

WARD: Easton

SITE ADDRESS: 66 Church Road Redfield Bristol BS5 9JY

APPLICATION NO: 19/02665/F Full Planning

DETERMINATION DEADLINE: 5 August 2019

Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to contain 4No. apartments (Use Class C3) and a ground floor retail/business unit. 3No. three storey townhouses (Use Class C3) fronting Dove Lane.

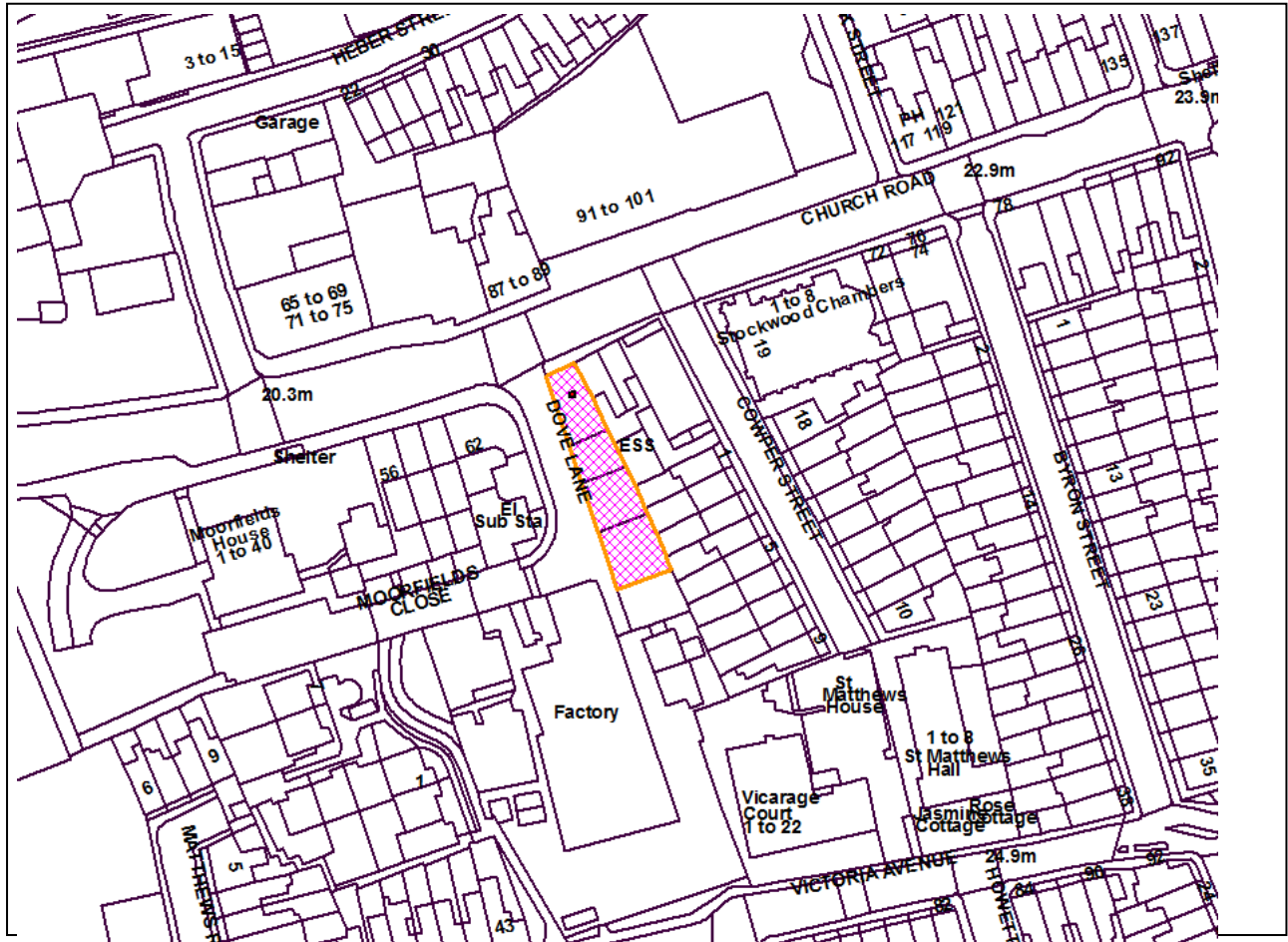
RECOMMENDATION: Refuse

AGENT: Studio Yaqub Limited
11 Chapel Road
Easton
Bristol
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APPLICANT: Cockram
Please use Agent

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

LOCATION PLAN:



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SUMMARY

This application follows another recent and almost identical application 17/04072/F that was refused by Development Control (DC) Committee B in January 2019.

The current application differs from the last (refused) application 17/04072/F only in the following regards:

- Increase in pavement width by .5m along Dove Lane
- Replacement of 3 garages with a ground floor flat
- Rooflights in Dove Lane houses repositioned
- Submission of noise, odour and updated sustainability reports

The refusal reasons were as follows:

1. The proposed development would fail to provide a safe and sufficient pavement width on Dove Lane. This would endanger pedestrians using the pavement in the vicinity of the site, in a location with vehicular movements associated with the Octavius Hunt factory site. As such, the development is considered unacceptable on highway safety grounds, contrary to local plan policies BCS10 and BCS21 of the Core Strategy 2011, DM23 of the Site Allocations and Development Management Policies 2014 and the NPPF.

2. The proposed development, by virtue of the height, scale, massing and proximity of the houses proposed fronting Dove Lane would result in a bleak, over dominant and overbearing increased sense of enclosure for residents of 1-4 Cowper Street. The development would allow for unacceptable overlooking into the rear elevations and rear gardens of 1-4 Cowper Street from roof level windows and restrict daylight and sunlight experienced by residents of 1-4 Cowper Street. The development would also overbear 68 Church Road and impair outlook from windows within that property facing the development. As such, the development would fail to safeguard the amenity of existing residential development, contrary to local plan policies BCS21 of the Core Strategy 2011, DM27 and DM29 of the Site Allocations and Development Management Policies 2014 and the NPPF.

3. The proposed development, by virtue of restricted outlook, sense of enclosure, restricted daylight levels, proximity to the adjacent industrial premises and overbearing height of the rear garden boundaries of the houses would provide an overdeveloped, oppressive and poor quality living environment for future residents. In addition, insufficient information has been provided to demonstrate that any existing sources of noise or odour from sources in the site vicinity (Octavius Hunt premises) can be suitably mitigated and would not adversely affect the health, wellbeing and residential amenity of future residents. As such the development fails to demonstrate that it would provide a high quality environment for future residents, contrary to local plan policies BCS20, BCS21, BCS23 of the Core Strategy 2011, DM14, DM27, DM29, DM33, DM34 and DM35 of the Site Allocations and Development Management Policies 2014 and the NPPF

4. The proposed development, by virtue of its height, scale, massing, form, plot coverage and overall design would fail to respond to its local context and street scene and would appear as an incongruous form of overdevelopment that would not contribute positively to the area's character and identity. The layout and form of the development would prejudice the existing and future development potential of the adjoining site at 68-70 Church Road and the potential for the area to achieve a coherent, interconnected and integrated built form. As such the development is considered contrary to local plan policies BCS20 and BCS21 of the Core Strategy 2011 and DM26, DM27 and DM29 of Site Allocations and Development Management

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Policies 2014 and the NPPF.

5. Insufficient information has been provided to demonstrate that the development would not impinge upon or threaten the continued operation and viability of the adjacent established industrial site (Octavius Hunt premises). As such the development is considered contrary to local plan policies BCS23 of the Core Strategy 2011 and DM33, DM34 and DM35 of the of the Site Allocations and Development Management Policies 2014 and the NPPF.

The public response received to the application is 5 objections on various grounds, including impact on amenity, density, design, parking and emergency access.

This report contains a summary of changes compared to the previous application and the Committee report for the previous application is appended to this report.

Officers have considered the application changes and for the reasons set out in the report, consider that refusal reasons 1 (relating to highway safety) and 5 (relating to the developments impact on the operation and viability of the adjoining factory) have been overcome. However, officers consider that the revisions fail to overcome refusal reasons 2 (relating to amenity), 3 (relating to living environment) and 4 (relating to design). As such, and on balance, the application is recommended for refusal on these grounds.

SITE DESCRIPTION

The application site is currently vacant, comprising of a terraced two storey building and semi covered storage yards, accessed from Dove Street. It is understood the site has been vacant since 2000 and was previously occupied as a retail (car spares) business with residential accommodation above.

The terraced properties of 68 -70 Church Road lie to the immediate east, with an electricity substation sited within a two storey brick building to the rear of 68-70 Church Road. The rear gardens of 1-4 Cowper Street lie to the immediate south east boundary.

The Octavius Hunt factory occupies a large site to the south of the application site, including buildings in use as workshops, storage and offices with open yard and parking areas. The main access into the Octavius Hunt site is on Dove Lane, abutting the southern boundary of the site. The factory is unrestricted in planning terms and is understood to specialise in manufacture of pesticide and disinfectant smokes.

Parking restrictions are in place on both sides of Dove Lane, with a loading bay on the western side of Dove Lane utilised by third parties including the Octavius Hunt company, due to the restricted narrow access to that site.

The site is not allocated within the Local Plan for any particular land use and is not located within a Conservation Area or in close proximity to any listed buildings. The surrounding area contains a mix of land uses and buildings, including commercial, residential and industrial uses. The site is close to the busy A420, with good public transport links and within walking distance of Lawrence Hill station and many bus stops.

RELEVANT HISTORY

17/04072/F Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to provide a ground floor retail/business unit, with three apartments above, plus 3 x three storey townhouses fronting Dove Lane.

This application was refused for five reasons, as set out within the Summary.

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16/01852/F Demolition of existing buildings on site and erection of a four-storey building fronting Church Road, to contain four apartments and a ground floor retail unit, plus 4 x three-storey townhouses fronting Dove Lane.

Application refused due to loss of employment land, unacceptable design and contextual response, harm to amenity of existing development on Cowper Street, harmful living environment for future occupiers of the development and highway safety grounds.

ADJACENT SITE 68-70 Church Road

17/04071/F Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to contain 2no three bedroom apartments on first and second floor and a ground floor retail/business unit.

Refused on the following grounds; amenity, living environment, and design grounds.

15/04092/F Demolition of existing building and erection of four storey building comprising 2 x 2 bed and 4 x 1 bed flats.

Refused on design, amenity and noise grounds.

APPLICATION

Planning permission is sought for the demolition of the existing buildings on site and the erection of a three-storey building fronting Church Road, to contain four apartments (Use Class C3) and a ground floor retail/business unit, plus 3 x three storey townhouses (Use Class C3) fronting Dove Lane.

The proposed scheme is of modern design and character, with flat roof and glazed balconies along the Dove Lane elevation. Materials include rubble stone and ashlar elevations and aluminium windows.

Retail unit

The proposal would provide a retail unit of 25 sq.m at ground floor fronting Church Road. The full height glazed frontage would wrap around onto Dove Lane. Waste storage is proposed in a separate store accessed from Dove Lane.

Residential accommodation.

The residential units would be accessed from Dove Lane. The development as a whole would provide a maximum of 28 bedspaces, with accommodation arranged as follows;

Flats.

Ground floor 1 x 1 bedroom (max 2 bedspaces)

First Floor 2 x 1 bedroom (max 2 bedspaces)

Second floor 1 x 2 bedroom (max 4 bedspaces)

Houses

The houses are each arranged as 3 bedroom 6bedspace dwellings.

Communal cycle and waste storage is provided for the flats accessed from Dove Lane. The dwellings have each been designed with refuse and recycling storage in an external lobby and internal cycle storage.

Supporting documents include Coal Mining risk assessment, noise and odour reports and Supporting Statement from Planning Solutions Amenity group.

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RESPONSE TO PUBLICITY AND CONSULTATION

The application has been advertised by site notice. Neighbouring properties were consulted. 5 objections have been received to the scheme, with no comments of support.

The objections raised are on the following grounds-(summarised by case officer)

The development is overbearing and severely impacts on outlook of nearest Cowper Street residents,

The development will result in overlooking of existing gardens of adjoining houses,

The development is excessive in height and scale,

A three storey building is out of character with surrounding development,

The scheme is cramming overdevelopment in a high density area,

The additional residents will impact on parking capacity in the area

The additional residents will exacerbate existing parking problems

The proximity of the houses to the factory is unsuitable and hazardous

Access for emergency vehicles would be impaired by the development

The development will not incorporate social housing

No one on Cowper Street was consulted by amenity group Planning Solutions (that the applicants contend are in support of the development),

Images provided have great deal of artistic license

Inaccuracies of plans

INTERNAL CONSULTATION (summarised by case officer)

Transport Development Management TDM

No objections raised. The 1.4m footway width along Dove Lane is acceptable given the constraints of the site. BCC would seek to adopt this section of footway through a s38 agreement. A parking survey is not required in this instance due to the location, proximity to main road and amenities and public transport options.

Pollution Control

Previous complaints acknowledged from residents close to the factory and are detailed in the Odour Assessment. From the information provided it is hard to show that there will be any significant harm from the operation of Octavius Hunt on future occupants of the proposed development and therefore would not object to this application with regards to odour from Octavius Hunt.

Noise from fans at Octavius Hunt will be audible at the front of proposed properties on Dove Lane and when the fans are on recommended internal noise levels will only be achieved within the properties with windows closed and alternative means of ventilation provided. The fan does not operate all the time and is of a similar distance to existing residential properties so I feel that suitable glazing and alternative ventilation offers a reasonable solution here. The mitigation measures detailed in the report are only recommendations and I would therefore require details of the actual sound insulation and ventilation to be provided to be required by condition. An advice note is also recommended in event of consent -

"Future owners/occupants of the development site are advised that Octavius Hunt has been in operation in Dove Lane Road for some time prior to the development the subject of this application; that it may not be possible to uphold any noise or odour complaints received from future residents of the site regarding noise or odour impacts from Octavius Hunt."

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BCC Land Contamination

Octavius Hunt factory operates under a Hazardous Substance Consent.

The proposed development is sensitive to contamination and situated adjacent to a premises which has been present since c1870 which was a match factory, presently the same company are still present on the site but specialise in smoke products such as insecticides and fungicides. The applicants need to demonstrate the proposed development is suitable for use and there are no residual risks from contamination, this may be best achieved post demolition but prior to construction (if the applicants want to investigate post demolition we can reword the conditions if required). Standard conditions B11 B12 B13 and C1 should be applied to any future planning consent.

BCC City Design Group have commented as follows:

Strong objections raised. BCC City Design are concerned that the developer has ignored the Council's reason for refusal on design grounds. The developer has failed to amend the scheme in relation to the identified poor contextual relationships, layout, height, scale and massing, design and elevation treatment, and amenity impact on residents of Cowper Street contrary to local plan design policies. The Council should be consistent in its approach to securing a high quality design on this prominent site that should contribute positively to the character and appearance of the area. The scheme has previously been found to conflict with design policy and no material changes have been made to overcome the design reason for refusal. The current scheme should be refused.

