

WARD: Southville **CONTACT OFFICER:** David Grattan
SITE ADDRESS: Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH

APPLICATION NO: 19/00267/F Full Planning

DETERMINATION DEADLINE: 24 April 2019

Redevelopment of the site to provide 74 No. student cluster units and 40 No. affordable housing units (social rented), flexible ground floor community/commercial use (Use class A1-A5/D1/B1). Landscaping , access and public realm works and associated works to the Malago Road. (Major Application)

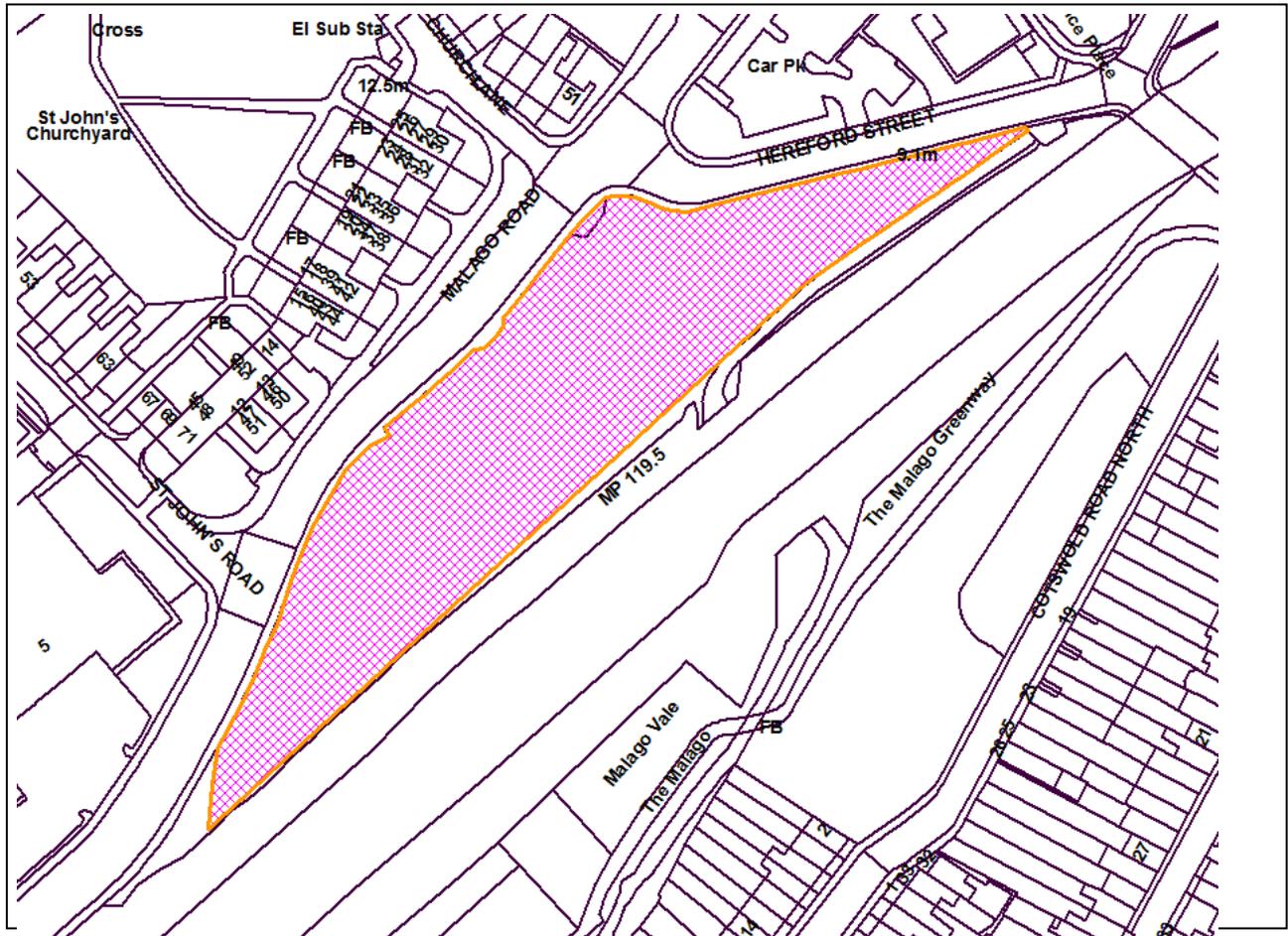
RECOMMENDATION: Refuse

AGENT: GVA
St Catherine's Court
Berkeley Place
Bristol
BS8 1BQ

APPLICANT: A2 Dominion
C/O Agent

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

LOCATION PLAN:



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EXECUTIVE SUMMARY

Background

This Pring and St Hill site, forms one of five key sites identified within the Bedminster Green Framework. In response to a request from the Council for a holistic overview for the Bedminster Green area, the developers (including the developer for this application) produced a Framework, which was reported to and noted by Cabinet in March 2019.

The Framework is a high-level document that sets broad principles and parameters to help shape and integrate individual site-based development proposals, as they come forward through the planning and design process to create a high quality new urban quarter. In terms of planning decisions, the Bedminster Green Framework is a material planning consideration in relation to determination of planning applications for each site in the Bedminster Green area.

The application site

The application site benefits from a planning consent (07/05761/F) for mixed use development comprising 183 residential units, retail space., cafe/restaurant and flexible commercial space. An application for renewal of planning permission was granted in 2011 (11/01608/R). However, this planning permission has since expired and has not been implemented.

The application site is currently vacant, comprising of hardstanding, it has most recently been used as a car wash and by a charity providing temporary accommodation for the homeless. Prior to this, the site was in longstanding use as an engineering works and foundry owned by Pring and St Hill until its closure in 2003 and its demolition in 2009.

The application

This application submitted by A2Dominion is for:

“Redevelopment of the site to provide 74 No. student cluster units and 40 No. affordable housing units (social rented), flexible ground floor community/commercial use (Use class A1-A5/D1/B1). Landscaping, access and public realm works and associated works to the Malago Road.”

The student accommodation is provided across 6 buildings (Buildings A-F) positioned in pairs. The proposed building heights of the three student accommodation blocks are 8 – 10 storeys. The residential accommodation (affordable housing) is provided in one building (Building G) which would have a building height of 10 – 12 storeys.

Response to consultation from the public and interest groups/organisations

The proposed development has been subject to pre-application consultation (undertaken by the Applicant in December 2018). The planning application has been subject to two rounds of 21 day consultation with the public, interest groups, organisations, external consultees and internal consultees.

In terms of responses from the public, there have been over 130 objections received citing issues regarding: scale and massing of development; design and appearance concerns; lack of outdoor amenity space; parking and impact on existing residents; suitability of the location for student housing and the quantum of this use proposed; the density of the development;

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environmental impacts; health impacts; and impacts on views. There has been one public comment in support of the redevelopment of the site and the provision of affordable housing.

In relation to interest groups and organisations, the Windmill Hill and Malago Community Planning Group (WHaM) objected, raising concerns including the height and density of the proposed development; impact on views to and from Windmill Hill; lack of amenity space for residents; overshadowing; impact on traffic and parking. The proposed revisions to Building G were considered to be insufficient to address their previous concerns.

Two comments in support of the application were provided by the University of Bristol and Bedminster Business Improvement District (BID).

The University of Bristol support the delivery of quality student accommodation in key locations to support the development of the new university campus adjacent to Temple Meads railway station, which received outline consent in July 2018. The University of Bristol stated that it has worked with A2Dominion on the management of existing student accommodation in the city and considers that the proposed development would be of an appropriate location for the new campus; would provide student amenity space; and would be managed by the University in partnership with A2Dominion to prevent amenity impacts upon nearby residents.

The Bedminster BID support that the development: does not seek to turn its back on East Street and proposing to minimise active ground floor uses; increased footfall and spending which would be generated would boost East Street; inclusion of flexible, multi-use community space; new trees and public open green space; proposals to open up the Malago river and improve the appearance; and the environmental and health benefits of limited car ownership by encouraging walking, cycling and the greater use of public transport.

Response to consultation from external / internal consultees

In terms of external consultees, the Environment Agency (EA) has objected to the application and the revised details submitted. Appropriate access is required to the River Malago by the EA in the interests of flood risk management. At the very minimum the EA require a 5 metres access strip from the brink of the bank of the Malago, preferably 8 metres. The EA were consulted on application as submitted and the revised proposals. The EA have maintained their objection to the proposed development on flood risk and biodiversity/geomorphology grounds. See Key Issue C.

Revised details/clarifications were provided on 16 August in relation to the EA concerns. No comment was provided in time for this report. An update with regard to the final position on flood risk matters will be provided by way of the Amendment Sheet.

In relation to internal consultees, there has been an objection from the City Design Group (CDG) to the application as submitted and the revised details. CDG comments on the scheme have raised a number of fundamental concerns relating to: response to context; height, scale and massing; and public realm. CDG consider that these design issues stem from an over-intensive scheme for the site. The proposals at 8 -12 storeys depart from the height parameters established in the Bedminster Framework (6 – 9 storeys) and also fail to address recommendations and guidance set out in the recently adopted Urban Living SPD. As such the proposal raises significant design concerns, and as currently presented cannot be supported from a design perspective. See Key Issue B.

Concerns have been raised by Transport Development Management (TDM) in relation to the conclusion of the Strategic Transport Assessment (STA). TDM raises concern that approval

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of development in a piecemeal manner, without the application of a coherent approach informed by the STA, could result in a failure to deliver a high quality, sustainable development with negative consequences for the area and future residents. An update with regard to the latest with the STA and the final position of TDM will be provided by way of the Amendment Sheet.

Concerns have been raised by the Flood Risk Team with regards to insufficient information being submitted in relation to drainage. The applicant has not provided a full sustainable drainage strategy in line with the West of England Sustainable Drainage Developers Guide and the Bedminster Green Framework Flood Risk Assessment (FRA). See Key Issue C.

Revised details were provided on 16 August in relation to the concerns raised by the Flood Risk Team. No comment was provided in time for this report. An update with regard to the final position on drainage matters will be provided by way of the Amendment Sheet.

Responses have been provided by internal consultees covering: Nature Conservation; Contaminated Land; Environmental Health; Archaeology; Sustainable Cities; and Air Quality. All consultees have reviewed the technical information provided and raise no objection subject to conditions requested.

