 sqm
Total	137.27 sqm



Ground Floor Plan

Revision F: Updated RWP's, roof, cycle hoop, retractable blinds 14/02/2019
 Revision E: Roof terrace removed, 04/02/2019
 Revision D: Revised following planners comments, 08/01/2019
 Revision C: Revised post meeting, 22/10/2018
 Revision B: Bins and CCTV cameras added, 05/09/2018
 Revision A: Location adjusted, ramp relocated, 03/09/2018



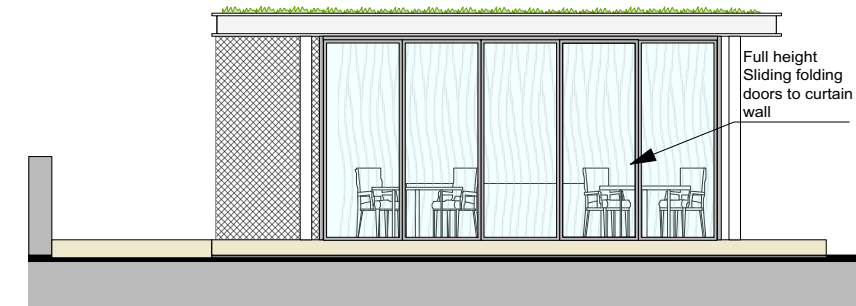
Front Elevation

Defibrillator

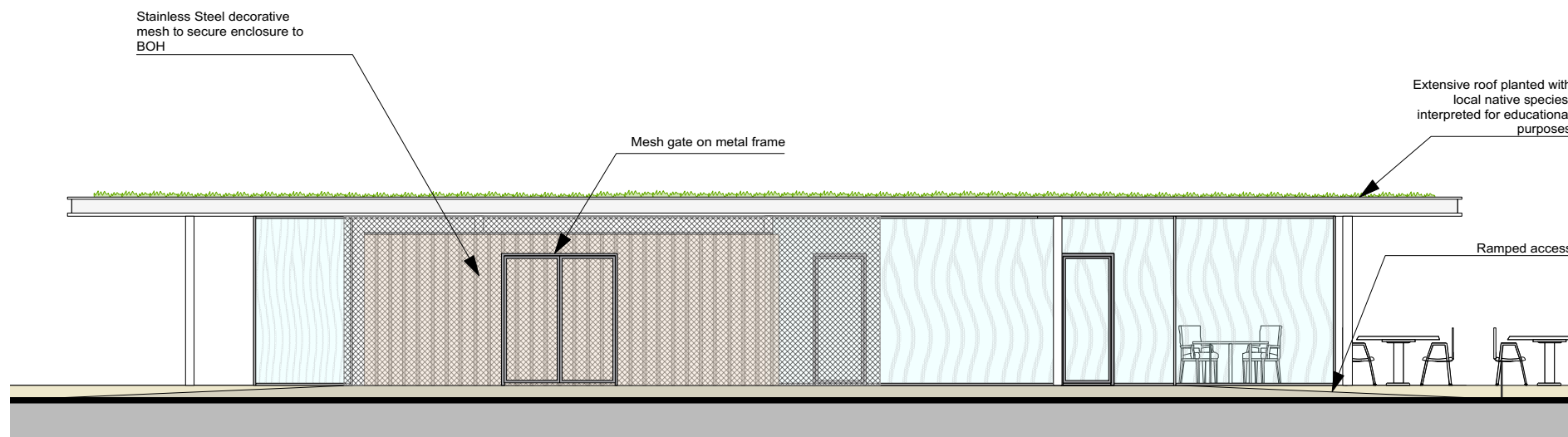
Toilet doors to be timber clad



Example of woven stainless steel mesh to be used to enclose bin store



Side Elevation



Rear Elevation

Stainless Steel decorative mesh to secure enclosure to BOH

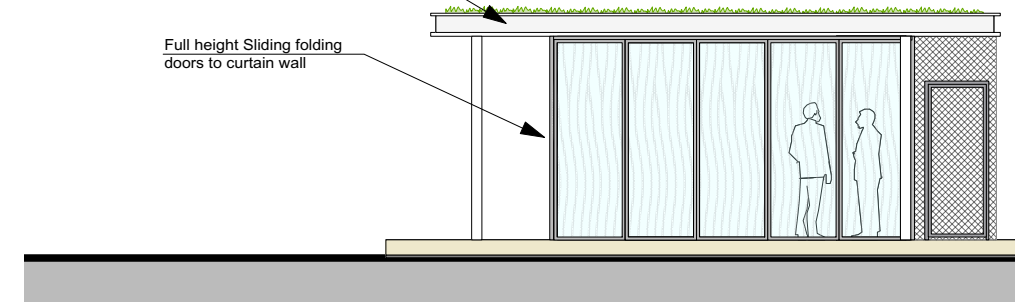
Mesh gate on metal frame

Extensive roof planted with local native species, interpreted for educational purposes

Ramped access

Steelwork to be painted

Full height Sliding folding doors to curtain wall



Side Elevation



Rev. F: Notes added, 14/02/2019
 Rev. E: Roof terrace removed, 04/02/2019
 Rev. D: Revised following planning comments, 08/01/2019
 Rev. C: Revised post meeting, 22/10/2018
 Rev. B: Ramp adjusted, 03/09/2018
 Rev. A: 31/08/2018

Notes

Roof construction:

Green roof to overhang planted with species native to the Avon gorge
22mm plywood roofdeck on
Firrings commencing at a thickness of 75mm to allow 50mm continuous ventilation on
Roof joist size tbc by SE (195x75mm @400mm ctrs shown) with 200mm rockwool between and
Min 25mm rigid insulation on
Vapour barrier on
12.5mm plasterboard
Supported by Steel Beams to SE spec supported on
Columns and steel details to SE spec
Perimeter insulation as indicated

Steel structure:

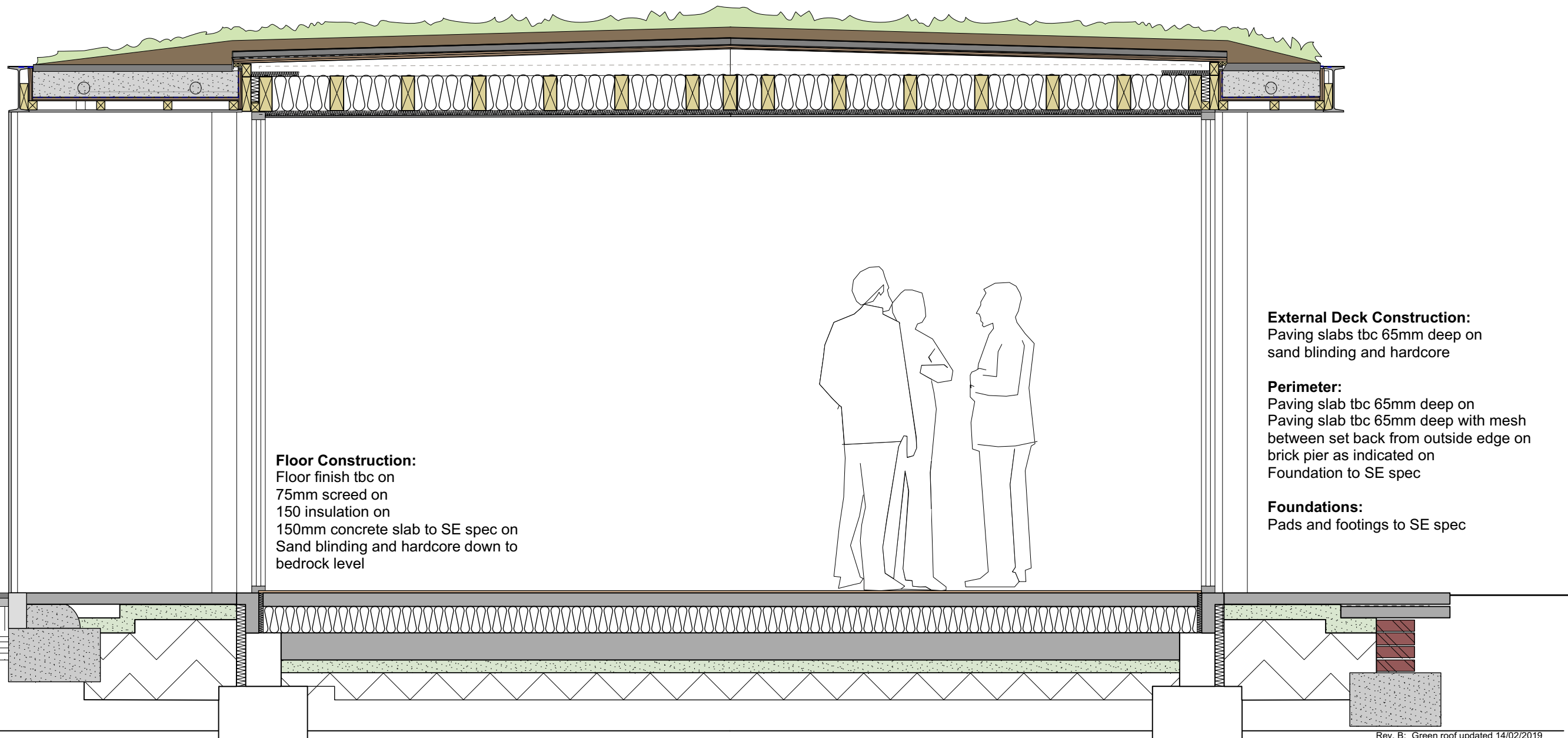
Beams, columns, bracing, foundations and details to SE spec

Glazing:

System tbc
Frameless glazing fixed back to structural timbers at base

Overhang to be filled with gravel for drainage.

Land drain within the gravel connected to rainwater downpipes



Floor Construction:

Floor finish tbc on
75mm screed on
150 insulation on
150mm concrete slab to SE spec on
Sand blinding and hardcore down to bedrock level

External Deck Construction:

Paving slabs tbc 65mm deep on
sand blinding and hardcore

Perimeter:

Paving slab tbc 65mm deep on
Paving slab tbc 65mm deep with mesh
between set back from outside edge on
brick pier as indicated on
Foundation to SE spec

Foundations:

Pads and footings to SE spec

Rev. B: Green roof updated 14/02/2019
Rev. A: Roof terrace removed 04/02/2019



Rev. A: Roof terrace removed, 05/02/2019

Seawalls viewing point

Listed drinking fountain

Existing toilet block



Listed drinking fountain

Existing toilet block





Towerhirst

Existing toilet block



Existing toilet block

Towerhirst





MEN