BCC Nature Conservation Officer has commented:

Bat report required and provided. No objections raised, subject to conditions.

BCC Archaeology have commented;

No objections raised - no archaeology work required here.

EXTERNAL CONSULTEES

The Coal Authority have been consulted and have raised no objections.

Avon and Somerset Fire Authority have been consulted and have raised no objections.

The Health and Safety Executive have been consulted and have raised no objections.

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

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

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KEY CONSIDERATIONS

(A) HAS REFUSAL REASON 1 (RELATING TO HIGHWAY SAFETY) BEEN OVERCOME?

Refusal Reason 1 reads as follows

"The proposed development would fail to provide a safe and sufficient pavement width on Dove Lane. This would endanger pedestrians using the pavement in the vicinity of the site, in a location with vehicular movements associated with the Octavius Hunt factory site. As such, the development is considered unacceptable on highway safety grounds, contrary to local plan policies BCS10 and BCS21 of the Core Strategy 2011, DM23 of the Site Allocations and Development Management Policies 2014 and the NPPF."

Pages 10-11 of the 30th January 2019 Committee Report refer to the previous consideration in respect of highway safety.

The applicant has aimed to address this refusal reason by providing an increased pavement width along Dove Lane and replacement of three garages with an additional residential unit, addressing concerns with unsafe visibility splay.

Local plan policies BCS10 and DM23 require that development does not give rise to unacceptable and/or unsafe highway impacts. Development should be designed and located to ensure the provision of safe streets. With regards to parking and servicing, development proposals should provide an appropriate level of safe, secure, accessible and usable provision having regard to the Council's parking standards.

Other relevant policies include DM27, DM28 and DM32, which together deal with scheme layout, public realm and recycling and refuse provision. Policy DM27 expects that the layout and form of buildings and streets should contribute to the creation of healthy, safe and sustainable places. The NPPF also requires that safe and suitable access to a site can be achieved for all users and confirms that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Transport Development Management (TDM) have reviewed the current proposals and confirmed that the amendments overcome the previous concerns with highway safety for pedestrians in the vicinity of the site.

It is acknowledged that third parties continue to raise highway safety issues in objection to the development, emphasising the continued importance of unobstructed access to the Octavius Hunt industrial site for business needs and emergency vehicles. Parking impacts are also of concern to local residents, given that the development could provide accommodation for 28 residents, in an area with traffic restrictions in the vicinity of the site and along Church Road and limited availability of on street parking spaces.

The Highways officer has advised that whilst not ideal, the widening of the Dove Lane pavement and depth of the areas immediately adjacent to the front doors of the new flat and houses would address the previous safety concerns and provide adequate refuge areas for pedestrians and future residents of the scheme.

Servicing

The retail unit would require servicing from the shared loading bay on Dove Lane, due to loading restrictions on Church Road. Given the modest scale of the unit no concerns are raised with this arrangement, although a Servicing Strategy is recommended sought via condition. A Construction Management Plan would also be required via a suitable condition.

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Parking

Third parties have referred to the limited availability of on street parking in the vicinity of the site, and expressed concerns that the proposals would lead to an unacceptable increase in demand for on street parking. TDM have raised no objections to the level of parking provided by the proposals, taking into account the wider accessibility of the site and its location along a major bus route and within walking distance of amenities and local train station.

Refuse and recycling provision is considered acceptable for each of the units.

In summary, on balance, it is considered that refusal reason 1 (relating to highway safety) has been overcome.

(B) HAS REFUSAL REASON 2 (RELATING TO AMENITY IMPACT ON SURROUNDING DEVELOPMENT) BEEN OVERCOME?

Refusal Reason 2 reads as follows

"The proposed development, by virtue of the height, scale, massing and proximity of the houses proposed fronting Dove Lane would result in a bleak, over dominant and overbearing increased sense of enclosure for residents of 1-4 Cowper Street. The development would allow for unacceptable overlooking into the rear elevations and rear gardens of 1-4 Cowper Street from roof level windows and restrict daylight and sunlight experienced by residents of 1-4 Cowper Street. The development would also overbear 68 Church Road and impair outlook from windows within that property facing the development. As such, the development would fail to safeguard the amenity of existing residential development, contrary to local plan policies BCS21 of the Core Strategy 2011, DM27 and DM29 of the Site Allocations and Development Management Policies 2014 and the NPPF."

Pages 11-13 of the 30th January 2019 Committee Report refer to the previous consideration in respect of amenity impacts on surrounding development.

The applicant has aimed to address this refusal reason by repositioning the rooflights to the rear of Dove Lane houses some 22cm closer to the ridge. The applicants have also sought to incorporate high level opaque windows at first floor level within the rear elevations of these houses, however due to late submission these plans have not had the benefit of public consultation and have not been formally accepted.

Local plan policy BCS21 expects that new development should safeguard the amenity of existing development and deliver a high-quality environment for future occupiers. Policy DM29 states that new buildings should be designed to a high standard of quality, ensuring that existing and proposed development achieves appropriate levels of outlook, daylight and privacy. The NPPF expects that developments should promote health and well-being, with a high standard of amenity for existing and future users.

Officers consider that the repositioning of the rooflights would mitigate, though not overcome some overlooking potential. Notwithstanding, the previous assessment identified harm to the amenity of existing residents, arising from the height, scale, massing and proximity of the development to 1-4 Cowper Street, resulting in a bleak, over dominant and overbearing increased sense of enclosure, overlooking and restricted daylight and sunlight. The development was also found to unacceptably overbear the adjacent two storey property at 68 Church Road, due to height scale massing and proximity, and plot coverage to the shared boundary. The repositioning of the rooflights does not overcome these fundamental concerns and as such, the development is found to be contrary to relevant local and national planning policies.

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As such, the application has not overcome refusal reason 2 and is considered contrary to local plan policies BCS21, DM29 and the NPPF. The application is therefore recommended for refusal on amenity grounds.

(C) HAS REFUSAL REASON 3 (RELATING TO LIVING ENVIRONMENT FOR FUTURE OCCUPIERS) BEEN OVERCOME?

Refusal Reason 3 reads as follows

" The proposed development, by virtue of restricted outlook, sense of enclosure, restricted daylight levels, proximity to the adjacent industrial premises and overbearing height of the rear garden boundaries of the houses would provide an overdeveloped, oppressive and poor quality living environment for future residents. In addition, insufficient information has been provided to demonstrate that any existing sources of noise or odour from sources in the site vicinity (Octavius Hunt premises) can be suitably mitigated and would not adversely affect the health, wellbeing and residential amenity of future residents. As such the development fails to demonstrate that it would provide a high quality environment for future residents, contrary to local plan policies BCS20, BCS21, BCS23 of the Core Strategy 2011, DM14, DM27, DM29, DM33, DM34 and DM35 of the Site Allocations and Development Management Policies 2014 and the NPPF."

Pages 13-16 of the 30th January 2019 Committee Report refer to the previous considerations in respect of living environment for future occupiers.

The applicant has aimed to address this refusal reason by providing noise and odour reports and replacing the three garages on Dove Lane with an additional ground floor flat.

Policies BCS21 and DM29 require that residential development should provide a high quality living environment for future occupiers. Policy BCS18 requires that development should provide sufficient space for everyday activities and meet appropriate space standards. The NPPF expects that developments should promote health and well-being, with a high standard of amenity for existing and future users. Internal space standards, outlook, sense of enclosure, privacy, sunlight and daylight levels, quality of the external amenity areas and the impact of the adjoining factory have all been considered.

Officers consider that the provision of noise and odour reports and replacement of the three garages on Dove Lane fail to fully overcome refusal reason 2. The current scheme maintains the same height, scale, massing, general layout and plot coverage as the refused application 17/04072/F, notwithstanding the setting back of the ground floor to provide increased pavement width along Dove Lane.

Noise and Odour reports

Policy BCS23 states that in locating and designing development, account should be taken of the impact of existing sources of noise or other pollutions on the new development. The policy instructs that new development sensitive to pollution will not be appropriate where existing sources of noise or other pollution cannot be satisfactorily mitigated.

Policy DM35 states that noise-sensitive development in locations likely to be affected by existing sources of noise such as busy roads, and industrial/commercial developments, will be expected to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers

Third parties have objected to the proposals due to the proximity of the site to the Octavius Hunt site. Local residents have referred to ongoing issues with odour and noise arising from the factory site.

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The noise and odour reports have been reviewed by the Pollution Control Officer, with advice set out below -

Bristol City Council has previously received complaints regarding odour from the neighbouring Octavius Hunt premises and these are detailed in the Odour Assessment submitted with the application. Whilst the odour assessment only surveyed odour from Octavius Hunt on one day from the location of the development site in relation to Octavius Hunt, the history of complaints from existing residents and the information provided within the Odour Assessment I find it hard to show that there will be any significant harm from the operation of Octavius Hunt on future occupants of the proposed development and therefore would not object to this application with regards to odour from Octavius Hunt.

Acoustic reports were also submitted with both applications and these details mitigation measures required regarding both traffic noise and noise from extraction fans at Octavius Hunt. Noise from fans at Octavius Hunt will be audible at the front of proposed properties on Dove Lane and when the fans are on recommended internal noise levels will only be achieved within the properties with windows closed and alternative means of ventilation provided. The fan does not operate all the time and is of a similar distance to existing residential properties so I feel that suitable glazing and alternative ventilation offers a reasonable solution here. The mitigation measures detailed in the report are only recommendations and I would therefore require details of the actual sound insulation and ventilation to be provided to be required by condition. Suitably worded conditions requiring a Construction Management Plan and sound insulation are recommended, as well as the following advice note recommended attached in event of consent -

Future owners/occupants of the development site known are advised that Octavius Hunt has been in operation in Dove Lane Road for some time prior to the development the subject of this application; that it may not be possible to uphold any noise or odour complaints received from future residents of the site regarding noise or odour impacts from Octavius Hunt.

Overall, officers consider that the proximity of the Dove Lane houses to the factory site is clearly not ideal. It is noted that the factory site is unrestricted in planning terms in terms of hours of operation, activity, servicing and deliveries and it is possible that the current operations at the site may alter. Concerns are raised that the odour and noise assessments were compiled on the basis of readings taken on a single day only. It is also noted that the recommended advice note accepts that there is some risk that future odour and noise nuisance may occur to future residents.

Notwithstanding, the specialist advice provided is that these concerns can be adequately mitigated via condition. Mitigation is proposed comprising appropriate construction, use of double glazing and mechanical ventilation for when windows are closed. There are provisions under other environmental legislation in event of statutory nuisance, and in the absence of objections from the pollution control team, officers consider that the operation of the factory would not unacceptably impinge on the living environment of future occupiers by way of noise or odour.

Living environment for the new flat.

Space standards - The flat would meet national space standards.

Ground floor flat - quality of living environment

Concerns are expressed at the quality of outlook, privacy and daylight as experienced from within the main living space to the rear of the unit. This new unit would extend the depth of the site to the rear boundary with the electricity substation. Windows are provided to the west elevation onto Dove Lane pavement and inserted into the shared boundary wall with the garden of the closest house proposed on Dove Lane. Daylight into the unit from Dove Lane windows would be compromised by the overhang of the upper floors of the proposed building and privacy levels compromised by the proximity to the back of Dove Lane pavement. Daylight levels into the main

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room via the high level window proposed for the shared boundary would be hampered by overbearing from the Dove Lane houses and development to the south. As such, light levels within the unit would be impaired, resulting in a gloomy living environment for future occupiers.

Impact of high level window in the shared boundary with garden to House 1
 Concerns are expressed that the high level window serving the new flat inserted within the garden boundary with house 1 on Dove Street would further compromise the living environment of that house, due to perceived overlooking and loss of privacy.

Impact of increased pavement width (via setting back of Dove Street houses ground floor elevations)

The further setting back of the ground floor elevations of the Dove Street houses would compound previous concerns with restricted daylight to the ground floor windows due to the overhanging upper floors of the houses.

On balance, for the reasons set out above, officers maintain concerns that the development would fail to provide a high quality living environment for future occupiers. The scheme is considered a form of overdevelopment that would result in oppressive and restricted outlook, adverse sense of enclosure, and restricted daylight levels for future residents. The external amenity areas serving the houses would be cramped and unacceptably enclosed. In addition, the proximity to the adjacent industrial premises remains a concern. The scheme as a whole would, on balance, fail to promote the health and well-being of future residents, due to the poor standard of amenity identified above.

As such, the application has not overcome refusal reason 3 and is considered contrary to local plan policies BCS18, BCS21, DM27, DM29 and the NPPF. The application is therefore recommended for refusal.

(D) HAS REFUSAL REASON 4 (RELATING TO DESIGN) BEEN OVERCOME?

Refusal Reason 4 reads as follows

" The proposed development, by virtue of its height, scale, massing, form, plot coverage and overall design would fail to respond to its local context and street scene and would appear as an incongruous form of overdevelopment that would not contribute positively to the area's character and identity. The layout and form of the development would prejudice the existing and future development potential of the adjoining site at 68-70 Church Road and the potential for the area to achieve a coherent, interconnected and integrated built form. As such the development is considered contrary to local plan policies BCS20 and BCS21 of the Core Strategy 2011 and DM26, DM27 and DM29 of Site Allocations and Development Management Policies 2014 and the NPPF.

Pages 16-17 of the 30th January 2019 Committee Report refer to the previous considerations in respect of design.

The NPPF expects that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Local plan 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 of the Site Allocations & Development Management Policies require development to contribute to the character and distinctiveness of an area through its layout, form, public realm and building design. DM26 expects developments to contribute towards local character and distinctiveness by restoring the local pattern and grain of development, responding appropriately to the height, scale, massing, shape, form, and proportion of existing buildings, building lines and set-

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backs from the street, as well as reflecting locally characteristic architectural styles, patterns and features. DM29 requires new buildings to be of high quality adaptable design, incorporating well-proportioned elevations with high quality detailing and durable attractive materials that contribute positively to the character of the area.

The applicants have made no changes to the height, scale, massing, form, plot coverage and overall design of the scheme, other than setting back the front elevation of the Dove Lane houses and replacement of the three garages with an additional flat. Omission of the three garages from Dove Lane will help to reduce the sense of deadened frontage on Dove Lane. Notwithstanding this measure, Officers consider that these relatively minor visual changes fundamentally fail to address the Council's design refusal reason.

In view of the limited extent of changes, the previous design assessment therefore remains relevant, with key extracts provided below -

At three storeys in height, the proposed building would appear incongruous and visually over-dominant against its two storey neighbouring terrace of 68 - 70 Church Road. It is acknowledged that a planning application for a three storey redevelopment of that site is pending determination however, even if consent were granted for that scheme, there is no certainty that any consent would be implemented. As such, the starting point for assessment is the form and character of existing surrounding development.