Key Issues

A) Principle: In terms of adopted policy, it is considered that the development would not result in harm to residential amenity and character through the factors cited under policy DM2, and that any potential for harm (such as parking and insufficient refuse provision) could be adequately mitigated through the application of appropriate planning conditions and obligations.

The need for specialist student accommodation in this location is identified in emerging policy through Local Plan Review draft policies H7 and DS8. In accordance with draft policy H7 the application proposals have the support of the University of Bristol. It is also noted in the 'Proposed Uses' section of the Bedminster Green Framework states that: "*Student accommodation can contribute towards regeneration and should form part of a mixed housing offer in the interests of mixed and balanced communities.*" The principle of this use is therefore considered to be supported in policy terms.

While there is no explicit policy requirement for general purpose affordable housing in the development of specialist student accommodation, the proposed development would provide 40no. dwellings for social rented tenure in a single block. It is considered that this affordable housing is acceptable in principle, having been established by the previous consents, and would contribute positively to the stock of affordable housing in Bristol in accordance with policies BCS5 and BCS17.

The report details the following key issues:

- B) Design: Outlining why the scheme is not supported in design terms.
- C) Flood Risk and Drainage: Detailing the objection on flood risk grounds by the EA and the objection on sustainable drainage systems by the Flood Risk Team.
- D) Transport and Highways: Outlining the impacts on the strategic road network; provision of car and cycle parking; and recycling and waste provision.
- E) Amenity: Details the assessment of the application proposals on the amenity of existing and future residents.
- F) Sustainable Design: Sets out the sustainability and energy strategy for the application proposals.

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Recommendation

The applicant has requested that a decision be made on the revised details submitted in June 2019 and further details/clarifications provided on 16 August 2019, with an Extension of Time on the application agreed until 4 September 2019 (the date of the committee meeting).

This application is therefore unfortunately recommended to Members for Refusal for the following reasons:

1. The proposed development by reason of its height, scale and massing would be unacceptable in design terms.
2. The application fails to demonstrate that flood risk would not be increased as a result of the development.

As noted, further responses are awaited and the above will be reviewed with an update provided to Members by way of the Amendment Sheet.

SITE DESCRIPTION

The application site is known as 'Plot 1', or the 'Pring and St Hill' site in the Bedminster Green Framework.

The application relates to land to the east of Malago Road and south of Hereford Street in Southville ward, south Bristol. The area of land comprises of approximately 0.65 hectares and it is bounded by roads to the north and west, and a railway line to the east and south.

The River Malago runs through the site to the north-east corner. The site is located primarily within Flood Zone 2 but is located partially within Flood Zone 3.

The land use immediately surrounding the site is varied in nature, including residential, retail, light industrial, car parking and green space.

The railway line bounding the site to the south is served by the nearby Bedminster train station, beyond which is Windmill Hill, a predominantly residential area comprising of terraced dwellings.

Within approximately 500 metres of the site to the north is East Street, a local high street for the Bedminster area. Within a similar distance to the east of the site is the Whitehouse Lane Principle Industrial and Warehousing Area (PIWA) comprising of light industrial uses, as well as a community city farm.

While the site is currently vacant, comprising of hardstanding, it has most recently been used as a car wash and by a charity providing temporary accommodation for the homeless. Prior to this, the site was in longstanding use as an engineering works and foundry owned by Pring and St Hill until its closure in 2003 and then its demolition in 2009.

RELEVANT HISTORY

18/00429/P- Outline application with access, scale and layout to be considered, for redevelopment to provide up to 32no. affordable apartments and Combined Heat and Power centre in a 6-7 storey building. Status: Pending Consideration.

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17/01222/F - Erection of Energy Centre (Heat and Power), to serve residential development. Status: Application Withdrawn.

16/06785/F - Redevelopment to provide 183 no. apartments in a 6-9 storey building with associated parking and hard/soft landscape works (Major application). Status: Pending Consideration.

15/05297/SCR- Request for Environmental Impact Assessment (EIA) Screening Opinion for construction of Energy Centre with visitors centre, delivering over 10MW of Combined Heat and Power to the local community. Status: Application Withdrawn.

11/01608/R- Application for renewal of planning permission 07/05761/F - Mixed use development comprising 183 residential units from 1 to 2 bedroom flats and associated retail space of 336sq.m., one Cafe/Restaurant (A3 use - 217sq.m.), one retail/internet facility (A1 use - 119 sq.m.) and 1482 sq.m. of flexible commercial space (Use Class B1) together with associated structures and spaces and undercroft car parking. Status: GRANTED subject to condition(s).

08/00823/P - Outline application (including details of 'Layout' and 'Scale') for the construction of a document archive building. Status: Application REFUSED.

07/05761/F - Mixed use development comprising 183 residential units from 1 to 2 bedroom flats and associated retail space of 336sq.m., one Cafe/Restaurant (A3 use - 217sq.m.), one retail/internet facility (A1 use - 119 sq.m.) and 1482 sq.m. of flexible commercial space (Use Class B1) together with associated structures and spaces and undercroft car parking. Status: GRANTED subject to condition(s).

07/00313/F - Mixed-use development comprising 183 residential units from 1 to 2 bedroom flats and associated retail space of 336sq.m. (1 no. cafe (A3 Use - 217sq.m.), 1 no. Internet facility (A1 Use - 119 sq.m.)) and 1588sq.m. of flexible commercial space (Use Class B1) together with associated structures and spaces and undercroft parking. Status: Application Withdrawn.

04/05276/P - Demolition of existing buildings for a mixed use redevelopment scheme facilitating 12 commercial units (use class B1, B2, B8) and residential development comprising up to 81 no. flats in 4 & 5 storeys along with new access off Malago Road and associated car parking and landscaping. Status: Application Withdrawn.

04/02836/P Outline application for mixed use redevelopment scheme facilitating residential development, live/work and office/light industrial floorspace in 3, 4 & 5 storeys, with associated basement car parking and access provision. Status: Application Withdrawn.

APPLICATION

The application seeks full planning permission for the construction of:

- 3no. blocks of student accommodation (sui generis) comprising 74 student cluster flats containing 550 bedspaces. The three 'blocks' of student accommodation would be divided across 6 buildings (Buildings A-F) positioned in pairs.
- 1no. residential block (Building G) in Use Class C3 containing 40no. social rent apartments (10no. 1 bedroom, 2 person apartments and 30no. 2 bedroom, 4 person apartments).
- Community space (110sqm).

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- New public realm and landscaping (1070sqm).
- Amenity space and landscaping (600sqm).
- 146no. cycle spaces for the student accommodation.
- 92no. cycle storage spaces for the residential apartments.
- 54no. visitor cycle spaces.
- 4no. disabled parking spaces, 2no. drop-off spaces and a service bay.

The three student accommodation blocks (Buildings A-F) would be of a height between 8 and 10 storeys. The residential block (Building G) would have a height of 10 – 12 storeys.

The application, as originally submitted in January 2019, proposed to provide 49 units for social rent in Building G. However, revised proposals submitted in June 2019 reduced the footprint of Building G and reduced the height of the building by 2 metres, which reduced the provision of social rent units to 40 units. The revised proposals also include an additional disabled parking space near to Building A (to create total provision of 4no. spaces) and added additional glazing to internal corners of Buildings A-F.

PRE-APPLICATION COMMUNITY CONSULTATION

The applicant submitted a Statement of Community Involvement with the application, which states that pre-application consultation with the local community was carried out in December 2018. This consisted of a drop-in consultation event and a drop-in 'preview' event for ward members, the Windmill Hill and Malago Planning Group and the BS3 Group on 5 December 2018. Flyers were distributed to 1000 homes and businesses to publicise the event, while members of the public attending Bedminster Green Framework consultations a few days before were also notified of the upcoming consultation for the proposed development at Plot 1.

EQUALITIES IMPACT 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. Overall, it is considered that the approval/refusal of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010. In this case the design and access to the development have been assessed with particular regard to disability, age and pregnancy and maternity issues.

ENVIRONMENTAL IMPACT ASSESSMENT

In respect of Environmental Impact Assessment (EIA), in August 2019, the Local Planning Authority provided a Screening Opinion confirming that the development is NOT EIA Development requiring an Environmental Statement.

RESPONSE TO PUBLICITY AND CONSULTATION

General response from the public

A total of 198 neighbours within the vicinity of the scheme were notified by letter and a site notice was erected.

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A total of 118 individual public comments were received in response to the application as submitted.

Of these, 1 response was in support of the scheme, citing support for the redevelopment of the site and the provision of housing.

A total of 117 comments were in objection to the scheme and raised the following concerns:

- Scale and massing of development out of keeping with the local area.
- Design and appearance concerns including lack of regard to local architectural styles; lack of outdoor amenity space; a lack of mixed uses and consideration of street-level uses to enliven the streetscape; unsuited to families or children; and failure to meet requirements of the Urban Living SPD.
- Lack of parking provision and impact on local resident's parking.
- Suitability of the location for student housing and the quantum of this use proposed
- The suitability of the location for tall buildings.
- The density of the development and potential over-development.
- Environmental impacts including air quality impact through increased traffic; impact on the River Malago and biodiversity; and pollution and wind tunnels due to tall buildings.
- Health impacts including air quality, pollution and the effect of tall buildings on mental health for occupants.
- Impacts on the heritage and character of the area, including on views from Windmill Hill, Brandon Hill, Ashton Court and Clifton/the Suspension Bridge.

Following the submission of revised details in June 2019, a re-consultation was carried out between 5 July – 26 July 2019.

A total of 30 individual public comments were received in response to the revised details. All comments were in objection, raising similar concerns to those listed above; several respondents stated that the amendments to the scheme made in the revised proposals were not sufficiently significant to address concerns raised during the first round of consultation.

Response from interest groups and organisations

WINDMILL HILL AND MALAGO COMMUNITY PLANNING GROUP (WHAM) – OBJECTION

The Windmill Hill and Malago Community Planning Group (WHaM) objected to the application as originally submitted, raising concerns including the height and density of the proposed development; impact on views to and from Windmill Hill; lack of amenity space for residents; overshadowing; impact on traffic and parking. It was considered the proposed development did not achieve the liveability outlined in the Urban Living SPD.

WHaM subsequently objected to the revised proposals, stating concern that the revision to the height of Building G is insufficient to address their previous concerns and results in a reduction of the provision of social rent housing.

UNIVERSITY OF BRISTOL – IN SUPPORT

The University of Bristol submitted a letter in support of the scheme, stating that it supports the delivery of quality student accommodation in key locations to support the development of the new university campus adjacent to Temple Meads railway station, which received outline consent in July 2018.

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The University of Bristol stated that it has worked with A2 Dominion on the management of existing student accommodation in the city and considers that the proposed development would be of an appropriate location (within 10 minutes walk) of the new campus; would provide student amenity space; and would be managed by the University in partnership with A2Dominion to prevent amenity impacts upon nearby residents.

BEDMINSTER BUSINESS IMPROVEMENT DISTRICT (BID) – IN SUPPORT

I am writing on behalf of the Bedminster Business Improvement District (BID) Board in support of the development proposals for the former Pring Site on Malago Road. The BID supports the application for the following reasons:

- We are particularly pleased to see that the development does not seek to turn its back on East Street and the wider environs and is proposing to minimise active ground floor uses in favour of encouraging residents to integrate with the wider community
- We believe that this increased footfall, and the spending which will be generated by the development's residents, will clearly provide a boost to East Street, which is currently in decline, as well as to other local shopping streets
- We welcome the scheme's inclusion of flexible, multi-use community space.
- We are pleased to see that the scheme proposes new trees and public open green space on what is currently a derelict and unattractive site
- We welcome the proposals to open up the Malago river and improve the appearance of its banks so local people can enjoy the river
- We welcome the environmental and health benefits that limited car ownership will bring i.e. encouraging walking, cycling and the greater use of public transport.

However much of the localisation of benefit may well be lost unless a greater focus for improvement is placed on East Street and improved walking routes directly to East Street along Church Lane and as such we hope that CIL, s106 and other funding streams may be found to support this ambition or the local centre will be bypassed and the residents of this scheme go directly to the harbourside and city centre.

We would like to see the scheme delivered urgently to help the regeneration of East St - you may not know but Boots is now pulling out (following Argos, Peacocks etc in the past 12 months).

Response from external consultees

ENVIRONMENT AGENCY – OBJECTION

Comments in response to the original proposal, received 5 April 2019:

“Environment Agency Position

We OBJECT to the proposed development on flood risk and biodiversity grounds for the reasons outlined below:

Flood Risk

We have reviewed the submitted Flood Risk Assessment (FRA) (Hydrock Consultants Limited 15 January 2019, reference 10178-HYD-PH1-XX-RP-D-5001 P04 S2) and River Malago Corridor Maintenance and Restoration report (Hydrock Consultants Limited 15 January 2019 reference 10178-HYD-PH1-XX-RP-D-5003 P04 S2).

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Section 4.1, page 9 of the FRA states that *'At the time of writing, an update to the River Malago hydraulic model had just been completed and provided to Hydrock by Bristol City Council. It is proposed that revised Climate Change allowance, Hereford Road culvert blockage and channel modifications for river restoration assessments will be undertaken and included within a revision of the is report'*.

We require a copy of the modelling and updated report for review so we can determine: the suitability of the modelling as a baseline scenario and subsequently the post development scenario including river restoration proposals. This will be reviewed in tandem with the framework modelling, recently received from your colleague, Patrick Goodey.

The 2110 tidal scenario should be extended to 2119 based on a 'More Vulnerable' flood risk vulnerability classification and 100 year lifetime. Our climate change guidance should be followed and can be found here: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

We require cross-sections of the proposed river restoration and confirmation of who will be responsible for onward maintenance of any installed features. The sketches shown in Appendix C are concept only. In the Corridor Maintenance and Restoration report, Figure 4 a concept sketch is also shown, but again this is not detailed enough for our requirements. It is not clear exactly what is being proposed or how the proposal will be maintained.

Please note under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Environment Agency and Local Authorities have permissive powers to maintain watercourses. Their jurisdiction depends on the watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for general maintenance of the watercourses and their banks, rest with riparian owners (i.e. the owner of the bed and/or bank of river).

The Masterplan drawing 01505_BA-G_10 Rev P01 (Appendix B) shows columns supporting Buildings F and G and very close to the brink of the bank of the Main River Malago. At the very minimum we require a 5 metre access strip from the brink of the bank of the Main River Malago, preferably 8 metres. A height restriction of 5 metres would greatly limit machinery use. The Corridor Maintenance and Restoration Plan refers to use of a JCB 65R-1 mini excavator however the reach of this machine would be somewhat limited by the cantilever and requirements set out in Table 2, point 3 *'if a excavator machinery is required that ensure it is positioned centrally between columns and that digger arms are no less than 0.5m from the columns and there is a 0.25m freeboard to the cantilever'*. The layout in this location needs to be revisited and the development further set back from the brink of the bank without height restriction. We require further details about the proposed fencing, type, set back distance, spacing.

In the first instance the hydraulic modelling should be submitted to us for review, which can then inform an updated FRA. We will also require an updated Corridor Maintenance and Restoration report taking into account our requirements for emergency operational access to the watercourse.

This position is supported by the National Planning Policy Framework (NPPF).

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Biodiversity

There is insufficient information relating to the Malago and how its ecological status will be restored as a result of this development and maintained thereafter. Engineered river channels are one of the most severe examples of the destruction of ecologically valuable habitat. We seek to restore and enhance watercourses to a more natural channel wherever possible.

From aerial photos there would appear to be a significantly vegetated corridor either side of the watercourse with a natural bank on the side of the development. The proposal to erect a fence alongside the watercourse is cause for concern - how far back from the top of the bank will this be? What vegetation is being removed? Will residents at ground level have any connectivity with the watercourse? There seems to be a missed opportunity here to design the watercourse into the development rather than separate it from the buildings completely.

The ecological Phase 1 survey that was conducted is not available for us to review on your authorities website. Please can you make this available to us. Was the watercourse included within this survey i.e. were signs of otter looked for and are there invasive plants such as Japanese knotweed present on site? This position is supported by the NPPF and 25 Year Environment Plan which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Other flood risk considerations

We advise Bristol City Council Flood Risk Team, as the Lead Local Flood Authority should be consulted on the surface water drainage proposals for the proposed development.

The Local Authority Emergency Planner should be consulted in relation to flood emergency response and evacuation arrangements for the site. We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition.

We can confirm that the site does not lie within a Flood Warning area. The Environment Agency does not comment on flood warning and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood.

Over and above the requirement for planning permission works in, over, under or within 8 metres of the Main River Malago will also require a Flood Risk Activity Permit. Further details can be found here: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> . On the basis of the scheme as submitted, we are unlikely to grant such a permit.

Note to local planning authority

If you are minded to approve the application contrary to our objection and national planning policy, it is considered essential that you contact the Environment Agency to discuss the implications prior to determination of the application.

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We would also like to understand the weight that will be afforded to the Bedminster Green Framework, which has recently been approved by the cabinet at Bristol City Council. We have not been consulted on this document.

A copy of this letter has been forwarded to the agent. Please do not hesitate to contact the undersigned direct should you have any queries.”

Comments in response to the revised proposals, received 24 July 2019:

“Environment Agency Position

We maintain our OBJECTION to the proposed development on flood risk and biodiversity/geomorphology grounds for the reasons outlined below:

1) Flood Risk

We have reviewed the revised Flood Risk Assessment (FRA) (Hydrock Consultants Limited 18 June 2019, reference 10178-HYD-PH1-XX-RP-D-5001 P06 S2) and River Malago Corridor Maintenance and Restoration report (Hydrock Consultants Limited 20 June 2019 reference 10178-HYD-PH1-XX-RP-D-5003 P05 S2).

We have recently undertaken a review of the JBA Consulting baseline model update which identified a number of red and amber actions to be addressed. Please contact the Lead Local Flood Authority to obtain a copy of the review comments. These need to be addressed in the first instance.

Only once the baseline has been approved can we undertake a review of the post development scenarios including proposals to widen the watercourse. We will require a copy of the model and results in due course to enable this review.

We require cross-sections of the proposed river restoration and confirmation of who will be responsible for onward maintenance of any installed features. The sketches shown in Appendix C of the River Malago Corridor Maintenance and Restoration report are concept only. A differing section is shown in Section D of the Landscape Design proposals. Sheet piling is also mentioned, but where is this proposed to be located? It is not clear exactly what is being proposed. This information is required and must be verified in the inter

The updated Masterplan drawing 01505_BA-G_10 Rev P2 (Appendix B) no longer shows columns supporting Building G however other plans and drawings still show the cantilevered supports on Buildings F and G and very close to the brink of the bank of the River Malago. Please clarify. At the very minimum we require a 5 metre access strip from the brink of the bank of the River Malago, preferably 8 metres. A height restriction of 5 metres would greatly limit machinery use. The Corridor Maintenance and Restoration Plan refers to use of a JCB 65R-1 mini excavator however the reach of this machine would be somewhat limited by the cantilever and requirements set out in Table 2, point 3 *‘if a excavator machinery is required that ensure it is positioned centrally between columns and that digger arms are no less than 0.5m from the columns and there is a 0.25m freeboard to the cantilever’*.

The layout in this location needs to be revisited and the development further set back from the brink of the bank without height restriction to enable the safe working of machinery. We require further details about the proposed safety fencing, height, type,

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set back distance, spacing. The proposals must not impinge our operational/emergency access. The surfacing types selected on the landscaping proposals should be suitable to take loading from machinery.

In the first instance the baseline model needs to be revised and then the hydraulic modelling should be submitted to us for review, which can then inform an updated FRA. We will also require an updated Corridor Maintenance and Restoration report taking into account our requirements for emergency operational access to the watercourse.

This position is supported by the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance. Appropriate Environment Agency access is required to the River Malago, a designated main river, in the interests of flood risk management.

2) Biodiversity and Geomorphology

Whilst, we welcome the proposals to daylight the Malago, there are a number of issues which need to be addressed in respect of biodiversity and geomorphology.

We have reviewed the Ecological Assessment Land Off Malago Road November 2018. Whilst this addresses our comments relating to otters and riparian mammals it does not provide any detail as to what is happening to the river corridor or proposals for restoration. Figure 4: River Malago enhancements (dated 27 March 2018) shows the corridor opened up, the bank reprofiled and planted with native species, a 7m buffer provided along the watercourse with walkway alongside - in summary, no pillars or fence but a sympathetically restored watercourse accessible to the public and to the Environment Agency for maintenance/emergency access.

We note Figure 4: River Malago Corridor Proposals in the January 2019 Restoration report, however, shows a completely different scenario with pillars, fence and steep slope with some coir rolls at the bottom. This appears to be completely at odds with the principles of the JBA river restoration report and the NPPF. Further information is also required in respect of geomorphology/sedimentation impacts.