The height, plot coverage and horizontal emphasis of the new building is considered at odds with surrounding buildings. The scale, horizontal form and massing of the scheme would provide a poor response to the local character of this part of Church Road, given the local grain, prevailing character and immediate setting of the site, which is traditionally two storey form.

The massing of the scheme along Dove Street would appear excessive, overbearing and overdominant in height and scale, given the narrow width of this street, minimal footway around the site and extent of plot coverage. The development would prejudice development opportunities on the neighbouring site due to its proximity, height and bulk and site coverage.

The fenestration to the upper floor flatted elements fails to respond as a cohesive design aligning with ground floor openings or the adjacent houses. The incorporation of glazed balcony along Dove Street is also considered incongruous in terms of detailing across this street elevation. The ...siting of the houses along Dove Street in close proximity to the factory entrance would fail to contribute positively to the Dove Street scene.

....Overall, the scale, massing, form and character of the development would not address the local grain of development or assimilate sympathetically with the local streetscene or provide an appropriate and high quality contribution to the character, appearance and identity of the area contrary to policies BCS21, DM26, DM27 and DM29.

Officers consider that there are no material changes to the planning circumstances at the adjoining site to justify departure from the previous assessment.

Due to the limited changes made to the scheme, officers consider that the current application has not overcome refusal reason 4 and for the reasons identified the application is considered contrary to local plan policies BCS20, BCS21, DM26, DM27 and DM29 and the NPPF.

The application is recommended for refusal on these grounds.

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(E) HAS REFUSAL REASON 5 (RELATING TO POTENTIAL IMPACTS OF THE DEVELOPMENT ON THE OPERATION AND VIABILITY OF THE ADJACENT FACTORY) BEEN OVERCOME?

Refusal Reason 5 reads as follows

Insufficient information has been provided to demonstrate that the development would not impinge upon or threaten the continued operation and viability of the adjacent established industrial site (Octavius Hunt premises). As such the development is considered contrary to local plan policies BCS23 of the Core Strategy 2011 and DM33, DM34 and DM35 of the of the Site Allocations and Development Management Policies 2014 and the NPPF.

Pages 17-18 of the 30th January 2019 Committee Report refer to the previous considerations in respect of this issue. At the time of that decision, no noise or odour reports had been provided.

The NPPF instructs that planning decisions should ensure that new development is appropriate for its location and that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The expectation is that where the operation of an existing business could have a significant adverse effect on new development, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Local plan policies DM33 and DM35 seek to ensure that new development is compatible with existing land uses.

Representations from the factory operators previously expressed concerns that the development could result in increased complaints about the established operations taking place on the site. Whilst there are residential uses nearby, the proposal would be closer to the factory site than any of the existing housing in the vicinity.

As confirmed under Key Issue (C), the current application is accompanied by both noise and odour reports. These submissions have been reviewed by the pollution control officer with no objections raised. The pollution control officer has confirmed that reasonable mitigation is identified in terms of sound insulation and mechanical ventilation for the residential units (to provide adequate ventilation in event of the need for windows to be closed during times of noise from the factory.) These measures would be secured via a suitable condition in event of an approval. The pollution control officer has also asked that a suitable advice note be provided advising future residents that it may not be possible to uphold any noise or odour complaints received from future residents of the site.

Officers consider that the proximity of the residential development to an unrestricted factory use is clearly not ideal. Notwithstanding, there are provisions under other environmental legislation in event of statutory nuisance, and in the absence of objections from the pollution control team, it is considered that with the identified mitigation measures, the proximity of the residential development to the factory would not unduly impact on the continued operation and viability of the factory.

In summary, on balance, it is considered that refusal reason 5 (relating to potential impacts of the development on the operation and viability of the adjacent factory) has been overcome.

(F) ARE THERE ANY OTHER CONSIDERATIONS?

The application is accompanied by a recent bat survey. Bristol City Council's Nature Conservation Officer has advised that this acceptable.

Sustainability -The sustainability information has been updated and amended to be in line with the heat hierarchy expressed under BCS14. Summary figures provided indicate the scheme will exceed the required 20% saving on residual CO2 emissions.

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CONCLUSION AND PLANNING BALANCE

When determining planning applications the NPPF and policy DM1 require a positive approach to be taken that reflects the presumption in favour of sustainable development.

Officers consider that the changes made are an inadequate response to the refusal reasons. The scheme has been found to result in harm to the amenity of the closest residents to the site and would fail to provide a high quality living environment for future residents. The scheme is considered a form of overdevelopment due to its height scale and massing, plot coverage and overall design that would not contribute positively to the area's character and identity. In addition, the layout and form of the development would prejudice the existing and future development potential of the adjoining site at 68-70 Church Road. Provision of increased pavement width on Dove Lane and noise and odour reports are considered positive changes, but these revisions fail to satisfactorily address the amenity, living environment and design refusal reasons.

These issues individually and cumulatively act to significantly and demonstrably outweigh the potential benefits associated with the development, such as the contribution to the housing supply and regeneration of a derelict site. The proposal therefore has not been found to represent sustainable development and is recommended to be refused.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of the proposal in relation to the Equalities Act 2010 in terms of impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposal. Overall, it is considered that neither the approval nor refusal of this application would have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development has been calculated as £50414.06

RECOMMENDED REFUSE

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

Reason(s)

1. The proposed development, by virtue of the height, scale, massing and proximity of the houses proposed fronting Dove Lane would result in a bleak, over dominant and overbearing increased sense of enclosure for residents of 1-4 Cowper Street. The development would allow for unacceptable overlooking into the rear elevations and rear gardens of 1-4 Cowper Street from roof level windows and restrict daylight and sunlight experienced by residents of 1-4 Cowper Street. The development would also overbear 68 Church Road and impair outlook from windows within that property facing the development. As such, the development would fail to safeguard the amenity of existing residential development, contrary to local plan policies BCS21 of the Core Strategy 2011, DM27 and DM29 of the Site Allocations and Development Management Policies 2014 and the NPPF.
2. The proposed development, by virtue of restricted outlook, sense of enclosure, restricted daylight levels, proximity to the adjacent industrial premises and overbearing height of the

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rear garden boundaries of the houses would provide an overdeveloped, oppressive and poor quality living environment for future residents. As such the development fails to demonstrate that it would provide a high quality environment for future residents, contrary to local plan policies BCS20, BCS21, BCS23 of the Core Strategy 2011, DM14, DM27, DM29, DM33, DM34 and DM35 of the Site Allocations and Development Management Policies 2014 and the NPPF

3. The proposed development, by virtue of its height, scale, massing, form, plot coverage and overall design would fail to respond to its local context and street scene and would appear as an incongruous form of overdevelopment that would not contribute positively to the area's character and identity. The layout and form of the development would prejudice the existing and future development potential of the adjoining site at 68-70 Church Road and the potential for the area to achieve a coherent, interconnected and integrated built form. As such the development is considered contrary to local plan policies BCS20 and BCS21 of the Core Strategy 2011 and DM26, DM27 and DM29 of Site Allocations and Development Management Policies 2014 and the NPPF.

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

P001A Site location plan, received 10 June 2019
P031U Proposed site plan, received 10 June 2019
P010J Existing floor plans, received 10 June 2019
P025E Existing aerials and visuals, received 10 June 2019
P030Y Proposed plans (ground, first and second), received 10 June 2019
P043U Proposed bin store and cycle store, received 10 June 2019
P045X Proposed aerials and visuals 1, received 10 June 2019
P046X Proposed aerials and visuals 2, received 10 June 2019
P047S Existing and proposed aerial view over cowper street, received 10 June 2019
P051C Proposed aerial visuals, received 10 June 2019
P056E Proposed ground floor plan - including Cowper street, received 10 June 2019
P020H Existing elevations, received 10 June 2019
P040Y Proposed elevations, received 10 June 2019
P041V Proposed elevations (East elevation), received 10 June 2019
P041V Existing and proposed long street elevations, received 10 June 2019
P050H Existing and proposed long street elevations, received 10 June 2019
SHEET 1 Church road elevation A, received 10 June 2019
SHEET 1 Elevation B Cowper street rear (sheet 1 of 1), received 10 June 2019
SHEET 2 Church road elevation A, received 10 June 2019
P042Y Proposed typical house and section across site, received 10 June 2019
P055G Proposed sections through Cowper street, received 10 June 2019
P057E Existing sections through Cowper street, received 10 June 2019
SHEET 1 Church road sections, received 10 June 2019
Topographical survey, received 10 June 2019
P003L Existing site plan, received 10 June 2019

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SUMMARY

The application seeks planning permission for the demolition of existing buildings on site and erection of a three storey building fronting Church Road, to provide a ground floor retail/business unit, with three apartments above, plus 3 x three storey townhouses fronting Dove Lane.

The key issues raised by the application include the principle of the change of use, highway safety, impacts on residential amenity, quality of living environment for future occupiers, design and issues surrounding the compatibility of the development with adjacent land uses. Overall, the application is found to conflict with a number of development plan policies and is recommended for refusal.

The application has been referred to Committee by Councillor Shah. Councillor Shah has confirmed that he supports the application and would like the application determined by members irrespective of the officer recommendation, on the grounds that the site has been a blight on the landscape for many years and the application could provide housing for several families. Councillor Shah has referred to discussions between the developer's agent and the local MP regarding potential contributions to funding for CCTV for Moorlands House, a social housing development adjacent to the site to the east. (Further details of this have not been forthcoming from the agent and this matter does not form part of the application proposal.) Councillor Shah's referral form also refers that the Community Infrastructure Levy for this application is significant - (Case Officer note - currently calculated as £46,968.75)

Councillor Pickersgill referred the application to Committee in event of recommendation of approval of the application, in order that neighbour objections on significant material planning issues - the size of the development, the impact on the privacy and natural light of the neighbours, the lack of parking and the access for emergency vehicles are fully and openly considered before a decision is reached.

11 objections have been received from third parties with two neutral comments and one comment of support. Objections are primarily focused on highway safety, parking, amenity, design, quantum of development, and nature conservation issues.

Objections have been raised from the highways team on the grounds of highway safety. BCC pollution control team have raised concerns about insufficient information provided with the application about odour and noise issues affecting the adjacent factory site that may impact on future residents or result in increased complaints to the council. The applicant has not provided amended plans or further information that overcomes these concerns and as such the development is recommended for refusal.

SITE DESCRIPTION

The application site comprises a narrow wedge shaped area of land on the corner of Church Road and Dove Lane. The site is currently occupied by a terraced two storey building fronting Church Road. The building is currently vacant and was previously occupied as a retail (car spares) unit with residential accommodation above. To the rear of this building and within the redlined site are semi covered storage yards, accessed from Dove Street. The submissions confirm the site has been vacant since 2000.

The properties of 68 -70 Church Road lie to the immediate east, with an electricity substation sited within a substantial two storey brick building to the rear of 68-70 Church Road. The rear gardens of 1-4 Cowper Street, part of the two storey terrace of 1- 9 Cowper Street lie to the immediate south east boundary.

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The Octavius Hunt smoke and pesticide factory premises occupies a large site to the south of the application site, including buildings in use as workshops, storage and offices and open yard and parking areas. The main access into the Octavius Hunt site is on Dove Lane, abutting the southern boundary of the site. The Octavius Hunt website outlines that the company is the largest smoke manufacturer in Europe, specialising in pesticide and disinfectant smokes.

Parking restrictions are in place on both sides of Dove Lane, with a loading bay on the western side of Dove Lane utilised by third parties including the Octavius Hunt company, due to the restricted narrow access to that site.

The site is not allocated within the Local Plan for any particular land use and is not located within a Conservation Area or in close proximity to any listed buildings. The surrounding area contains a mix of land uses and buildings, including commercial, residential and industrial uses. The site is close to the busy A420, with good public transport links and within walking distance of Lawrence Hill station and many bus stops.

RELEVANT HISTORY

16/01852/F Demolition of existing buildings on site and erection of a four-storey building fronting Church Road, to contain four apartments and a ground floor retail unit, plus 4 x three-storey townhouses fronting Dove Lane.

Refused due to loss of employment land, unacceptable design and contextual response, harm to amenity of existing development on Cowper Street, harmful living environment for future occupiers of the development and highway safety grounds.

The applicant chose not to appeal the LPA's decision to refuse the application.

PREAPPLICATION

16/06874/PREAPP Retail unit frontage to Church Road. 3 residential apartments to upper floors and 3 No. townhouses to the rear with off street parking.

Advice provided that the LPA could not support the application due to unresolved issues with loss of employment land, unacceptable design and contextual response, harm to amenity of existing development on Cowper Street, harmful living environment for future occupiers of the development and highway safety grounds.

ADJACENT SITE 68-70 Church Road

15/04092/F Demolition of existing building and erection of four storey building comprising 2 x 2 bed and 4 x 1 bed flats.

Refused on design, amenity and noise grounds. The applicant chose not to appeal the LPA's decision.

17/04071/F Demolition of existing buildings on site and erection of a three storey building fronting Church Road, to contain 2no three bedroom apartments on first and second floor and a ground floor retail/business unit.

This current application is pending determination by members of Development Control committee B following consideration of the current application. The officer recommendation is to refuse the application on grounds of amenity, design and highways issues.

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APPLICATION

Planning permission is sought for the demolition of the existing buildings on site and the erection of a three-storey building fronting Church Road, to contain three apartments (Use Class C3) and a ground floor retail/business unit, plus 3 x three storey townhouses (Use Class C3) fronting Dove Lane.

The proposed scheme is of modern design and character, with flat roof and glazed balconies along the Dove Lane elevation. Materials include rubble stone and ashlar elevations and aluminium windows.

Retail unit

The proposal would provide a retail unit of 25 sq.m at ground floor fronting Church Road. The full height glazed frontage would wrap around onto Dove Lane. Waste storage is proposed in a separate store accessed from Dove Lane.

Residential accommodation.

The new building would provide a total of 26 bedspaces contained within 3 flats and 3 houses, all accessed from Dove Lane.

Flats (above retail unit)

Three flats are proposed on the upper floors above the retail unit, comprising of 2 x 1bedroom 2bedspace units on the first floor and 1 x 2bedroom 3bedspace unit. Two of the flats have been provided with outdoor terraces.

Houses

Three family houses are proposed with entrances onto Dove Lane. The houses are each designed as 3 bedroom 6bedspace dwellings. Three garages are proposed in the centre of the site accessed from Dove Lane to serve the houses.

Communal cycle and waste storage is provided for the flats accessed from Dove Lane. The dwellings have each been designed with refuse and recycling storage in an external lobby and internal cycle storage.

The application includes a Statement of Consultation and Support from Planning Solutions Residents Group confirming their support for the proposals submitted under the application and at the adjacent site at 68-70 Church Road. The statement has not been corroborated by the Planning Solutions group during the public consultation process - an update will be provided at the committee meeting.