This position is supported by the NPPF and 25 Year Environment Plan which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our objection

It may be possible for the applicant to overcome our objection, by submitting information addressing the above points to our satisfaction.

The applicant/agent should be submitted directly to the local planning authority. We will provide bespoke comments within 21 days of receiving your formal re-consultation.

Advice to local planning authority and applicant

We advise Bristol City Council, as the Lead Local Flood Authority should be consulted on the surface water drainage proposals for the proposed development. Bristol City Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site.

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We strongly recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Local Planning Authority may wish to secure this through an appropriate condition. We can confirm that the site *does not* lie within a Flood Warning area.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood.

Over and above the requirement for planning permission works in, over, under or within 8 metres of River Malago, a designated “Main River” will also require a Flood Risk Activity Permit. Further details can be found here: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or for preliminary advice contact your local Environment Agency office bridgwater.FRAP@environment-agency.gov.uk

Note to local planning authority

We would also like to understand the weight that will be afforded to the Bedminster Green Framework, which has been approved by the cabinet at Bristol City Council earlier this year. The Environment Agency has not been consulted on this document

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/ or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

A copy of this letter has been forwarded to the agent. Please do not hesitate to contact the undersigned direct should you have any queries.”

BRISTOL WASTE – OBJECTION

Comments in response to the original proposal, received 2 April 2019:

“Although the Design and Access Statement says that A2Dominion will manage the refuse from all buildings, it is not clear if this is just the transport to and from the collection point or whether the suggestion is that a private contractor will be employed to collect waste from the site. We would advise against a private contractor as both building types on site are eligible for a council waste collection. However, in order for the waste to be collected by BWC the waste management plan will need to be revised to comply with our collection methodology.

[The recommended refuse provision] is significantly different from what is detailed in the Design and Access Statement, which only mentions refuse and makes no allowance for recyclable materials. We collect materials source separated in various container sizes. Therefore, if Bristol Waste Company are responsible for collections at this site the container requirements will be as detailed above.

Due to the large number of bins required by each block there will need to be a designated presentation point adjacent to each of the laybys with sufficient space to store all relevant bins. Bins must not be left obstructing the pavement or highway.

We would urge at this stage of the planning process that the developers refer to the Planning Guidance for Waste and Recycling produced by Bristol Waste Company. When considering the layout, access and the design of the bins stores, this guide contains a wealth of

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information regarding the bin volumes, requirements etc.
<http://www.bristolwastecompany.co.uk/resources/>

In response to the revised proposals, Bristol Waste stated on 6 August 2019 that “the change to the number of residential units does not impact the number of bins required for block G”.

NATURAL ENGLAND – NO COMMENT

Response from internal consultees

CITY DESIGN GROUP – OBJECTION

CDG provided comment on the initial proposals, raising significant concerns regarding the design of the scheme and stated that it cannot be supported from a design perspective. While the full comment is available on the BCC planning application portal, the initial comments from CDG concluded the following:

“The submitted application does not comply with our Core Strategy’s BCS21 policy nor with those established in the Site Allocation and Development Management design policies. It departs from the parameters outlined in the Bedminster Green Framework and it has yet to address recommendations from the Urban Living SPD (list above).

The intensity of the development is so excessive that the height, scale and bulk of all blocks are unacceptable. No amount of variation in volumetric receding, setback and/or change of materials on upper floors, cantilevered or recessed balconies and different cladding, will mitigate the severe impact of the proposed built form to the immediate site context and the site constraints. The excessive intensity of development also affects important public realm urban design decisions and liveability considerations that make the scheme impossible to support.”

Further comments from CDG stated:

“By seeking to intensify development on the site to the very upper limit and beyond of the Bedminster Green Framework a reasonable expectation follows that the scheme achieves exemplar quality.

The Bedminster Green framework was created following a clear policy shift in favour higher densities and the acceptance of taller buildings. As such the Bedminster Green framework already embeds a high density presumption. Therefore any schemes that follow seeking maximum development levels within the framework area must also achieve exemplary design quality and urban design response to warrant support.

Slender taller building forms can be an excellent way of achieving higher urban densities. A key benefit relates to shorter and more dynamic periods of shadowing to ground level as the sun adjusts throughout the day. However when taller elements are clustered in tight linear formation, as is the case with the proposal, this key benefit is lost.

In addition, the elegance inherent in slender taller building forms becomes undermined when several buildings form a tight grouping. This has caused a lack of meaningful visual permeability due to the linear arrangement and overall scale of the development. Resulting harm would be caused to a key contextual landscape feature. As acknowledged by the applicants (DAS pg29) Windmill Hill is an iconic part of the Bedminster Green (and Bristol City) landscape. The over densification of the site has the potential to undermine this feature

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and harm the overall appreciation and visual quality of the Bristol cityscape. The site while within the Bedminster Green Framework Area, and therefore suitable for a transformation in urban scale, is also surrounded by stable communities built to a low level domestic scale. The current proposal needs to be more effective in mediating the relationship between these communities and the emerging context.

These fundamental matters need to be resolved by the applicant in order to move on to more detailed design issues raised by CDG such as student amenity and public realm. An acceptable urban design response will require a significant reduction in height and a less intensive clustering of buildings.”

In response to revised proposals submitted in June 2019, CDG stated the following summary of reasons that the scheme continues to be unsupported from a design perspective (full comments available on the BCC planning portal):

“Previous CDG comments on the scheme have raised a number of fundamental concerns with the approach to:

- Response to context*
- Height, scale and massing*
- Public realm*

It was considered that these design issues stem from an over-intensive scheme for the site.

While a number of improvements have been incorporated throughout the pre-application process and the most recent changes formally submitted in June 2019, these are not considered to have overcome the issues highlighted above. The proposals depart from the Bedminster Green Place Making Framework and also fail to address recommendations and guidance set out in the recently adopted Urban Living SPD (UL SPD).

As such the proposal still raises significant design concerns, and as currently presented cannot be supported from a design perspective.”

With regard specifically to the impact of the scheme on landscape viewpoints, the following comments were made:

“There is a clear difference between the above assessment of viewpoints and those presented in the LVIA, arising from the perceived relevance of the townscape character in relation to the new development. Mitigation requires the recognition of what constitutes an appropriate design response and the down scaling of all or some of the development blocks.

In fairness, some of this has been achieved – (except for the approaching length from the west) the landscape proposals on the Malago Road frontage provide a welcome softening to the built form elevations and continue the good street tree treatment noted in viewpoint 7. The revision to the block layouts is also beneficial in regard to the setting of the development blocks and movement around them.

The primary objective of mitigation needs to be a reduction of the built form scale and massing to reduce the severity of an otherwise hostile development.”

FLOOD RISK TEAM – OBJECTION

The LLFA objects to this application due to insufficient information being submitted, the applicant has not provided a full sustainable drainage strategy in line with our West of

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England Sustainable Drainage Developers Guide and the Bedminster Green Framework FRA. I note that the applicant refers to proposed discharge rates and volumes as set out in the Bedminster Green Framework FRA which is welcomed, however no SuDS features and proposals have been submitted.

The applicant has referred to many SuDS options in their report including green roofs, rills, bio-retention gardens and permeable paving, all of which are welcomed within their drainage strategy. The LLFA requires a detailed design of the proposed SuDS features including the appropriate management and maintenance of such features.

It should also be noted that although the Bedminster Green Framework FRA was written by Bristol City Council, in our capacity as the LLFA we can only provide comment on the drainage aspects of the scheme.

TRANSPORT DEVELOPMENT MANAGEMENT – OBJECTION

While the full comment is available on the BCC planning application portal, the initial comments from TDM concluded the following:

“TDM are concerned by any piecemeal approach to development in this area, given that it risks jeopardising the way that wider housing growth is assessed, determined and delivered in such a way that the eventual outcome will ultimately fail to deliver high quality and sustainable development, resulting in negative consequences for the area and its existing and future residents.

TDM will resist development that submitted in advance of or is not in coherence with the wider Bedminster Green development Framework or the transport objectives that will underpin it as part of the forthcoming Strategic Transport Assessment. The application has been submitted prior to the completion of two critical elements that ensure a wider, strategic approach to the planning and future development of Bedminster. At present this is contrary to policies BCS10 and BCS11 of the Core Strategy and DM23 and DM27 of the Site Allocations document.

TDM do however recognise the need to work collaboratively to ensure a high quality, highly sustainable development that addresses its impact in terms of overspill parking and allows for the provision/ enhancement of a high frequency bus corridor and active travel alternative to private car usage, thus promoting sustainable transport in line with government policy.”

While the full comment is available on the BCC planning application portal, further comments by TDM maintained objection and stated that:

- full travel plans and fees for both the student and residential element. Fees would therefore be secured through section 106.
- proposed cycle parking meets BCC standards in terms of quantity however TDM raise concerns with the limited number of Sheffield Stands provided within Building E and the Residential building.
- the need for car clubs is to be determined by further assessment work undertaken by PBA.
- During times of students moving in 3 parking spaces to the West of the site will be utilised for this period and this period alone. It is of TDM's view these spaces should be useable for disabled parking during term time given the distance between the proposed disabled parking and building A. On site provision for maintenance vehicles is also required.

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- Concerns are raised by the use of a 'short loop' around the supporting pillar of the residential block. Whilst the submitted swept path analysis demonstrates an estate car can undertake this manoeuvre section 7.19 of the submitted Transport Statement outlines the potential for transit vans to undertake this manoeuvre. It is not unreasonable to suggest the supporting pillar will be hit in any case, raising the need to design out this manoeuvre.
- Until the A38 design has been concluded as well as the Hereford Street/ Whitehouse Lane design TDM are unable to make comment on the suitability of the design of the loading bays given these are open to change.
- TDM strongly recommends that the applicant liaises directly with PBA to inform the scheme design for the Malago Road and Whitehouse Lane elements of the Strategic Transport, which this development provides two frontages to.
- Section 7.18 of the Transport Statement outlines the provision of clauses within tenants contracts to prevent car ownership. This cannot be enforced and demonstrates the need to restrictive parking measures within the Windmill Hill area.
- TDM reiterate the need given the large number of bins for a designated presentation point adjacent to each of the laybys with sufficient space to store all relevant bins of both the student buildings and the residential buildings. It is unclear if the residential bins will be moved to this presentation area by the management company given Bristol Waste operatives will not manoeuvre large waste receptacles more than 5m. Bins must not be left obstructing the pavement or highway and plans must demonstrate presentation areas.
- TDM have concerns with the level of time allotted for students to move in given the realistic probability that these time slots may be missed causing safety implications on the highway network. Whilst section 7.31 states students who miss their slot will use the Hereford Street layby serious concerns are raised as to how this will be managed. There is limited room for error.

NATURE CONSERVATION – COMMENT

Nature Conservation recommended planning conditions relating to:

- A method statement for a Precautionary Method of Working (PMW) with respect to vegetation and site clearance
- A method statement for the control and removal of Virginia creeper *Parthenocissus quinquefolia*
- A method statement for the control and removal of Japanese Knotweed (*fallopia japonica*)
- Specification for bird nesting and bat roosting opportunities, including twelve built-in bird boxes or bricks to include at least eight swift boxes or bricks and six built-in bat boxes or bricks as well as two insect boxes or bricks

Recommended that the provision of living roofs and green walls is included in the scheme to provide greater benefits to wildlife than roof terraces and in accordance with Policy DM29. The proposed enhancements to the River Malago were considered to be have ecological benefits. Natural England were recommended to be consulted.

PUBLIC PROTECTION (CONTAMINATED LAND) – COMMENT

Stated that more details regarding groundworks and materials management plans would be useful and identified that BCC would be required to be consulted if the development is under a CL:AIRE DoWCoP process. It was suggested that the applicants might want to consider submitting a remediation strategy prior to determination to avoid planning conditions.

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ECONOMIC DEVELOPMENT – COMMENT

Stated opposition to the provision of any further retail space due to the likely adverse impact on the viability of the nearby town centre at Bedminster, however the potential benefits of other types of commercial or community space to help animate the streetscape were recognised.

POLLUTION CONTROL (ENVIRONMENTAL HEALTH) – COMMENT

Accepted the methodology and approach in the acoustic report, which acknowledges that the project is at the early stages of design but gives an early indication of the insulation and ventilation needed to provide suitable noise levels within both internal and external living spaces. It is noted that recommended internal noise levels will only be achieved when windows are closed and that secondary ventilation will have to be provided.

Provided that recommended conditions are applied, Pollution Control would not object to the scheme on the basis of noise.

Conditions recommended related to:

- Provision of a site-specific Construction Environment Management Plan and its contents
- Details of façade noise insulation measures including ventilation and noise mitigation
- Provision of a noise assessment of plant and equipment
- Provision of an odour management plan
- Limits to noise generated by plant and equipment
- Limits to collection of refuse and recyclables
- Limits to deliveries
- Requirements for artificial lighting
- Opening hours of A3 use
- Use of outside areas including A3 or A4 uses

ARCHAEOLOGY – COMMENT

Recommended archaeological monitoring of ground works through conditions, as recommended on all previous proposals for development on this site.

SUSTAINABLE CITIES TEAM – COMMENT

Noted and welcomed materials based on the Green Guide; the overall approach of reducing energy demand through improvements in fabric efficiency, reduction in thermal bridging, and a reduction in ventilation losses; measures to reduce the risk of overheating.

Recommended a request for further details from the applicant relating to:

- More detail on the provision for broadband connectivity in each apartment in the Sustainability Statement.
- Details on who will implement and monitor the CEMP and Site Waste Management Plan.
- Clarification on whether the level of water consumption being targeted will be below the threshold set in Part G of the Building Regulations.
- Further information on how the scheme will enhance and provide green infrastructure.

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- A full BREEAM Communities assessment unless applicant can justify that it is not appropriate.
- Further information on the g-value of the solar glazing and details of where brise soleil and fins will be specified and installed.
- Clarification on the ventilation specification.
- Clarification on the heating proposals in detailed design.
- Clarification on the residential heating infrastructure using CHP.
- Roof plans showing the proposed layout of the PV arrays across the development.
- Assumptions underlying calculations of the annual yield of the PV array including annual yield per kWp.
- Clarification that the projected yield of the PV system takes account of orientation, tilt and shading. The Shading Factor should also take account of shading from subsequent development phases of Bedminster Green. It should be calculated using the Standard Estimation Method as presented in the current version of the MCS guidance.
- Further analysis to provide assurance that units will not be subject to overheating and require additional cooling measures, which will result in an increase in energy demand and emissions.

The applicant is advised that the potential for a heat network servicing new development in Bedminster Green has been investigated by a third party developer. Bristol City Council is currently undertaking a further study into the feasibility of heat network servicing Bedminster Green including the potential to connect this to the heat network currently under development in the city centre.

The potential development of a heat network was also referenced in the Bedminster Green Framework document (<https://news.bristol.gov.uk/resources/bedminster-green-framework-framework-document>). The BCC study is due to report in July 2019. Given the previous work on the development of a heat network, the on-going feasibility study, and in line with the requirements of BCS14, this scheme should be designed for connection a local heat network either in the future or from day-one (prior to completion). (Details of the technical requirements for connection to the heat network are provided in the Connection Pack (<https://www.energyservicebristol.co.uk/business/heat-networks/>)).

In order to avoid unnecessary design work, and enable the energy strategy to be finalised the applicant is strongly advised to contact BCC Energy Services to discuss timescales and technical requirements with regards to connection to the network.

AIR QUALITY – COMMENT

The Air Quality officer noted that the air quality assessment required updating and raised concerns over the impacts of the proposed CHP plant. These comments are available on the online planning portal.

Following the submission of a revised energy strategy and air quality assessment, the officer raised no objections to the development, stating the requirement a condition requiring the specification of the CHP plant, for a construction environmental management plan (CEMP) and a dust management plan (DMP).

RELEVANT POLICIES

National Planning Policy Framework – February 2019

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

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

KEY ISSUES

A. IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

Policy BCS5 sets out that the Core Strategy (2011) aims to deliver new homes within Bristol's existing built up areas to contribute towards accommodating a growing number of people and households in the city. Between 2006 and 2026, 30,600 new homes will be provided in Bristol.

Policy BCS17 sets out the need for affordable housing in Bristol. Policy BCS18 of the Core Strategy supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents.

Policy BCS20 of the Core Strategy states that development should maximise opportunities to re-use previously developed land.

Policy DM2 of the Site Allocations and Development Management Policies document (2014) sets out that specialist student housing will be acceptable in locations outside of the city centre where it meets two broad criteria, namely:

- i) that it would not harm the residential amenity or character of the locality through noise, parking, physical alterations to buildings and inadequate cycle/refuse storage; and
- ii) that it would not contribute or create a harmful concentration of such uses within a locality through changing housing mix or exacerbating existing harm.

Draft policy H7 in the emerging Local Plan Review sets out the need for specialist student accommodation in Bristol to meet demand expected through growth in student numbers and expansion of the University of Bristol in a new campus adjacent to Temple Meads Station. In conjunction with draft policy DS8, the Local Plan Review sets out that up to 1,000 student bedspaces may be provided in Central Bedminster, in addition to at least 2,500 homes.

It is noted that the 'Proposed Uses' section of the Bedminster Green Framework states that: *"Student accommodation can contribute towards regeneration and should form part of a mixed housing offer in the interests of mixed and balanced communities."*

The proposed development would be situated on a site last in use for employment (as a factory) but which has been largely vacant since 2009. The principle of redevelopment of the site for residential uses has been established by now lapsed consents granted under application reference 07/05761/F and 11/01608/R, which granted permission for a mixed use development including 183 residential units.

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The main proposed use of the site is for specialist student accommodation providing 74 student cluster flats containing 550 student bedspaces, falling into the 'Sui Generis' Use Class. Associated uses would comprise student amenity space, new public realm and landscaping.

It is considered that the site is suitable in principle for specialist student accommodation land use. In terms of adopted policy, the development would meet the criteria of policy DM2 and is therefore acceptable in principle. It is considered that the development would not result in harm to residential amenity and character through the factors cited under policy DM2, and that any potential for harm (such as parking and insufficient refuse provision) could be adequately mitigated through the application of planning conditions and obligations.

Furthermore, the need for specialist student accommodation in this location is identified in emerging planning policy through Local Plan Review draft policies H7 and DS8. In accordance with draft policy H7 the application proposals have the support of the University of Bristol, evidenced by a letter submitted during the consideration of the application.

The provision of 74 cluster flats with 550 student bedspaces would contribute to the aspiration for 1000 student bedspaces in the Central Bedminster area. The principle of this use is considered to be supported in policy terms. Whilst this is a large proportion of the 1000 bedspaces identified for the Central Bedminster area, the issues of quantum of development present themselves in relation to the scale and form of the development proposed across the site (see Key Issue B).

While there is no explicit policy requirement for general purpose affordable housing in the development of specialist student accommodation, the proposed development would provide 40no. dwellings for social rent in a single block to the north of the site. It is considered that this residential land use is acceptable in principle, having been established by the previous consents, and would contribute positively to the stock of affordable housing in Bristol in accordance with policies BCS5 and BCS17.

B. WOULD THE PROPOSED DEVELOPMENT BE OUT OF SCALE OR CONTEXT WITH THE SURROUNDING AREA?

Policy BCS21 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. Policies DM26-29 (inclusive) of the Site Allocations & Development Management Policies require development to contribute to the character of an area through its layout, form, public realm and building design.

The Urban Living SPD requires all major developments to respond positively to its context. This should identify the prevailing height, scale and mass of surrounding buildings, streets and spaces. It further outlines that for tall buildings proposed in sensitive locations particular consideration should be given.

The City Design Group (CDG) have provided comments on the application as originally proposed and as subsequently revised. The CDG has raised objection to the scheme on the basis of the design's response to the local context; its height, scale and massing; and its public realm proposals.

i) Height, scale and massing

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CDG note that the principle of higher density development is accepted at this site, which is situated in an inner urban area. The general parameters guiding development in the Bedminster Green area is set out in the Bedminster Green Framework document which aims to successfully manage the transition between the established communities and the redevelopment area.

Policy DM26 sets out general principles for development to respond to and enhance local character and distinctiveness. While CDG consider that these principles are not followed within the scheme's design, particular concern is raised over principle vi) which states the need for development to respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines/set-back, skylines and roofscapes.

The site is situated adjacent to a varied context including established residential communities, retail, light industrial, car parking and green space. It is considered by CDG that the scheme's design, with all buildings at a minimum height of 8 storeys, fails to respond appropriately to this varied context and provide a transition between the existing low level buildings and the more intensive development proposed. Instead, it is considered that the scheme's height, scale and massing would create an oppressive "wall" of development dominating adjacent communities.

ii) Layout and form

Policy DM27 sets out the requirement for the layout and form of new development to contribute to the creation of quality urban design and healthy, safe and sustainable places.