RESPONSE TO PUBLICITY AND CONSULTATION

The application has been advertised by site notice. Neighbouring properties were consulted. 14 representations have been received, comprising of 11 objections , 1 representation of support from Councillor Shah and 2 neutral comments.

Support

Councillor Shah has commented -

Having taken the time to review the site and the proposal I have decided that the best course of action to take for the site is to call it into committee, regardless of whether you are minded to grant the application, or refuse it, so that it can be considered under its merits not only for the immediate

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area but also for the wider impact it will provide to bring a long derelict site back into use. The site has been derelict for far too long, and there is significant anti-social behaviour in the adjoining Moorfield House.

At a recent meeting organized for residents of Moorfield House, I asked the tenants how they felt about this application - they were unequivocal about their support as they felt it would help tackle the anti-social behaviour by bringing the site back into use.

As someone who has lived in the area for many years, and in my role as a local Councillor, I support this development application. Redeveloping these boarded up units will help invigorate footfall for our local High street, Church Rd, and the planned dwellings will provide much need housing and help tackle Bristol's chronic housing shortage.

I am satisfied that the applicants' architect and agents have ensured extensive consultation by engaging with key local residents groups.

I believe this is a sustainable development application which also effectively considers local amenities such as bus routes to and from the centre, the rail line at Lawrence Hill train station, and the "cycle path".

Objections (summarised by case officer)

Octavius Hunt smoke and pesticide factory.

We do not disagree that redevelopment of the site would be a benefit to the local area, however significant concerns raised regarding the following matters-

-Proximity of the family houses to our factory site. There is virtually no pavement area in front of the house on an access road that is of limited width. The front door of the closest townhouse will open onto the narrow access road to our factory that is used by lorries, employees' cars, vans and fork lift trucks. The loading bay on Dove Lane is also used by us for loading and unloading. We are concerned that if these houses provide family accommodation, it would be a dangerous area for children as we have staff and deliveries in and out of the site all day.

-Concerned to prevent future complaints by the new house owners about the operation of our premises. Our premises do create some level of noise, and occasionally odours throughout the working week and this has not been mentioned in the application submissions. The window on house 3 looks directly at our incinerator stack and laboratory.

-Parking around the area is very restricted and any obstructions could also pose an increased risk to us and our neighbours in the event of a fire at our premises and the fire brigade not being able to access the site quickly. Other neighbours have raised similar concerns. Additional concerns raised about visitor parking arrangements.

Cowper Street residents-

Objections raised on the following grounds -

Amenity

-the development would result in harm to amenity from - loss of light and sunlight overlooking and loss of privacy

-building noise (not a planning issue)

-increased parking demand would impact on residential amenity

-increased noise due to intensity of development

-the development would provide a cramped and poor quality living environment

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Design

- separation distance is too close, resulting in adverse amenity impacts on Cowper Street residents
- development does not complement the locality

Highway safety

- concerns raised that the proposals could impact on highway safety of Dove Lane
- unrestricted access is required to the industrial site on Dove Lane, licensed to manufacture and store explosive goods/ high fire risk site.
- Unrestricted vehicular access is required at all times for emergency services.

Plan discrepancies

- Queries raised as to the accuracy of the plans -
- The two storey building on the site is experienced as single storey by residents of Cowper Street due to the design and pitch of the roof.
- The plans are deceptive as to the true impact of the development

Wildlife

- The site is used by nesting birds, foxes, bats and hedgehogs
- The site should be surveyed for protected species.

Neutral comments

Councillor Pickersgill

I initially supported this application as there had been discussion with the local Planning Group and the architect and there was general support, and I am keen to try and speed up development in the ward as there is a significant lack of suitable housing.

However, it now seems that very close neighbours do not feel they have been adequately consulted and have a number of significant objections that need to be considered fully in Committee if the recommendation is to be approved. Concerns have been raised about the size of the development, the impact on the privacy and natural light of the neighbours, the lack of parking and the access for emergency vehicles etc. There appear to be significant material planning issues that need to be considered further before a decision is reached.

INTERNAL CONSULTTEES (summarised by case officer)

Transport Development Management have commented as follows:-

TDM recommend refusal on the proposed scheme due to highway safety concerns arising from the layout, design and proximity of the residential development to the industrial site (Octavious Hunt) on Dove Street ,contrary to local plan policies BCS10 and DM23. Further details incorporated into the report.

BCC Air Quality have commented -

The proposal should demonstrate it is suitable for the site and proximity to the adjacent factory-pollution control officers to provide further advice on this issue.

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Pollution Control have commented as follows:-

BCC Pollution Control have raised concerns due to insufficient information provided to demonstrate that noise and odour from the adjacent industrial site (Octavius Hunt) would not be detrimental to the amenity layout, design and proximity of the development to on Dove Street , contrary to local plan policies BCS10 , DM33 and DM35. Further details incorporated into the report.

BCC Land Contamination have been consulted and have commented as follows:
Octavius Hunt factory operates under a Hazardous Substance Consent.

The proposed development is sensitive to contamination and situated adjacent to a premises which has been present since c1870 which was a match factory, presently the same company are still present on the site but specialise in smoke products such as insecticides and fungicides. The applicants need to demonstrate the proposed development is suitable for use and there are no residual risks from contamination, this may be best achieved post demolition but prior to construction (if the applicants want to investigate post demolition we can reword the conditions if required). Standard conditions B11 B12 B13 and C1 should be applied to any future planning consent.

BCC City Design Group have commented as follows:

BCC City Design have raised concerns on design grounds due to poor contextual relationship, layout, height, scale and massing, design and elevation treatment, amenity impact on residents of Cowper Street contrary to local plan design policies. Further details incorporated into the report.

BCC Nature Conservation Officer has commented:

No objections raised, subject to conditions.

BCC Archaeology have commented;

No objections raised - no archaeology work required here.

EXTERNAL CONSULTEES

The Coal Authority have been consulted and have raised no objections.

Avon and Somerset Fire Authority have been consulted and have raised no objections.

The Health and Safety Executive have been consulted and have raised no objections.

RELEVANT POLICIES

National Planning Policy Framework – July 2018

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

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

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KEY ISSUES

(1) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

i) Loss of existing uses

The site is currently vacant and in a state of disrepair. The submissions clarify that the last use of the two storey building fronting Church Road was as a car parts retailer, with ancillary residential accommodation above. The yards to the rear of this building, extending along Dove Lane to the boundary with the Octavius Hunt industrial site were formerly used as storage, which would generally fall under a B8 use class. There is a lack of evidence as to whether the site comprised a single planning unit or operated as separate uses. A previous application for mixed use commercial/residential development on the site was refused in 2016, on grounds including unjustified loss of employment land.

The proposals would retain an active ground floor use that would contribute to the commercial character and interest of Church Road. The storage uses extending along Dove Lane would be replaced with residential development and ancillary garages.

Policy BCS8 states that employment land (including B8 uses) outside of the Principle Industrial and Warehousing Areas should be retained where it makes a valuable contribution to the economy and employment opportunities.

DM12 further states that employment sites should be retained unless-

- i. There is no demand for employment uses; or
- ii. Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or
- iii. A net reduction in floorspace is necessary to improve the existing premises; or
- iv. It is to be used for industrial or commercial training purposes.

The applicant has disputed that the site is valuable employment land given the period of dereliction and disuse of the site and contended that (the existing storage type uses) ... "are a type of use the council should be seeking to remove from a dense urban area with high housing need and that "the high quality of a new and purpose built business unit would be more valuable in terms of its contribution to employment in the area than a derelict car breakers yard."

In terms of DM12 criteria i), the site has not been marketed since the previous refused application and as such it has not been demonstrated that there is no demand for the employment land within the site. Officers acknowledge that the unallocated semi-derelict employment site is currently not making a contribution to the local economy and employment opportunities, however the discontinuance of the former use appears due to the intention of the site owner/s. Some concerns have been expressed on this point to the applicant (as it is possible that an alternative employment type use may be sustainable on this site), however the policy wording allows for other justifications for loss of employment land in the absence of marketing evidence of lack of demand.

Criterion ii) of DM12 allows for employment land to be replaced by other land uses if continued employment use of the site would have an unacceptable impact on the environmental quality of the surrounding area. In terms of determining whether continuing employment use would have an unacceptable impact on the environmental quality of the surrounding area, the policy wording confirms -

"As a means of assessing whether unacceptable impacts are being caused, regard will be had to substantiated complaints made to the council's Pollution Control team. Proposals will be expected to demonstrate that the site would continue to have unacceptable environmental effects even if

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reasonable efforts could be employed to reduce the environmental impacts of the existing use to an acceptable level. "

The Pollution Control officer has confirmed that there have been no complaints about the site since 2010, and that these related to bonfires. Whilst reasonable efforts could be employed in the future to reduce any environmental impacts of any employment use to an acceptable level, officers acknowledge that activities across the site are historically unrestricted by any planning permission in terms of hours, servicing and deliveries. It is further acknowledged that B2 and B8 uses can create odour, noise and disturbance and as such there is nothing to stop other similar employment uses from occupying the space which could result in adverse amenity impacts on nearby residents. The site is in close proximity to housing on Cowper Street, with rear gardens abutting the eastern site boundary.

Taking these matters into account, and on balance, no objections are raised to the loss of employment land represented by the application. The loss of the employment land within the site would not significantly conflict with the aims and objectives of Policy BCS8 or DM12 of the local plan.

ii) Principle of mixed use commercial/residential use.

The development would be located within an existing mixed use area that includes flatted high and low rise apartment blocks, Victorian terraced housing, and retail, commercial and industrial uses in some proximity to each other. Redevelopment of the site as a mixed use commercial/residential scheme would accord with the thrust of local plan policy BCS3, which confirms that social, economic and physical regeneration will be promoted in the Inner East with the purpose of creating mixed, balanced and sustainable communities. The ground floor commercial unit would preserve an active frontage onto Church Road and contribute to economic regeneration of the area.

Policy BCS5 sets out that the Core Strategy 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. The policy further states that the development of new homes will primarily be on previously developed sites across the city.

Policy BCS18 supports a neighbourhood with a mix of housing tenures, types and sizes to meet the changing needs and aspirations of its residents. Whilst all of the residential units are proposed as C3 dwellings (which allows for occupation by a single person or family or for groups of up to six persons living together as a single household.) it is noted that the site is not covered by any Article Four restriction of change of use from C3 to C4 (House in Multiple Occupation).

The development as a whole contains a mix of units in terms of size and type. Census data suggests that the Easton ward comprises approximately 77%houses/ 22% flats, with 15% 1 bedroom properties, 42% 2bedroom properties and 42 % three bedrooms. On this basis no objections are raised to the mix of housing proposed as the scheme would not create or contribute to local imbalance of housing type or size.

In terms of whether the development is appropriate in quantum and density, Policy BCS20 confirms that development should maximise opportunities to re-use previously developed land. Whilst the proposals would incorporate residential redevelopment of an existing brownfield site and bring it back into use, BCS20 instructs that the appropriate density for any individual site will be informed by:

- The characteristics of the site;
- The local context;
- Its current and future level of accessibility by walking, cycling and public transport to a range of employment, services and facilities;

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- The opportunity for a mix of uses across the site;
 - The need to provide an appropriate mix of housing to meet the community's needs and demands; and
 - The need to achieve high quality, well designed environments.
- These issues are examined in the Key Issues below.

(2) WOULD THE PROPOSED DEVELOPMENT SATISFACTORILY ADDRESS HIGHWAY SAFETY, TRANSPORT AND MOVEMENT ISSUES?

Policy BCS10 and Policy DM23 require that development does not give rise to unacceptable and/or unsafe highway impacts. Development should be designed and located to ensure the provision of safe streets. With regards to parking and servicing, development proposals should provide an appropriate level of safe, secure, accessible and usable provision having regard to the Council's parking standards.

Policies DM27, DM28 and DM32 together deal with scheme layout, public realm and recycling and refuse provision. Policy DM27 expects that the layout and form of buildings and streets should contribute to the creation of healthy, safe and sustainable places. The NPPF requires that safe and suitable access to a site can be achieved for all users and confirms that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Transport Development Management (TDM) have raised serious concerns about the development due to highway safety issues, primarily associated with pedestrian safety along the Dove Lane frontage. Third parties have also raised highway safety issues in objection to the development, emphasising the continued importance of unobstructed access to the Octavius Hunt industrial site for business needs and emergency vehicles. In addition, parking impacts are of concern to businesses and local residents given that the development could provide accommodation for at least 26 residents, in an area with traffic restrictions in the vicinity of the site and along Church Road and limited availability of on street parking spaces.

Whilst a residential development on the site is acceptable in principle from a transport and highways perspective in terms of sustainable location, refusal is recommended due to the scheme proposing unsafe pedestrian access to the proposed dwellings and apartments.

The Highways officer has confirmed that the Manual for Streets advises minimum unobstructed width for pedestrians should generally be 2m. BCC Highways Team allows for a minimum standard footway width of 1.8m; this allows for two way pedestrian movement as well as sufficient space for a wheelchair user. The plans indicate that the Dove Lane elevation of the building would be set back from the pavement edge by some .45m - 1.4m. This pavement footway would run along the Dove Lane frontage, narrowing outside of the family housing close to the vehicular entrance to the Octavius Hunt industrial site.

Dove Lane is a cul-de-sac which also has industrial movements with larger vehicles using the lane, as well as cars accessing parking at the rear of Church Road and Moorfield House. This in addition to a loading bay situated on the opposite side of the Dove Lane carriageway effectively narrows the useable width of the road, further endangering pedestrians should insufficient footway width be provided. It has been confirmed by the occupiers of the industrial unit the loading bay is frequently used and forklifts regularly travel between the loading bay and the site. Officers have witnessed forklift movements between the Octavius Hunt site and the main loading bay on Dove Lane and vehicular movements into and out of the Octavius Hunt site which includes car parking areas for visitors and employees.

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Given the proposed development consists of family units, it can be expected users of a buggy and young children could utilise the footway. With the intensification of pedestrian use along this side of Dove Lane associated with the development of at least 26 residents, the proposed width of the footway creates a highway safety concern for the reasons outlined above. If the development were to be approved with this insufficient width vulnerable users could be forced into the carriageway at a location with frequent industrial traffic movement.

Concerns are expressed with regard to pedestrian visibility for vehicles emerging from the garages and we would ordinarily expect pedestrian visibility splays. Given the unacceptable nature of the footway these were not requested.

Overall, refusal of the application on highway safety grounds recommended as the proposal fails to provide safe and suitable access to the site, contrary to Policies BCS10, DM23 and Chapter 9 of the NPPF.

Servicing

The retail unit would require servicing from the shared loading bay on Dove Lane, due to loading restrictions on Church Road. Given the modest scale of the unit no concerns are raised with this arrangement, although further details would be expected in event of any approval.