For the student accommodation, the scheme proposed 6 buildings (Buildings A – F) situated in pairs to create 3 blocks in close proximity to one another. This clustering, combined with the height of the proposals, is considered likely to result in negative impacts on the surrounding public realm through preventing visual permeability and light penetration.

For the affordable housing, where the site fronts Hereford Street with a 10-12 storey building (Building G), the potential for a 'canyoning' effect is identified should emerging development proposals at the plot adjacent (Plot 5) come forward, given the approximately 12 metre separation distance.

A further concern is raised over the layout of the scheme along Malago Road. The CDG notes that the Bedminster Green Framework sets out the objective to create a tree-lined avenue along Malago road. The proposed scheme would only allow for minimal, slim trees located close to the building line along Block AB, while the relationship between the public and private realms at the south-west of the site is considered to be uninviting due to the irregular set-back of buildings and the location of laybys and parking at a key public/private realm interface.

iii) Public realm

Policy DM28 sets out the criteria for a well-designed public realm, contributing to health and wellbeing as well as the character and vibrancy of the area. It is considered that the public realm proposals within the scheme could not be considered sufficiently high quality for future users, with the positioning of Block EF and Block G creating a sense of enclosure to the public open space located between. The ability of high quality landscaping proposals to develop in this location are questioned, given its location in shaded wind tunnel due to the surrounding layout.

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While the restoration of the Malago River is supported, the overall public realm proposals for the site are considered to fail to deliver a meaningful public realm project which would enhance or improve the public realm, ecology or flood management. It is also considered unclear, on the basis of the proposals submitted, what would constitute public and private amenity areas.

iv) Summary

It is considered that the design of the proposed scheme would fail to comply with adopted policies BCS21, DM26, DM27, DM28 and the Urban Living SPD. It would also fail to achieve the objectives for the area as set out in the Bedminster Green Framework. It is considered that the design issues of the scheme primarily derive from an over-intensive quantum of development on the site.

While the principle of a more intensive land use on the site is accepted and explicitly set out in the Bedminster Green Framework and emerging policy within the Local Plan Review, schemes seeking maximum density should also achieve exemplary design quality in order to be supported. The over-intensive development on this site impedes the aspirations in policy to achieve high quality public realm, urban design and liveability aspirations. As such, the application is not supported on design grounds.

C. WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE WITH REGARDS TO FLOOD RISK AND DRAINAGE?

Regarding flood risk, policy BCS16 of the Core Strategy states that developments need to be resilient to flooding through design and layout, and incorporate sensitively designed mitigation measures to ensure the proposed development remains safe from flooding over its lifetime. The requirement to incorporate Sustainable Drainage Systems (SuDS) into new development is highlighted as is the expectation that new development would incorporate water management measures to reduce surface water run-off and ensure flood risk is not increased elsewhere.

Flood Risk

The River Malago is designated as a 'Main River'. The Environment Agency (EA) carries out maintenance, improvement or construction work on Main Rivers to manage flood risk. Responsibility for general maintenance of the watercourses and their banks, rest with riparian owners (i.e. the owner of the bed and/or bank of river), in this case the Applicant (A2Dominion).

Appropriate Environment Agency access is required to the River Malago in the interests of flood risk management. At the very minimum the EA require a 5 metres access strip from the brink of the bank of the Main River Malago, preferably 8 metres.

The EA were consulted on the application proposals as submitted and objected to the proposed development on flood risk and biodiversity grounds. The EA were consulted on revised proposals and maintained their objection to the proposed development on flood risk and biodiversity/geomorphology grounds.

The application as submitted had columns supporting Buildings F and G and very close to the brink of the bank of the Main River Malago, with a height restriction of 5 metres that

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would limit machinery use for the purposes of maintenance. The EA advised that the layout in this location needed to be revisited and the development further set back from the brink of the bank without height restriction. The EA requested further details about the proposed fencing, type, set back distance, spacing.

The application as revised no longer proposed columns supporting Building G however other plans and drawings still showed cantilevered supports on Buildings F and G and very close to the brink of the bank of the River Malago. The EA reiterated their minimum requirement for a 5 metre access strip from the brink of the bank of the River Malago, preferably 8 metres. A height restriction of 5 metres would also limit machinery use. The EA advised that the layout in this location needs to be revisited and the development further set back from the brink of the bank without height restriction to enable the safe working of machinery. The EA requested further details about the proposed safety fencing, height, type, set back distance, spacing.

Sustainable Drainage Systems

The Council's Flood Risk Team, as the Lead Local Flood Authority, have been consulted on the surface water drainage proposals. The LLFA objects to this application due to insufficient information being submitted, the applicant has not provided a full sustainable drainage strategy in line with the West of England Sustainable Drainage Developers Guide and the Bedminster Green Framework FRA.

Response to objections from the EA and Flood Risk Team

On 16 August, the following revised details were submitted by the Applicant:

- Letter response to EA comments
- Proposed Masterplan Ground Level
- Landscape Sections
- Boundary Detail
- Outline Surface Water Drainage Strategy
- River Malago Corridor Maintenance and Restoration Report
- Flood Risk Assessment

In addition to the above documents, the following clarifications were provided:

- At Building G, clarification has been provided that no columns are proposed on this building and that there would be no height restriction to working in this area.
- At Building F, the intention is to have a gate to the cantilevered element of Block F. It is proposed that the gate would open into the site and would be designed so as not to obstruct access to the bank.

Final responses from the EA and Flood Risk Team to the details submitted above are still awaited. However, at the time of writing the position is that both the EA and the Flood Risk Team are objecting to the application on the grounds of flood risk and sustainable drainage. As such, it is considered that the application is not acceptable with regards to flood risk and drainage and does not meet the requirements of BCS16.

An update with regard to the final positions of the EA and the Flood Risk Team will be provided by way of the Amendment Sheet.

Development Control Committee A – 4 September 2019**Application No. 19/00267/F: Former Pring And St Hill Ltd Malago Road Bristol BS3 4JH****D. IS THE IMPACT OF THE PROPOSED DEVELOPMENT UPON TRANSPORT AND HIGHWAYS ACCEPTABLE?**

The scheme is bounded by the A38 Malago Road and Hereford Street. It would be served by a single access close to the junction of Malago Road and Hereford Street. The scheme would provide 4no. disabled car parking spaces, 2no. drop-off car parking spaces, a total of 238no. cycle spaces across the student and residential buildings, 54no. visitor cycle spaces and a service vehicle bay.

i) Impacts on the strategic road network

Policy DM27 of the Site Allocations and Development Management (2014) states that: “Proposals should not prejudice the existing and future development potential of adjoining sites or the potential for the area to achieve a coherent, interconnected and integrated built form. Where such potential may reasonably exist, including on sites with different use or ownership, development will be expected to either progress with a comprehensive scheme or, by means of its layout and form, enable a co-ordinated approach to be adopted towards the development of those sites in the future”.

Policy BCS10 of the Core Strategy (2011) states that: “Land required for the implementation of transport proposals will be safeguarded to enable their future provision. Corridors with the potential to serve as future routes for walking, cycling and public transport will also be safeguarded. Appropriate existing transport facilities such as transport depots will be safeguarded where required.”

The explanatory text for Policy BCS11 of the Core Strategy states “Without appropriate measures to mitigate impact and investment to enable the provision of infrastructure improvements, the proposed level of development will be neither sustainable nor acceptable.”

The application site is within the Bedminster Green regeneration area in which five individual plots are expected to deliver significant mixed use development. In order to avoid piecemeal development and to ensure new residents benefit from high quality public transport, walking and cycling provision connectivity, a development framework approach has been advocated by Bristol City Council. As part of this, a Strategic Transport Assessment (STA) is being carried out by Peter Brett Associates (PBA) to consider a number of infrastructure improvements including an A38 Public Transport Corridor (additional bus lanes), an upgraded rail facility at Bedminster Station and Public Realm design and adjustments to a number of surrounding streets, including Whitehouse Lane to create a more attractive environment and enhanced cycle linkage.

The Transport Development Management (TDM) team have noted that the applicant for this development has liaised with Officers to understand the transport challenges of the area and have developed the scheme proposals to accommodate the A38 public transport scheme necessary to mitigate the effects of the developments at Bedminster Green.

ii) Provision of car and cycle parking

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Policy DM23 of the Site Allocations and Development Management Policies document (2014) sets out the requirement for developments in relation to transport, including the parking and cycle parking provision expected to be provided.

The site is not located in a restricted parking area. TDM consider that the proposed development would result in harmful impacts to surrounding street parking capacity due to the low on-site parking provision, with resulting implications for highways safety and the accessibility of pedestrians and wheelchair/pushchair users on pavements. TDM also raise concern that the applicant's Transport Statement outlines the provision of a clause in tenant contracts preventing car ownership. It is considered that this is not enforceable and demonstrates the need for restrictive parking measures in the surrounding area.

TDM have raised concern regarding car parking and access during the student moving-in period. While a plan was provided by the applicant, with allocated car parking on site (partially utilising the disabled parking bays) and timed slots for moving in, TDM have raised concern that the time allotted for moving in is unrealistic and may result in safety implications for the highway, with limited room for error.

With respect to cycle parking, while the provision proposed does meet the policy standards in terms of quantity, TDM have raised concern with the lack of Sheffield stands within Buildings E and F of the scheme, which instead rely solely on double stacked unit spaces. TDM state that Sheffield stands provide safe, convenient and inclusive cycle parking for all by allowing access for disabled users and cycles of different designs.

iii) Recycling and waste provision

Policy DM32 of the Site Allocations and Development Management Policies document (2014) sets out the expectations for development with regards to refuse and recycling storage and collection. The Bristol Waste have stated objection to the scheme on the basis that the quantum of proposed refuse and recycling provision is significantly different to that recommended by Bristol Waste. In particular, there is no proposed provision for recyclable materials. TDM have also raised concern regarding the need for a designated presentation point for the bins adjacent to laybys to allow for collection, stating that the application is currently unclear on how residential refuse would be presented for collection.

Summary

The application precedes the conclusion of the STA, which along with the Bedminster Green Framework, is a material consideration in determining developments in the framework area. TDM considers that until the STA is completed, considerations of movement, access, placemaking, parking provision, travel planning, servicing and waste collection cannot take place in a coherent, holistic manner for the Framework area.

TDM raises concern that approval of development in a piecemeal manner, without the application of a coherent approach informed by the STA, could result in a failure to deliver a high quality, sustainable development with negative consequences for the area and future residents. To this end, TDM cannot support the proposals under this application, which would not comply with the policy requirements set out in policies DM27, BCS10 and BCS11.

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It is also noted that until the STA is completed, TDM would not be able to confirm the necessary contributions of the development to sustainable travel or off-site mitigation. It is noted that travel plans would be required for both the residential and student housing elements of the development, with fees for assessment of these travel plans required to be secured through section 106.

E. WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO RESIDENTIAL AMENITY?

Policy BCS21 outlines that development in Bristol is expected to safeguard the amenity of existing development and create a high-quality environment for future occupiers. Policy DM29 sets out that new buildings will be designed to ensure that the existing and proposed development achieves appropriate levels of privacy, outlook and daylight.

BRE Report 209, "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" sets out that when a development is opposite existing neighbouring windows and a line drawn at 25 degrees from the lowest habitable window intersects the proposed development, further information is required to determine impact upon residential amenity.

Where a development sits below this line, there would be limited impact upon residential amenity through overshadowing and no overbearing. The BRE Report 209 states that new development should not reduce daylight or sunlight to existing residential windows to less than 0.8 times their former value.

The existing residential properties on St John's Road, Malago Road and Church Lane to the north of the application site are closest to the proposed development. As such, there would be a risk of overshadowing to habitable windows.

Overshadowing / overbearing

The Daylight and Sunlight Report submitted with the application shows that the properties located along St John's Road are compliant with BRE Guidance. Three properties along Church Lane have some secondary windows that do not meet the vertical sky component (VSC) criteria, however in all instances it is reported that the main window serving each room will satisfy guidance, and each room will meet the BRE no sky line (NSL) criteria, such that overall the effect of the application proposals on these properties would not be noticeable.

The greatest impact from the application proposals would be on Malago Road Apartments directly to the north of the application site. There are multiple windows that are obstructed by projections within the Malago Road apartments to the north of the site. Subsequently, the recessed windows create a sensitive position as these windows become heavily reliant upon light from directly opposite, and therefore, when development is introduced in these areas, the daylight and sunlight availability to those windows becomes sensitive.

The BRE Guidelines acknowledge the inhibiting effect design features like this have and state: "*a larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one of both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above*".

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The rooms at Malago Road Apartments that are likely to experience the most noticeable reductions are either kitchens or bedrooms, for which the BRE guidelines acknowledge daylight for these rooms is less important, although care should be taken not to block too much sun.

The BRE daylight criteria are met or are marginally short of the BRE recommendations. Paragraph 123 (c) of the National Planning Policy Framework requires local planning authorities to take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Taking the application proposals in to consideration, whilst the impact on daylight and sunlight from the 8 – 10 storey blocks adjacent to the Malago Road Apartments is notable, it is not considered that this would result in such detrimental impact on daylight and sunlight issues to warrant refusal of the application on such grounds. It is however noted, that if the scheme was not clustered in such a tight linear formation as proposed, that there could be reduced impact on the adjacent Malago Road Apartments provided by some separation between blocks.

An Internal Daylight Assessment was also carried out to consider the internal daylight availability within the new residential accommodation and the direct sunlight within proposed amenity spaces. It is noted that the guidelines do not provide recommendations for student accommodation. Overall, this report details that in relation daylight and sunlight for the proposed new dwellings (both residential and student) and amenity spaces, there is a very high rate of compliance with BRE guidelines.

Noise and disturbance

The methodology and approach in the Acoustic Report has been reviewed by the Council's Environmental Health Officer whom considers the insulation and ventilation proposed would achieve suitable noise levels within both internal and external living spaces. Pollution Control would not object to the scheme on the basis of noise, provided that recommended conditions are applied to secure the noise mitigation measures set out in the Acoustics Report, this would ensure that the proposed occupiers would not be adversely affected by adjacent sources of noise.

The proposed student accommodation would be owned and managed by A2Dominion, who have experience in managing student accommodation developments in Bristol and Oxford. There would be on-site 24-hour management to ensure that future student occupiers do not cause excessive noise and disturbance to any existing or future residents.

F. DOES THE PROPOSED DEVELOPMENT GIVE SUFFICIENT CONSIDERATION OF SUSTAINABLE DESIGN AND CONSTRUCTION?

Policy BCS13 sets out that development should contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions.

Policy BCS14 sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to

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provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 sets out that sustainable design and construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaptation, material consumption and biodiversity should be included as part of a sustainability or energy statement.

The applicant has provided an Energy Statement and a Sustainability Statement as part of this application.

The Energy Statement submitted with the planning application includes for a roof mounted PV array to be installed on both the roof of the residential accommodation (Building G) and student accommodation (Buildings A – F) to achieve the 20% reduction in carbon dioxide emissions. Subject to conditions for detailed roof plans showing the layout of PV arrays, this is considered to meet the requirement of BCS14.

Due to the size of the site and the number of residential dwellings/ student bedspaces that it is set to serve, it is considered that sufficient heating and hot water demand exist to support a small Combined Heat and Power (CHP) system. During the consideration of the application, the proposed heat network at Bedminster Green has been taken into account. Although the intention is to proceed with the CHP system, provision for future connection to the Bedminster Green heat network has been incorporated into the proposed heating system.

The overall approach of reducing energy demand through improvements in fabric efficiency, reduction in thermal bridging, and a reduction in ventilation losses is noted.

Subject to conditions, the proposed development has given sufficient consideration of sustainability and energy and as such would accord with Policies BCS13, BCS14 and BCS15.

OBLIGATIONS

The applicant has proposed the following Heads of Terms for a Section 106 Agreement (if planning permission were to be granted):

- Transfer of Land for Strategic Highways Improvements: Subject to receiving and agreeing a detailed General Arrangement plan, land identified for road widening associated with the Council's proposals for strategic highways improvements to Malago Road would be transferred to the Council.
- Delivery of Travel Plans: Full travel plans and fees for both the student and residential elements.
- Windmill Hill Residents Parking: The applicant would pay a financial contribution to Bristol City Council for the implementation and delivery of a residents parking scheme for Windmill Hill.

CONCLUSION

As stated above, the principle of development is supported. In terms of adopted policy, it is considered that the development would not result in harm to residential amenity and

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character through the factors cited under policy DM2, and that any potential for harm (such as parking and insufficient refuse provision) could be adequately mitigated through the application of appropriate planning conditions and obligations.

The need for specialist student accommodation in this location is identified in emerging policy through Local Plan Review draft policies H7 and DS8. While there is no explicit policy requirement for general purpose affordable housing in the development of specialist student accommodation, the proposed development would provide 40no. dwellings for social rented tenure in a single block. It is considered that this affordable housing is acceptable in principle, having been established by the previous consents, and would contribute positively to the stock of affordable housing in Bristol in accordance with policies BCS5 and BCS17.

However, whilst the proposed development is acceptable in principle it is not considered that the height, scale and massing of the proposed uses should be to the detriment of mediating the relationship between existing communities in this area and the emerging context for Bedminster Green. It is considered that the scheme's tight building grouping would create an oppressive "wall of development" that dominates adjacent communities, provides a lack of visual permeability, and blocks most southern exposure/sunlight to Malago Road. It is considered that these design issues stem from an over-intensive scheme for the site. As stated by CDG, no amount of variation in volumetric receding, setback and/or change of materials on upper floors, cantilevered or recessed balconies and different cladding, would mitigate the severe impact of the proposed built form to the immediate site context and the site constraints.

Finally, the Flood Risk Assessment and Drainage Strategy fail to adequately demonstrate that the impacts of climate change and surface water drainage have been taken into account and therefore the scheme fails to demonstrate that flood risk would not be increased as a result of the development. This is contrary to Policy BCS16 of the adopted Core Strategy, as well as guidance within Section 14 of the National Planning Policy Framework.

For these reasons the application is unfortunately thus recommended to Members for refusal.

COMMUNITY INFRASTRUCTURE LEVY

This development is liable for CIL totalling £2,763,393.75.

RECOMMENDED REFUSE

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

Reason(s)

1. The proposed development by reason of its height, scale, massing and overall design quality would be unacceptable in design terms contrary to Section 12 of the National Planning Policy Framework (February 2019); Policy BCS21 of the Bristol Core Strategy (June 2011); Policies DM26, DM27, DM28 and DM29 of the Site Allocations and Development Management Policies (July 2014); Urban Living SPD (November 2018); and Bedminster Green Framework (March 2019).

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2. The submitted Flood Risk Assessment and Drainage Strategy fail to demonstrate that the impacts of climate change and surface water drainage have been adequately taken into account and that adequate emergency access has been provided to the Malago Main River for the Environment Agency, thus the application fails to demonstrate that flood risk would not be increased as a result of the development. This is contrary to Policy BCS16 of the Core Strategy, as well as guidance within Section 14 of the National Planning Policy Framework.