Parking

Third parties have referred to the limited availability of on street parking in the vicinity of the site, and expressed concerns that the proposals would lead to an unacceptable increase in demand for on street parking. Three off street carparking spaces are provide to serve the houses. TDM have raised no objections to the level of parking provided by the proposals, taking into account the wider accessibility of the site and its location along a major bus route.

Refuse and recycling provision is considered acceptable for each of the units.

(3) WOULD THE PROPOSAL HAVE ANY ADVERSE IMPACT ON THE AMENITY OF SURROUNDING DEVELOPMENT?

BCS21 provides a set of criteria for the assessment of design in new development. Proposals are expected to safeguard the amenity of existing development and deliver a high-quality environment for future occupiers. Policy DM29 states that new buildings should be designed to a high standard of quality, ensuring that existing and proposed development achieves appropriate levels of outlook, daylight and privacy.

i) Impact on existing residential development (Cowper Street)

Third party objections from residents of Cowper Street have included concerns about the impact of the proposed development on their residential amenity, particularly in terms of overlooking, overbearing and overshadowing. There are windows in the rear (west facing) elevations of these existing dwellings that overlook the application site.

The application site is currently occupied by a single storey structure/covered yard (maximum height 3m) at the common boundary with the rear gardens of 1 -2 Cowper Street and a pitched roof building (maximum height 6m) at the boundary with 3-4 Cowper Street. This building is experienced as a single storey building by residents of Cowper Street due to the roof slope and pitch.

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The proposed family houses would be sited between 3 and 4 metres away from the common boundary with these neighbouring properties. The rear elevations of the proposed houses would be between 11 and 13m away from the rear elevation of the facing houses on Cowper Street. The maximum height of the houses to the roof ridge is shown as 8m, with height to the parapet about 6m. The rear elevations of the proposed houses visible above the boundary walls would feature projecting timber clad oriel windows, with glazing on the southfacing side returns. As such, the façades presenting to residents of 1-4 Cowper Street would not include direct facing windows.

Concerns are expressed that the increased height, scale and massing of the houses proposed for the site would result in an increased sense of enclosure and adverse overbearing impact on the amenity of residents of 1-4 Cowper Street when seen from the rear gardens/yard and ground floor rooms. This oppressive impact would be exacerbated by the bleak featureless character of the rear elevations of the proposed houses.

The applicant has provided section drawings through the existing dwellings and sought to demonstrate that daylight and sunlight impacts on 1-4 Cowper Street as a result of the increased massing close to the shared boundary would be acceptable. Concerns are expressed that the proposed development would have a noticeable adverse impact on both daylight and sunlight levels for residents of 1-4 Cowper Street given the west facing orientation of these dwellings and the height and massing of the proposed houses.

Overlooking of the Cowper Street properties at first floor level is avoided due to the design and orientation of the first floor windows serving the proposed houses. Concern is however expressed that the third floor rooflights would allow for some overlooking from the upper floor bedrooms into the Cowper Street houses opposite.

Given the modest scale of the existing buildings on the site, existing privacy levels and absence of windows currently overlooking the affected gardens, it is considered that the adverse impacts identified above are unacceptable. The negative impacts identified are considered to conflict with local plan policies BCS21, DM27 and DM29, as well as the objectives of the NPPF that require a high standard of amenity for existing occupiers.

ii) Impact on 68-70 Church Road

The impact of the development on 68-70 Church Road adjacent to the site to the east has been considered. It is understood that these properties have been vacant since 2000 and are currently in poor condition. A separate planning proposal for redevelopment of this site (17/04071/F) is to be determined by members following determination of the current proposal. Assessment of the current scheme in terms of impact on 68-70 Church Road has accordingly considered two potential scenarios - a) 68-70 Church Road remaining undeveloped and b) the relationships between the sites in event that proposal 17/04071/F) is approved and implemented.

Scenario a) - 68-70 Church Road remains unaltered.

The terraced buildings of 68-70 Church Road are two storeys with shared outrigger extension to the rear with windows on the inner elevation of 68 Church Road at first floor facing the application site. It is possible that there are also windows at ground floor level but this has not been confirmed due to restricted access. The separation distance between these windows and the site boundary is some 2.5m. There is also an outrigger extension to the rear of 66 Church Road, with windows on the inner east facing elevation. Separation distances between the rear extensions of the respective properties are some 6.5m.

The proposed scheme would result in demolition of the two storey 66 Church Road and replacement with a three storey building to provide flatted residential units adjacent to the site boundary with 68-70 Church Road. The main impacts arising from the new apartment block would

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stem from the increased scale of the new building. It is acknowledged that 68-70 Church Road is currently uninhabited however, should consent not be forthcoming for redevelopment of that site it is possible that the units could be renovated and occupied again as residential units. A three storey development as proposed would impair the outlook from windows in the rear of 68-70 due to increased scale and proximity to the shared boundary.

The application building proposes window and door openings in the east facing elevation providing access to a first floor external terrace of some 19sq.m to serve one of the first floor flats. The terrace would run alongside the shared boundary with 68-70 Church Road some 2.5m away from the rear extension. Concerns are expressed at the potential for noise and disturbance arising from an external amenity area in this location due to close proximity to a residential use that could be reinstated. Overlooking issues would be resolved due to screening proposed along the terrace boundary.

Overall, should the application be approved and 68-70 Church Road remain unaltered, the negative impacts identified above are considered to conflict with local plan policies BCS21, DM27 and DM29, as well as the objectives of the NPPF that require a high standard of amenity for existing occupiers.

Scenario b) Application 17/04071/F for the redevelopment of 68-70 Church Road as a three storey building is approved and implemented.

Application 17/04071/F is for demolition of the existing building and erection of a three storey mixed use development with a commercial unit at ground floor and two residential flats above. The plans indicate it would extend some 11.5m deep into the site (taken from Church Road site boundary). Whilst windows are proposed in the rear elevation, potential intervisibility between future residents of both schemes would, on balance, be within acceptable parameters given that there is already a degree of intervisibility between these adjacent sites.

(4) WOULD THE PROPOSED DEVELOPMENT PROVIDE A HIGH QUALITY LIVING ENVIRONMENT FOR FUTURE OCCUPIERS?

BCS21 and DM29 require that residential development should provide a high quality living environment for future occupiers. Internal space standards, outlook, sense of enclosure, privacy, sunlight and daylight levels, quality of the external amenity areas and the impact of the adjoining Octavius Hunt industrial site have all been considered.

Officers have serious concerns about the proposed living conditions for future occupiers, as set out below -

i) Space standards

Adopted Bristol Core Strategy Policy BCS18 requires that development should provide sufficient space for everyday activities and meet appropriate space standards.

Revised plans have been provided to address officer concerns with space standards and all flats and houses now meet internal space standards. It is noted however that each house would also be provided with two additional rooms at first floor level notated as family and study office room. Were the applications approved there would be nothing to prevent these rooms to be utilised as additional bedrooms.

ii) Outlook, sense of enclosure, privacy, sunlight and daylight levels

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Flats

All of the flats would be served by 2m high windows incorporating openable brise soleil panels and fixed glazed panels overlooking Church Road and Dove Lane. Outlook, sense of enclosure and sunlight and daylight levels are considered acceptable. Two of the flats would be provided with private external amenity areas. The first floor terrace would be less than ideal in terms of narrow depth and shaded aspect, however on balance, the external areas serving the flats are considered adequate in terms of amenity afforded for the respective units.

Houses

Serious concerns are expressed about the proposed living conditions for future occupiers of the family houses.

Outlook onto Dove Lane from the main lounge/ dining rooms at ground floor of the houses would be partially shaded due to the overhanging upper floors of the building. Future residents would be looking onto the Dove Lane roadway and access to Octavius Hunt factory site. Despite the setting back of the ground floor building line, the proximity to the Dove Lane roadway would result in a visually and environmentally poor setting for residential development, given the vehicular comings and goings to the Octavius Hunt industrial use adjacent. This is not considered ideal.

The outlook from the ground floor lounge of House 3 closest to the Octavius Hunt site would be significantly impaired due to the projecting building line of the nearest factory building some 3.5m away from the ground floor frontage of House 3. Daylight levels reaching the ground floor rooms are likely to be poor due to the aforementioned upper floor overhang and building line of Octavius Hunt.

The outlook from the rear of each house at ground floor level would be severely constrained and enclosed, given the 3m height of the rear garden boundary and limited depth of each garden. The garden to House 3 would be enclosed to the south by the adjoining retained Octavius Hunt building between 3 and 5m in height. The quality of these external amenity spaces is likely to be poor due to limited space and enclosure, with sunlight levels within the gardens restricted by the height and proximity of surrounding boundaries and development.

Outlook and daylight levels within the rear first floor rooms of the houses would also be poor, due to the oriel design, limited glazing and direction of outlook from the windows. Outlook from the upper floors of House 3 would also be impaired by the massing of the Octavius Hunt building opposite and industrial character in close proximity, including the visible presence of the working chimney stack, that is understood to serve an onsite incinerator.

Overall, it is considered that the houses would provide an oppressive and poor quality environment for future occupiers due to impaired daylight and outlook and the suitability of such housing for families is particularly questioned.

ii) Proximity to Octavius Hunt Industrial site.

Policy BCS23 states that in locating and designing development, account should be taken of the impact of existing sources of noise or other pollutions on the new development. The policy instructs that new development sensitive to pollution will not be appropriate where existing sources of noise or other pollution cannot be satisfactorily mitigated.

Policy DM35 states that noise-sensitive development in locations likely to be affected by existing sources of noise such as busy roads, and industrial/commercial developments, will be expected to provide an appropriate scheme of mitigation to ensure adequate levels of amenity for future occupiers

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Third parties have objected to the proposals due to the proximity of the site to the Octavius Hunt site. Local residents have referred to ongoing issues with odour in the factory vicinity and the company have also referred to noise and odour arising from their operations that may impact on the amenity of future residents.

The case officer report for the previous application 16/01852/F confirmed as follows -

The proximity of the housing fronting Dove Street to the Octavius Hunt factory is also of concern on amenity grounds. Local residents have referred to noise and odour from this site, and sulphurous odour was noticeable at officer site visit. The applicant has not provided an air quality assessment with the application and has referred to previous correspondence with BCC Air Quality officers confirming that an assessment of the impacts of the existing air quality on future residential receptors would not be required, due to recent monitoring data along Church Road indicating that the annual objective for NO₂ is being met in this location.

Notwithstanding this advice, BCC Pollution Control have confirmed that there is a history of complaints regarding noise and odour from Octavius Hunt either regarding noise from an alarm or a chemical smell, with most recent complaints received in January of this year. It is understood that the premises has been monitored but no odour nuisance has been established.

The development proposes sleeping accommodation in close proximity to the chimney at Octavius Hunt and the suitability of this area of the site for residential accommodation is questionable, given that no evidence has been provided on air quality and emissions from the nearby factory. The applicant is advised to address this issue in submissions for any further residential scheme on this site.

This issue contributed to the reason for refusal on amenity grounds of 16/01852/F, which included failure to demonstrate a high quality living environment would be provided for future residents given the proximity to the factory site.

As part of the consideration of the current application, the Council's Pollution Control Officer confirmed -

Bristol City Council has previously received complaints regarding noise and odour from the nearby Octavius Hunt premises. This site is nearer to Octavius Hunt than existing residential properties. The site is also adjacent to the busy Church Road, there are other commercial units nearby and an electricity substation between the two sites.

Whilst any noise issues should be able to be resolved through suitable sound insulation of the proposed development following an acoustic report (see condition 1 below) odour from the processes carried out at Octavius Hunt are likely to be more difficult to mitigate against. I would therefore like to see information in the application to show that odour from the Octavius Hunt will not cause nuisance to the occupiers of the proposed development.

The applicant has referred to informal discussions with the Air Quality Officer confirming that an air quality assessment was not required. The Air Quality Officer has confirmed that that the application should demonstrate that the processes taking place at the Octavius Hunt factory are compatible with residential use in the proximities proposed. The applicant has not provided reports from a suitably qualified person on odour/air quality at the site or the local noise environment to accompany the current application. The LPA therefore has no means of assessing whether mitigation measures are required or indeed possible to ensure the suitability of the site for residential use.

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To conclude on this issue, the application fails to demonstrate that a high quality living environment will be provided for future occupiers due to the following impacts -

- poor outlook and daylight levels, loss of privacy from overlooking
- enclosed and cramped external amenity areas to serve the houses
- failure to demonstrate that the odour and noise environment in the vicinity of the site would be compatible with the layout and siting of the residential accommodation.

As such, the proposals are considered contrary to local plan policies BCS18, BCSS21, BCS23, DM27, DM29, DM33 and DM35.

5) IS THE DESIGN OF THE PROPOSED DEVELOPMENT ACCEPTABLE ?

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 of the Site Allocations & Development Management Policies require development to contribute to the character and distinctiveness of an area through its layout, form, public realm and building design. DM26 expects developments to contribute towards local character and distinctiveness by restoring the local pattern and grain of development, responding appropriately to the height, scale, massing, shape, form, and proportion of existing buildings, building lines and set-backs from the street, as well as reflecting locally characteristic architectural styles, patterns and features. DM29 requires new buildings to be of high quality adaptable design, incorporating well proportioned elevations with high quality detailing and durable attractive materials that contribute positively to the character of the area.

Previous application 16/01852/F was refused for four reasons including design grounds. The previous design reason for refusal is reproduced for reference -

The proposed development, by virtue of its height, scale, massing, form, plot coverage and overall design would fail to respond to its local context and streetscene and would appear as an incongruous and overscaled form of development that would not contribute positively to the area's character and identity. The development would also prejudice development opportunities on neighbouring sites due to its height and bulk. The scheme would therefore be contrary to BCS21 of the Core Strategy 2011 and DM26, DM27 and DM29 of Site Allocations and Development Management Policies 2014.

Officers consider that the previous reason for refusal on design grounds has not been overcome by the current scheme. The current proposal has reduced the height scale and massing of the building from 4 to 3 storeys. The applicants contended that the design is appropriate in a varied context, taking into account the fact that the surrounding area of Church Road is made up of a variety of building heights, ages and styles, with fundamental and traditional character of this area 3 storey buildings typical of an inner urban area of a major city.

Officers acknowledge that whilst there are taller buildings in the area, including along Church Road the traditional two storey form and character of the site responds well to Victorian terracing on Cowper Street and the Octavious Hunt factory buildings nearby. The taller residential development of 56- 62 Church Road on the opposite side of Dove Lane is set back within its site, surrounded by landscaped open space and softened by mature trees.

At three storeys in height, the proposed building would appear incongruous and visually over-dominant against its two storey neighbouring terrace of 68 - 70 Church Road. It is acknowledged that a planning application for a three storey redevelopment of that site is pending determination

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however, even if consent were granted for that scheme, there is no certainty that any consent would be implemented. As such, the starting point for assessment is the form and character of existing surrounding development.