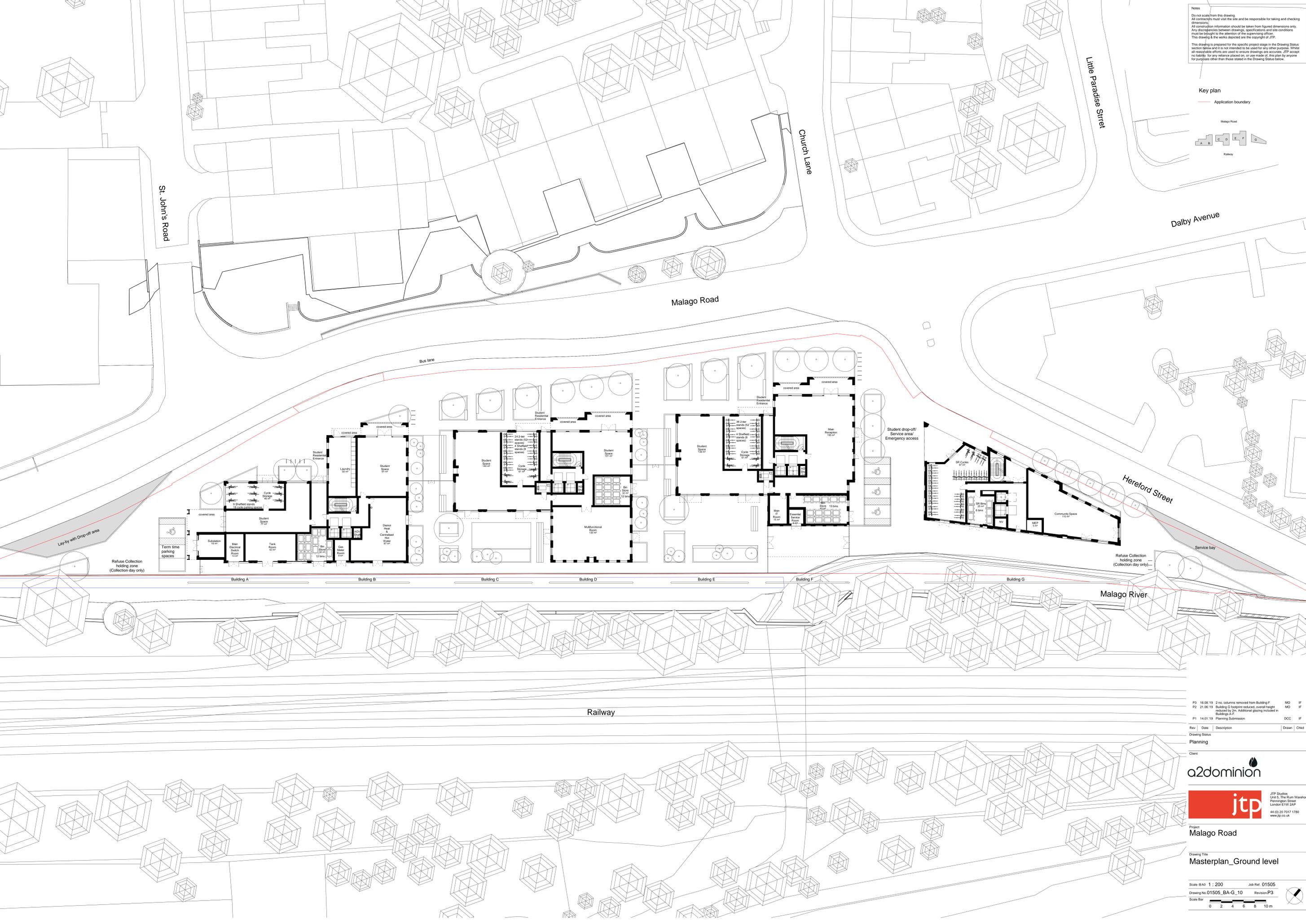
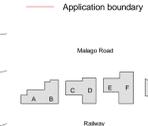
Supporting Documents

1. Former Pring & St Hill Ltd, Malago Road

1. Masterplan – Ground level
2. Malago Road elevation – revised
3. Railway elevation – revised
4. River section - revised

Notes
 Do not scale from this drawing.
 All contractors must visit the site and be responsible for taking and checking dimensions.
 All construction information should be taken from figured dimensions only. Any discrepancies between drawings, specifications and site conditions must be brought to the attention of the supervising officer.
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Key plan



Lay-by with Drop-off area
 Refuse Collection holding zone (Collection day only)
 Term time parking spaces

Building A Building B Building C Building D Building E Building F Building G

Refuse Collection holding zone (Collection day only)
 Service bay

P3	16.08.19	2 no. columns removed from Building F	MO	IF
P2	21.06.19	Building G footprint reduced, overall height reduced by 2m. Additional glazing included in Buildings A-F.	MO	IF
P1	14.01.19	Planning Submission	DCC	IF

Rev	Date	Description	Drawn	Chkd

Drawing Status
Planning

Client
a2dominion



Project
Malago Road

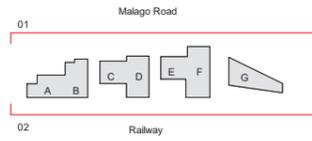
Drawing Title
Masterplan_Ground level

Scale @A0 1:200 Job Ref: 01505
 Drawing No: 01505_BA-G_10 Revision: P3
 Scale Bar 0 2 4 6 8 10 m

MALAGO ROAD ELEVATION REVISED

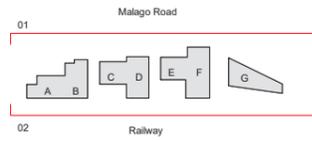
Resubmission Changes

- █ Building G I PI
 - Building G footprint reduced allowing unrestricted river maintenance access
 - Building G roof height reduced by 2m
 - Building A-F: additional glazing to internal corners of buildings



01 Malago Road Elevation (Front)

RAILWAY ELEVATION REVISED

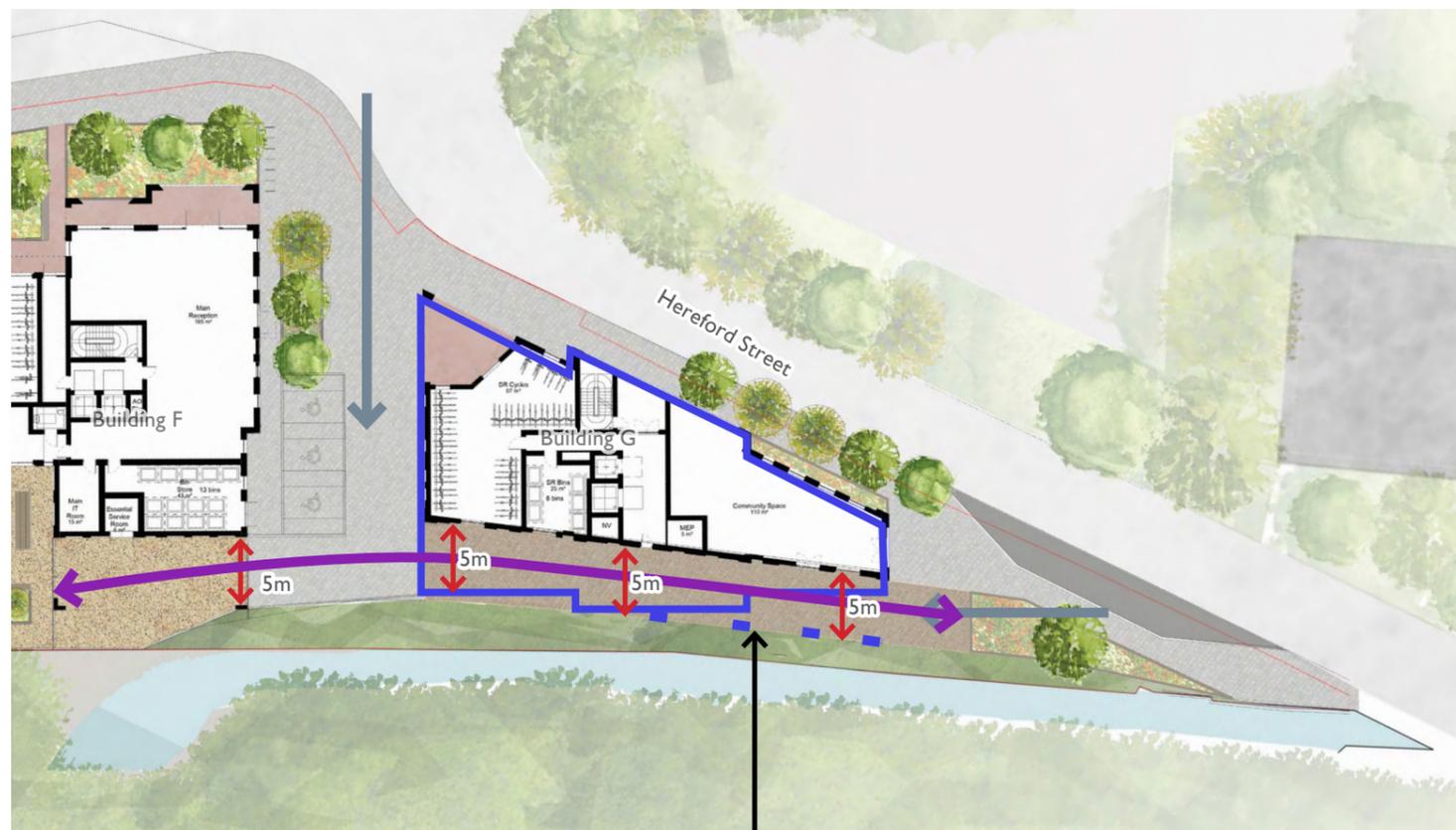


Resubmission Changes

- Building G outline PI
- Building G footprint reduced allowing unrestricted river maintenance access
- Building G roof height reduced by 2m
- Building A-F: additional glazing to internal corners of buildings



RIVER SECTION REVISED



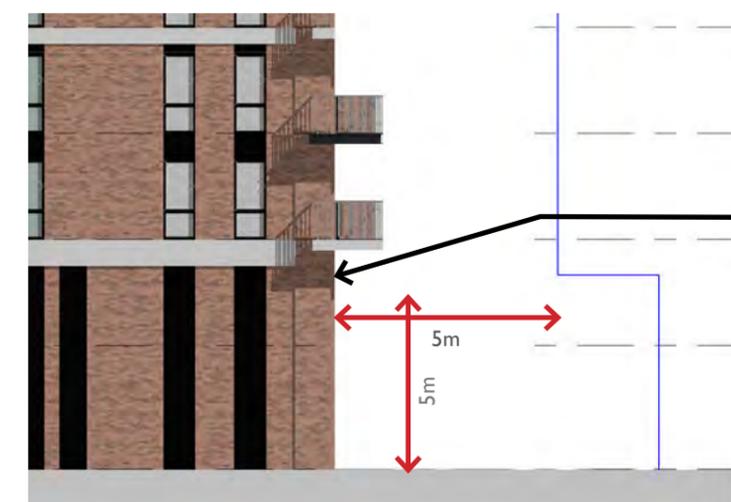
- Key**
- Vehicular route
 - Vehicular arrival point
 - Building G footprint PI

Building G footprint reduced in footprint to the rear of the site, ground level columns removed allowing uninterrupted river maintenance access.

Access to the Malago river is provided with two points of access from Hereford street to either side of Building G. The footprint to Building G has been reduced in footprint, the ground level columns included in the PI submission have been removed, allowing uninterrupted river maintenance access to the rear of Building G. A 5m wide and 5m high river maintenance route has been incorporated in the layout for Building F.



Building F



Building G

Building G footprint PI

Building G footprint reduced in footprint to the rear of the site, ground level columns removed allowing uninterrupted river maintenance access.