The height, plot coverage and horizontal emphasis of the new building is considered at odds with surrounding buildings. The scale, horizontal form and massing of the scheme would provide a poor response to the local character of this part of Church Road, given the local grain, prevailing character and immediate setting of the site, which is traditionally two storey form.

The massing of the scheme along Dove Street would appear excessive, overbearing and overdominant in height and scale, given the narrow width of this street, minimal footway around the site and extent of plot coverage. The development would prejudice development opportunities on the neighbouring site due to its proximity, height and bulk and site coverage.

The fenestration to the upper floor flatted elements fails to respond as a cohesive design aligning with ground floor openings or the adjacent houses. The incorporation of glazed balcony along Dove Street is also considered incongruous in terms of detailing across this street elevation. The provision of shuttered garages and siting of the houses along Dove Street in close proximity to the factory entrance would fail to contribute positively to the Dove Street scene.

The materials proposed are considered acceptable, taking into account the varied palette of surrounding development onto Church Road that includes rendered elevations and timber cladding.

Overall, the scale, massing, form and character of the development would not address the local grain of development or assimilate sympathetically with the local streetscene or provide an appropriate and high quality contribution to the character, appearance and identity of the area contrary to policies BCS21, DM26, DM27 and DM29. The application is recommended for refusal on these grounds.

(6) WOULD THE DEVELOPMENT IMPINGE ON THE DEVELOPMENT POTENTIAL OF ADJOINING SITES OR THE VIABILITY OF ADJACENT LAND USES?

i) Impact on the development potential of 68-70 Church Road.

DM27 expects that proposals should not prejudice existing and future development potential of adjoining sites. Development should provide a coherent, interconnected and integrated built form that relates to its immediate context. Where development potential of adjoining sites reasonably exists, including on sites with different ownerships, development will be expected to either progress with a comprehensive scheme or by means of layout and form enable a co-ordinated approach to be adopted towards future development.

The application has been submitted as a separate application to the concurrent application pending determination at 68-70 Church Road under 17/04072/F. Development of the two sites is not progressing as a single comprehensive scheme. The layout, form and increased massing of the proposal could impair the development potential of 68-70 Church Road, as any future development of these buildings would be need to respond to a more challenging and restricted physical environment represented by the greater massing of the proposed new building in tight proximity to the site boundary.

As such, conflict on this point is identified against local plan policy DM27.

ii) Impact on Octavius Hunt industrial site.

DM33 concerns pollution control and confirms that in areas of existing noise and other types of pollution, new development sensitive to the effects of that pollution is unlikely to be permitted where the presence of that sensitive development could threaten the ongoing viability of existing uses that

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are considered desirable for reasons of economic or wider social need through the operation of undue operational constraints.

The NPPF instructs that planning decisions should ensure that new development is appropriate for its location and that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The expectation is that where the operation of an existing business could have a significant adverse effect on new development, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Representations from Octavius Hunt have expressed concerns that the development could result in increased complaints about the established operations taking place on the site. Whilst there are residential uses nearby, the proposal would be closer to the factory site than any of the existing housing in the vicinity. The application does not confirm the nature of emissions from the Octavius Hunt site or identify any necessary mitigation required to ensure an acceptable living environment. As such, the LPA has little certainty that future residents would not be affected by odour or noise from factory that could lead to increased future complaints to the council.

The pollution control officer has expressed concerns on these points. In the absence of information demonstrating that the proposal is suitable for its location and unlikely to lead to increased complaints to the council that could impinge upon the ongoing operation of Octavius Hunt, conflict on this issue is identified against local plan policies DM33 , DM35 and the NPPF.

(7) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF GROUND CONTAMINATION?

The land contamination officer has confirmed that further information would be required in event of approval of the application to demonstrate the proposed development is suitable for use and there are no residual risks from contamination. Standard conditions B11 B12 B13 and C1 should be applied to any future planning consent.

COAL RISK

The site lies within a High Risk Zone, and as such the Coal Authority have been consulted with a Coal Mining Risk Assessment. The Coal Authority have commented that the conclusions are sufficient for the purposes of the planning system, and have not objected to the development.

(8) DOES THE PROPOSED DEVELOPMENT ADOPT AN APPROPRIATE APPROACH TO SUSTAINABLE DESIGN AND CONSTRUCTION?

Policies BCS13-15 concern climate change and sustainable design, energy and construction. The policies require development to contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. They require development in Bristol to include measures that reduce carbon emissions from residual energy use by at least 20%.

The Energy and Sustainability Statement submitted with the application demonstrates that through the use of PV panels across the development, a carbon dioxide saving of 22.5% can be achieved, which aligns with the policy requirement. The Planning statement includes reference to PV panels, although none are rendered on plan. A condition would be imposed to require this provision to be provided and maintained in the event of an approval.

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(9) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF FIRE SAFETY?

Avon Fire Service have been consulted and confirmed that the development would maintain access for the fire service to the adjacent Octavius Hunt factory site in event of an emergency.

Responsibility for ensuring the future fire safety of the development would be covered by the Building Control regime . The developer would choose to commission either local authority building control, or 'approved inspectors'. These bodies will first advise on whether plans meet fire safety legislation and guidance and signify approval of the plans if appropriate. They would then make statutory and routine inspections to check that development is completed in line with the requirements of the Building Regulations.

(10) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF FLOOD RISK?

Policy BCS15 states that sustainable design and construction will be integral to new development in Bristol. As part of this, development should address conserving water resources and minimising vulnerability to flooding. The site is located with Flood Zone 1, an area identified at low risk of flooding arising. A detailed Sustainable Urban Drainage Strategy condition would be recommended for any future approval on this site.

(11) IS THE PROPOSED DEVELOPMENT ACCEPTABLE IN TERMS OF NATURE CONSERVATION?

Policy DM19 states that any development which would be likely to have any impact upon habitats, species or features which contributes to nature conservation should be designed (as practicably as possible) to avoid any harm. The nature conservation officer has requested that in event of approval conditions are applied with respect to the provision of a living roof and advisory note should be provided regarding the legal protection of bats , confirming that If bats are encountered all demolition or construction work should cease and the Bat Conservation Trust should be consulted for advice. An advisory note is also recommended regarding nesting bird protection.

CONCLUSION AND PLANNING BALANCE

When determining planning applications the NPPF and policy DM1 requires a positive approach to be taken that reflects the presumption in favour of sustainable development. Officers have sought revision of the scheme to reflect identified concerns but the applicants have asked that the proposals be determined on their merits.

The application fails to satisfactorily address highways safety, amenity, design and the nature of surrounding industrial development. These issues individually and cumulatively act to significantly and demonstrably outweigh the potential benefits associated with the development, such as the contribution to the housing supply and regeneration of an eyesore site. The proposal therefore has not been found to represent sustainable development and is recommended to be refused.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of the proposal in relation to the Equalities Act 2010 in terms of impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence that different groups have or would have different needs, experiences, issues and priorities in relation to this particular proposal. Overall, it is considered that neither the approval nor refusal of this application would have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

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COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is £46,968.75

RECOMMENDED REFUSE

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

Reason(s)

1. The proposed development would fail to provide a safe and sufficient pavement width on Dove Lane. This would endanger pedestrians using the pavement in the vicinity of the site, in a location with vehicular movements associated with the Octavius Hunt factory site. As such, the development is considered unacceptable on highway safety grounds, contrary to local plan policies BCS10 and BCS21 of the Core Strategy 2011, DM23 of the Site Allocations and Development Management Policies 2014 and the NPPF.
2. The proposed development, by virtue of the height, scale, massing and proximity of the houses proposed fronting Dove Lane would result in a bleak, over dominant and overbearing increased sense of enclosure for residents of 1-4 Cowper Street. The development would allow for unacceptable overlooking into the rear elevations and rear gardens of 1-4 Cowper Street from roof level windows and restrict daylight and sunlight experienced by residents of 1-4 Cowper Street. The development would also overbear 68 Church Road and impair outlook from windows within that property facing the development. As such, the development would fail to safeguard the amenity of existing residential development, contrary to local plan policies BCS21 of the Core Strategy 2011, DM27 and DM29 of the Site Allocations and Development Management Policies 2014 and the NPPF.
3. The proposed development, by virtue of restricted outlook, sense of enclosure, restricted daylight levels, proximity to the adjacent industrial premises and overbearing height of the rear garden boundaries of the houses would provide an overdeveloped, oppressive and poor quality living environment for future residents. In addition, insufficient information has been provided to demonstrate that any existing sources of noise or odour from sources in the site vicinity (Octavius Hunt premises) can be suitably mitigated and would not adversely affect the health, wellbeing and residential amenity of future residents. As such the development fails to demonstrate that it would provide a high quality environment for future residents, contrary to local plan policies BCS20, BCS21, BCS23 of the Core Strategy 2011, DM14, DM27, DM29, DM33, DM34 and DM35 of the Site Allocations and Development Management Policies 2014 and the NPPF
4. The proposed development, by virtue of its height, scale, massing, form, plot coverage and overall design would fail to respond to its local context and street scene and would appear as an incongruous form of overdevelopment that would not contribute positively to the area's character and identity. The layout and form of the development would prejudice the existing and future development potential of the adjoining site at 68-70 Church Road and the potential for the area to achieve a coherent, interconnected and integrated built form. As such the development is considered contrary to local plan policies BCS20 and BCS21 of the Core Strategy 2011 and DM26, DM27 and DM29 of Site Allocations and Development Management Policies 2014 and the NPPF.

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5. Insufficient information has been provided to demonstrate that the development would not impinge upon or threaten the continued operation and viability of the adjacent established industrial site (Octavius Hunt premises). As such the development is considered contrary to local plan policies BCS23 of the Core Strategy 2011 and DM33, DM34 and DM35 of the of the Site Allocations and Development Management Policies 2014 and the NPPF.

Advice(s)

1. Refused Applications Deposited Plans/Documents

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

P020H existing elevations, received 18 October 2018
P010J existing floor plans, received 18 October 2018
P003L existing site plan, received 18 October 2018
P025E Existing aerials and visuals, received 18 October 2018
P031S proposed site plan, received 18 October 2018
P040W proposed elevations, received 18 October 2018
P041T proposed elevations east, received 18 October 2018
P042W proposed typical house, received 18 October 2018
P043S proposed bin store, received 18 October 2018
P045V proposed aerials and visuals, received 18 October 2018
P046V proposed aerials and visuals, received 18 October 2018
P030W proposed plans (ground, first and second floors), received 18 October 2018
P047Q existing and proposed aerial views over Cowper Street, received 18 October 2018
P050G existing and proposed long street elevations, received 18 October 2018
P051F proposed vehicle tracking, received 18 October 2018
P052E proposed vehicle tracking, received 18 October 2018
P055E section through Cowper Street, received 18 October 2018
P057C Existing sections through Cowper Street, received 18 October 2018
P001A Site location plan, received 22 August 2017

Supporting Documents

2. 66 Church Road

1. Location plan
2. Existing site plan
3. Proposed site plan
4. Proposed floor plans
5. Elevations x 2
6. Photograph



1 Location Plan
1 : 1250

Rev	Date	Name	Description
A	25.02.2016	UY/UY	Titleblock notes altered



STUDIO YAQUB

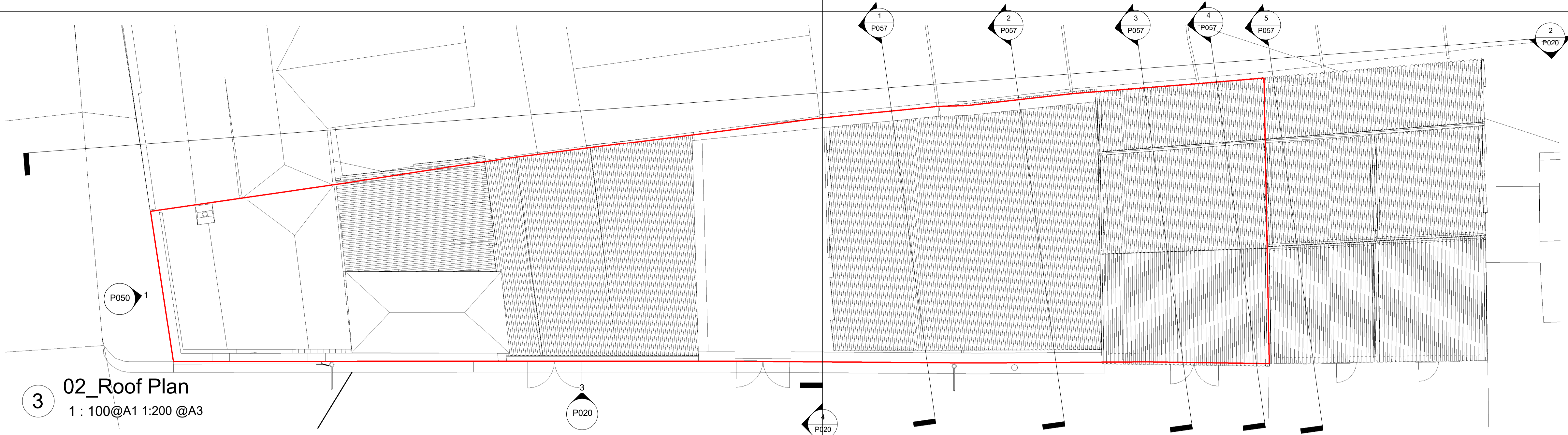
Mr Paul Cockram,
Church Road / Dove
lane Development

Location Plan

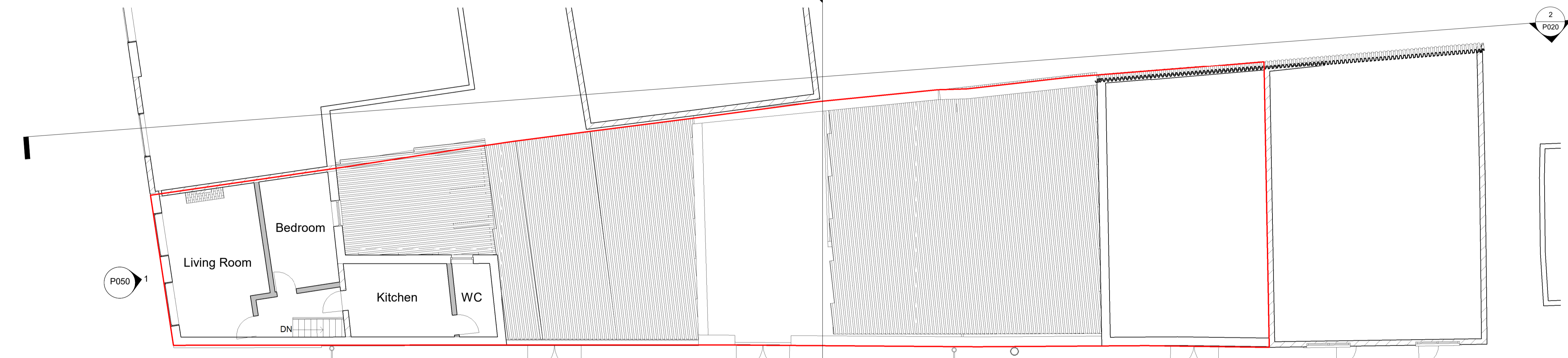
Project number	0135-02
Date	06.07.2015
Drawn by	UY
Checked by	UY
Scale@A4	As indicated

P001

Revision **A**



3 02_Roof Plan
1 : 100@A1 1:200 @A3



2 01_First Floor
1 : 100@A1 1:200 @A3



1 00_Ground Floor
1 : 100@A1 1:200 @A3

Party Wall Etc Act 1996
The works indicated on these drawings may be within the provisions of the Act. It is the building owner's responsibility to serve the requisite notice(s) to adjoining owners and otherwise comply with the Act.

Listed Building Consent
Any material changes to the building will require the submission and approval of the relevant statutory body.

Drainage
All drainage is subject to Utility approval and must be in accordance with Building Regulations and all relevant standards. Accuracy of drainage locations cannot be confirmed and may require further investigation on site.

All manufacturers installation requirements are to be adhered with.

All masonry works, workmanship, propping etc. to be in accordance with B.S. 5628.

All waste materials to be disposed of in accordance with current legislation and local authority guidance.

Responsibility is not accepted for errors made by others scaling from this drawing. All discrepancies should be reported to Studio Yaqub Limited.

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Rev	Date	Name	Description
J	16.10.2018	UY/UY	Notes altered
H	15.10.2018	UY/UY	Notes altered
G	11.10.2018	UY/UY	Additional section added and notes altered
F	09.10.2018	UY/UY	Roof of units to south of site and substation amended and additional sections added
E	20.07.2018	UY/UY	Properties along Cowper Street amended
D	22.05.2017	UY	Pavement added
C	25.02.2016	UY	Titleblock note updated
B	23.02.2016	UY	Scale indicated for A1 and A3
A	16.09.2015	UY	Updated following Planning Consultant comments

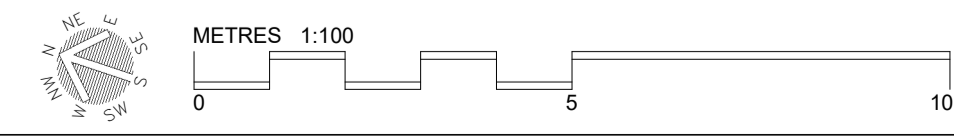
STUDIO YAQUB

Mr P Cockram, 66 Church Road, Redfield, Bristol, BS5 9JY

Existing Floor Plans

Project number	0135-02
Date	13.08.2015
Drawn by	UY
Checked by	UY
Scale @A3 1:200	@A11 : 100

P010 J





Party Wall Etc Act 1996
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--- Foul Sewer (As Wessex Water Asset Map)

Area (As OS Indicates):
411.212 m2
4,426.25 SF
0.1016 Acres
0.0411 Hectares



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Mr P Cockram, 66 Church Road, Redfield, Bristol, BS5 9JY

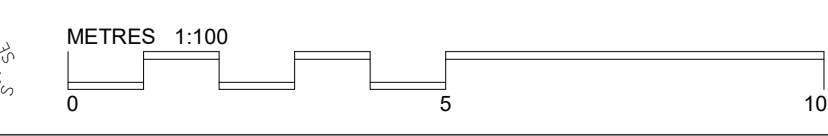
Proposed Site Plan

Project number	0135-02
Date	08.10.2015
Drawn by	UY
Checked by	UY
Scale	1:100 @A1 1:200 @A3 @A1 1:100
P031	U

1 04_Roof_Flats
1: 100 @A1 1:200 @A3

U	T	S	R	Q	P	N	M	L	K	J	H	G	F	E	D
12.03.2019	24.01.2019	16.10.2018	15.10.2018	11.10.2018	09.10.2018	20.07.2018	30.05.2017	22.05.2017	10.05.2017	03.05.2017	13.04.2017	12.04.2017	17.03.2016	11.03.2016	29.02.2016
UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY	UY/UY
Layout revised following client and local authority comments	Roof lights altered to be a minimum of 1800mm from FFL	Note Amended	Additional notes added	Additional section added and notes altered	Roof of units to south of site and substation amended, bicycle storage and ground floor window altered and dimensions added	Section lines altered	Drawing updated	Additional sections created	Amendment to internal layout	Drawings revised following LPA and community group comments	Oriel windows altered	Third Floor removed and drawing renamed	UY/UY Amended following review on national space standards, a number of other amendments made as a result.	Amendments to garage doors updated	Minor amendment to flat layout and room numbers

Rev	Date	Name	Description
C	29.02.2016	UY/UY	Layout of houses altered
B	25.02.2016	UY/UY	Layout of houses altered
A	24.02.2016	UY/UY	Amended following review on national space standards, a number of other amendments made as a result.



Party Wall Etc Act 1996
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Listed Building Consent
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Drainage
All drainage is subject to Utility approval and must be in accordance with Building Regulations and all relevant standards. Accuracy of drainage locations cannot be confirmed and may require further investigation on site.

All manufacturers installation requirements are to be adhered with.

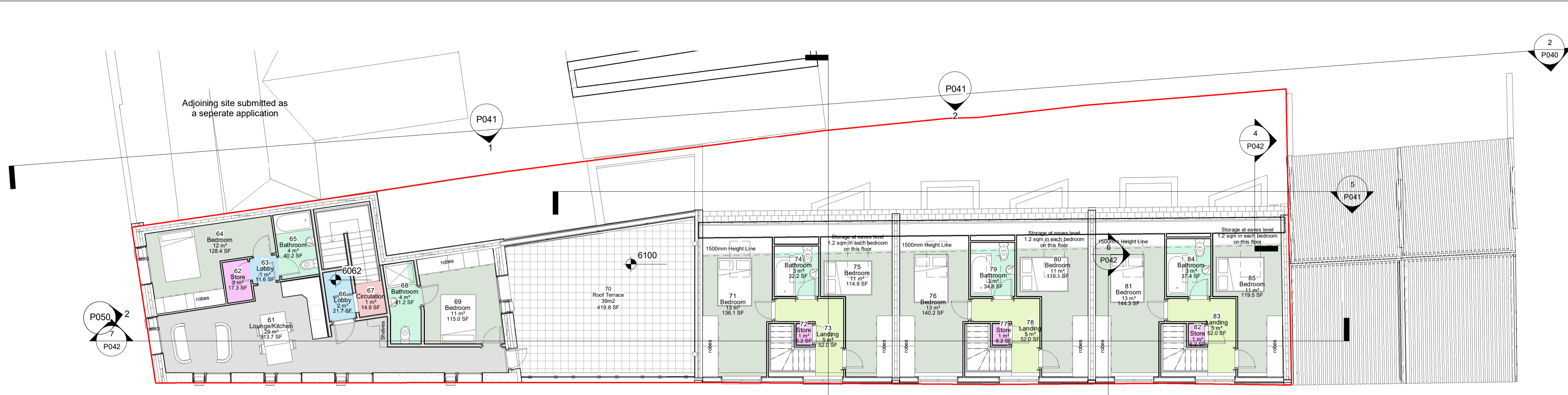
All masonry works, workmanship, propping etc. to be in accordance with B.S. 5628.

All waste materials to be disposed of in accordance with current legislation and local authority guidance.

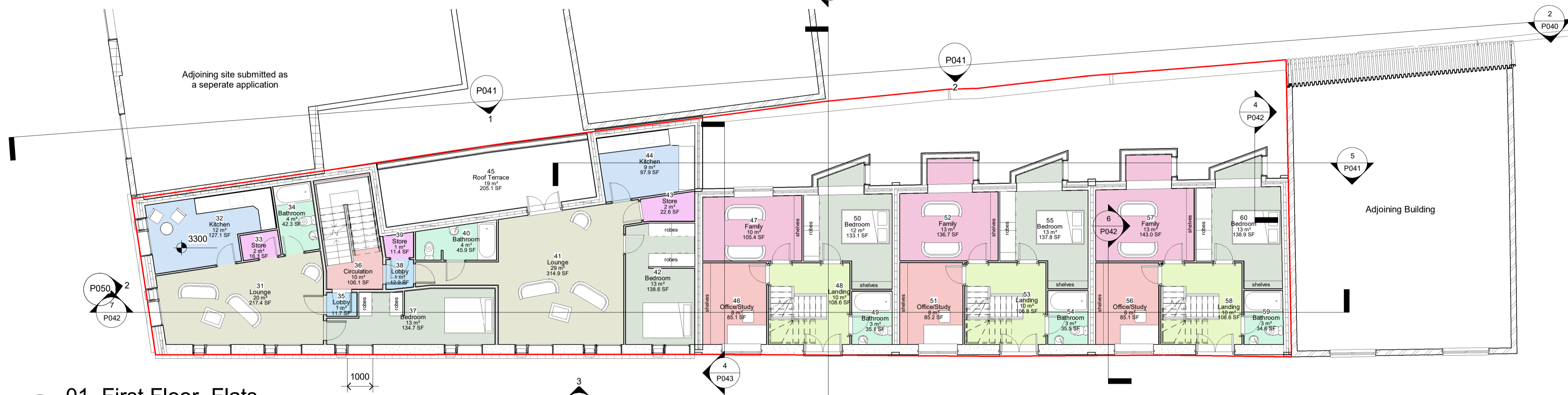
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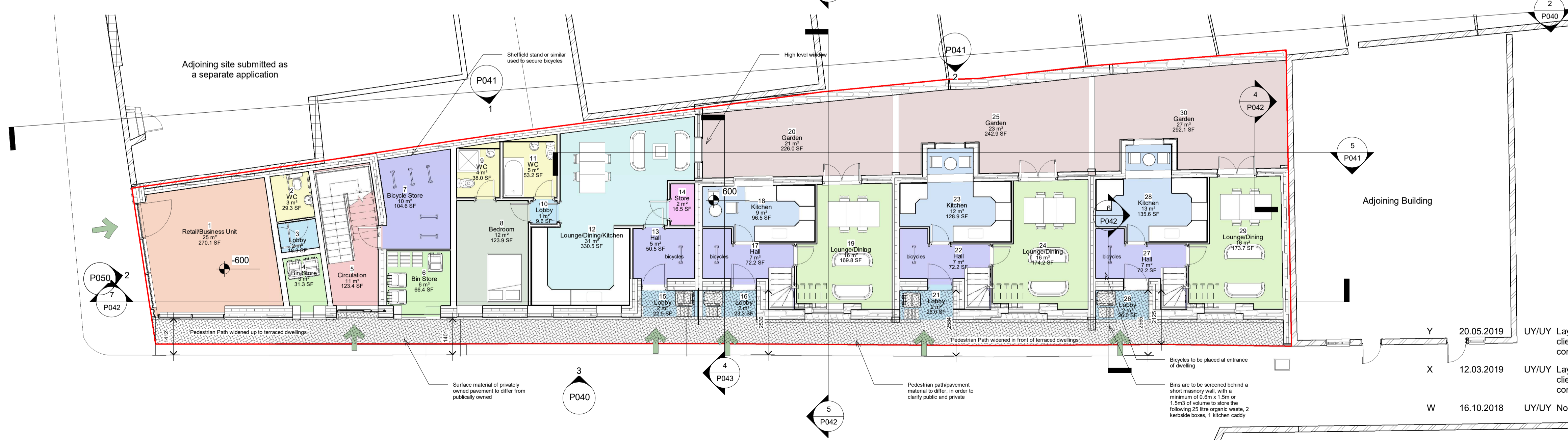
Rev	Date	Name	Description
V	15.10.2018	UY/UY	Notes added and ground floor window for townhouse altered
U	11.10.2018	UY/UY	Additional section added and notes altered
T	09.10.2018	UY/UY	Roof of units to south of site and substation amended, bicycle storage and ground floor window altered and dimensions added
S	20.07.2018	UY/UY	Section lines removed
R	30.05.2018	UY/UY	Bin storage altered
Q	29.05.2018	UY/UY	Bicycles amended
P	22.05.2018	UY/UY	Bin Store and bicycles amended
N	17.05.2018	UY/UY	Bin Store amended
M	21.06.2017	UY/UY	Additional bicycles added
L	22.05.2017	UY/UY	Pavement altered
K	11.05.2017	UY/UY	External path highlighted clearly and note added
J	10.05.2017	UY/UY	Amendment to internal layout
H	03.05.2017	UY/UY	Drawings revised following LPA and community group comments
G	13.04.2017	UY/UY	Oriel windows altered
F	12.04.2017	UY/UY	Amended to indicate preliminary internal spaces
E	11.03.2016	UY/UY	Amendments to garage doors altered
D	29.02.2016	UY/UY	Minor amendment to flat layout, house first floor and room numbers
C	29.02.2016	UY/UY	Internal layout amended
B	25.02.2016	UY/UY	Internal layout of houses altered, titleblock note updated
A	24.02.2016	UY/UY	Amended following review on national space standards, a number of other amendments made as a result.




3 02_Second Floor_Flats
1: 100@A1 1:200 @A3



2 01_First Floor_Flats
1: 100@A1 1:200 @A3



1 00_Ground Floor - Proposed
1: 100@A1 1:200 @A3



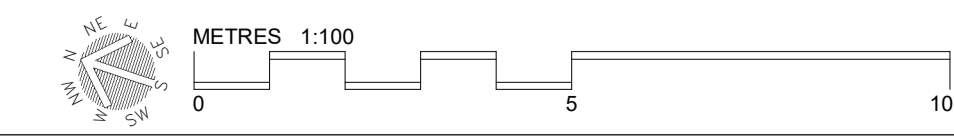
STUDIO YAQUB

Mr P Cockram, 66 Church Road, Redfield, Bristol, BS5 9JY

Proposed Plans (Ground, First and Second)

Project number	0135-02
Date	08.10.2015
Drawn by	UY
Checked by	UY
Scale	1:100 @A1 1:200 @A3 @A1 1:100
P030	Y

Rev	Date	Name	Description
Y	20.05.2019	UY/UY	Layout revised following client and local authority comments
X	12.03.2019	UY/UY	Layout revised following client and local authority comments
W	16.10.2018	UY/UY	Notes amended



Adjoining building along Church Road Properties along Church Road Properties along Dove Lane

Ashlar type elevation with recessed banding at intervals
 Profile of proposed development along the return of Dove Lane
 Thick line denotes end of North elevation

- 02_Second Floor_Flats 5762
- 01_First Floor_Flats 3000
- 00_Ground_House 600
- 00_Ground Floor 0
- Pavement Level -600

Looking through adjoining properties that front onto either Church Road or Cowper Street

1 North Elevation - Proposed
 1 : 100 @A1 1:200 @A3



4 Example of Garage door
 NTS

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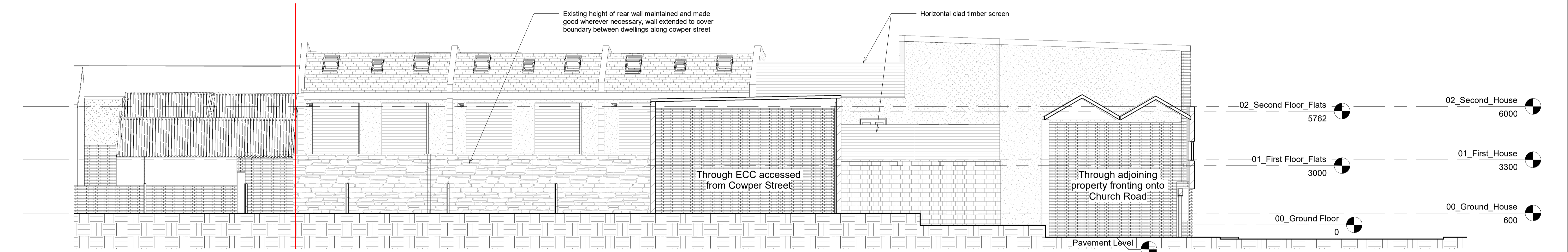
All manufacturers installation requirements are to be adhered with.

All masonry works, workmanship, propping etc. to be in accordance with B.S. 5628.

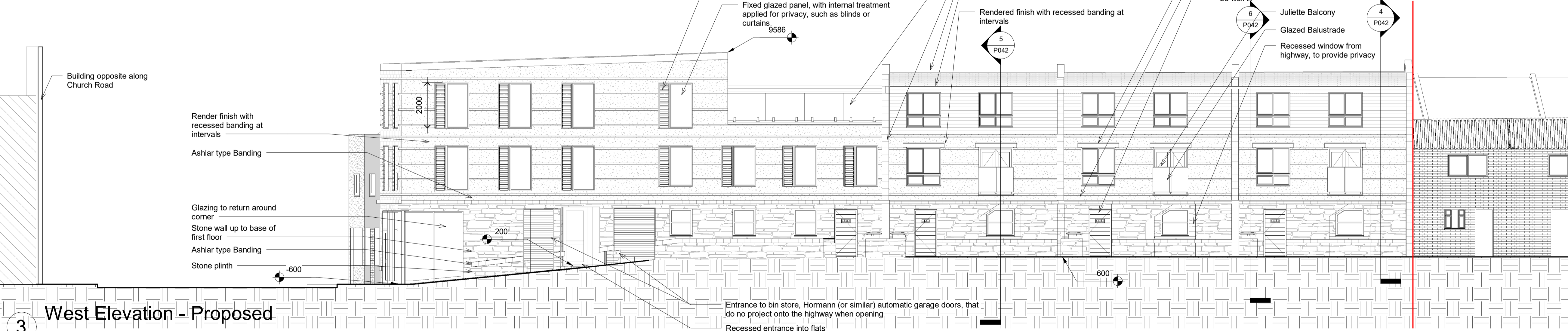
All waste materials to be disposed of in accordance with current legislation and local authority guidance.

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2 East Sectional Elevation - Proposed
 1 : 100 @A1 1:200 @A3



3 West Elevation - Proposed
 1 : 100 @A1 1:200 @A3

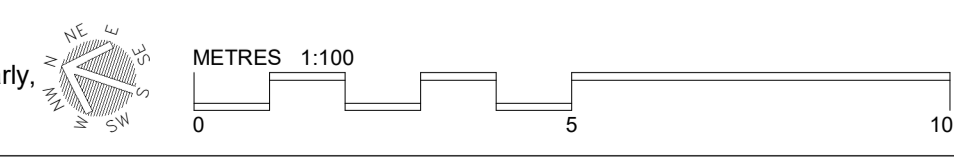
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Mr P Cockram, 66 Church Road, Redfield, Bristol, BS5 9JY

Proposed Elevations

Project number	0135-02
Date	09.10.2015
Drawn by	UY
Checked by	UY
Scale	1:100 @A1 1:200 @A3 @A1 1 : 100
P040	Y

Rev	Date	Name	Description
V	15.10.2018	UY/UY	Ground floor window to townhouse altered
U	11.10.2018	UY/UY	Additional section added and notes altered
T	09.10.2018	UY/UY	Roof of units to south of site and substation amended, bicycle storage and ground floor window altered
S	20.07.2017	UY/UY	Section lines removed
R	30.05.2017	UY/UY	Amendment bin stores
Q	29.05.2017	UY/UY	Amendment garage area
P	22.05.2017	UY/UY	Amendment garage and bin area
N	10.05.2017	UY/UY	Amendment to internal layout
M	03.05.2017	UY/UY	Drawings revised following LPA and community group comments
L	13.04.2017	UY/UY	Oriel windows altered
K	12.04.2017	UY/UY	Rear elevation of houses amended
J	08.12.2016	UY/UY	Amendments following review with Planning Consultant
H	05.12.2016	UY/UY	Amendments following review with Planning Consultant
G	01.12.2016	UY/UY	Amendments following review with Planning Consultant
F	29.11.2016	UY/UY	Major amendments for Pre-App
E	11.03.2016	UY/UY	Amendment to Garage doors
D	29.02.2016	UY/UY	Minor amendment
C	29.02.2016	UY/UY	House elevations amended
B	25.02.2016	UY/UY	Extent of site indicated clearly. House elevations altered, bird and bee boxes added
A	24.02.2016	UY/UY	Amended following review on national space standards, a number of other amendments made as a result.



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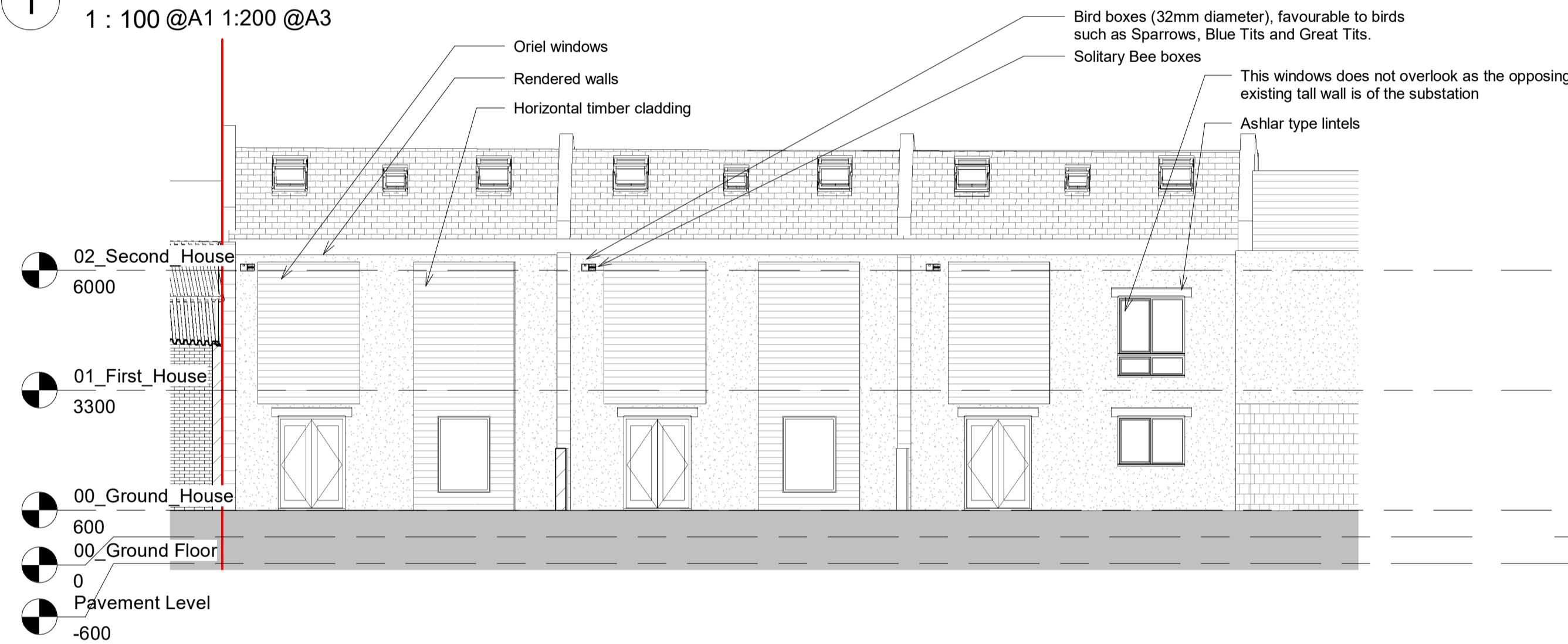
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1 East Elevation 1 - Proposed

1 : 100 @A1 1:200 @A3



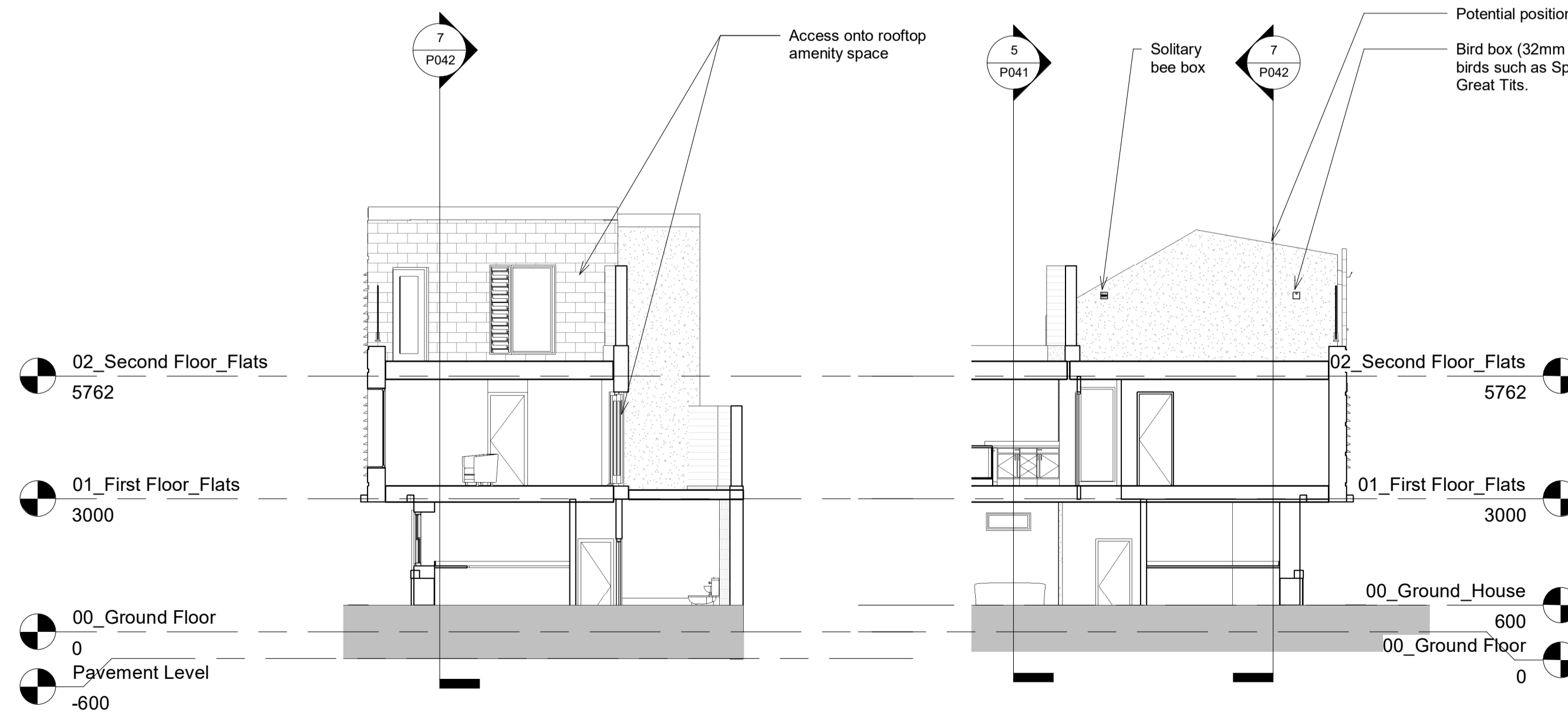
2 East Elevation 2 - Proposed

1 : 100 @A1 1:200 @A3



5 East Elevational Section

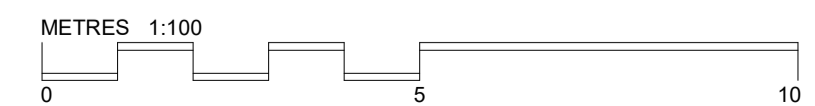
1 : 100 @A1 1:200 @A3




3 Sectional Elevation looking North
1 : 100 @A1 1:200 @A3

4 Sectional Elevation looking South
1 : 100 @A1 1:200 @A3

Rev	Date	Name	Description
S	09.10.2018	UY/UY	Roof of units to south of site and substation amended, bicycle storage and ground floor window altered
R	20.07.2018	UY/UY	Section lines removed
Q	30.05.2017	UY/UY	Drawing updated
P	22.05.2017	UY/UY	Amendments to garage
N	10.05.2017	UY/UY	Amendment to internal and external layout
M	03.05.2017	UY/UY	Drawings revised following LPA and community group comments
L	13.04.2017	UY/UY	Oriel windows altered
K	12.04.2017	UY/UY	Rear elevation altered
J	08.12.2016	UY/UY	Amendments following review with Planning Consultant
H	05.12.2016	UY/UY	Amendments following review with Planning Consultant
G	01.12.2016	UY/UY	Amendments following review with Planning Consultant
F	29.11.2016	UY/UY	Major amendments for Pre-App
E	11.03.2016	UY/UY	Amendments made to garage doors
D	29.02.2016	UY/UY	Minor amendment
C	29.02.2016	UY/UY	House elevations altered
B	25.02.2016	UY/UY	House elevations altered, Roof of Apartments altered, Extent of site indicated clearly
A	24.02.2016	UY/UY	Amended following review on national space standards, a number of other amendments made as a result.
U	24.01.2019	UY/UY	Layout revised following client and local authority comments
T	11.10.2018	UY/UY	Additional section added and notes altered





STUDIO YAQUB

Mr P Cockram, 66 Church Road, Redfield, Bristol, BS5 9JY

Proposed Elevations (East Elevation)

Project number	0135-02
Date	08.10.2015
Drawn by	UY
Checked by	UY
Scale	1:100 @A1 1:200 @A3

P041	V
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FOUR COMPETITIONS ONE VENUE
BT Sport

BT Sport

BT Sport

BT Sport

BT Sport

BT Sport

BT Sport

