

WARD: Clifton Down  
SITE ADDRESS: 6-8 Belgrave Hill Bristol BS8 2UA

APPLICATION NO: 20/00691/F Full Planning

DETERMINATION DEADLINE: 14 June 2020

*Proposed development of a single dwelling (Use Class C3) with associated external works (Self Build).*

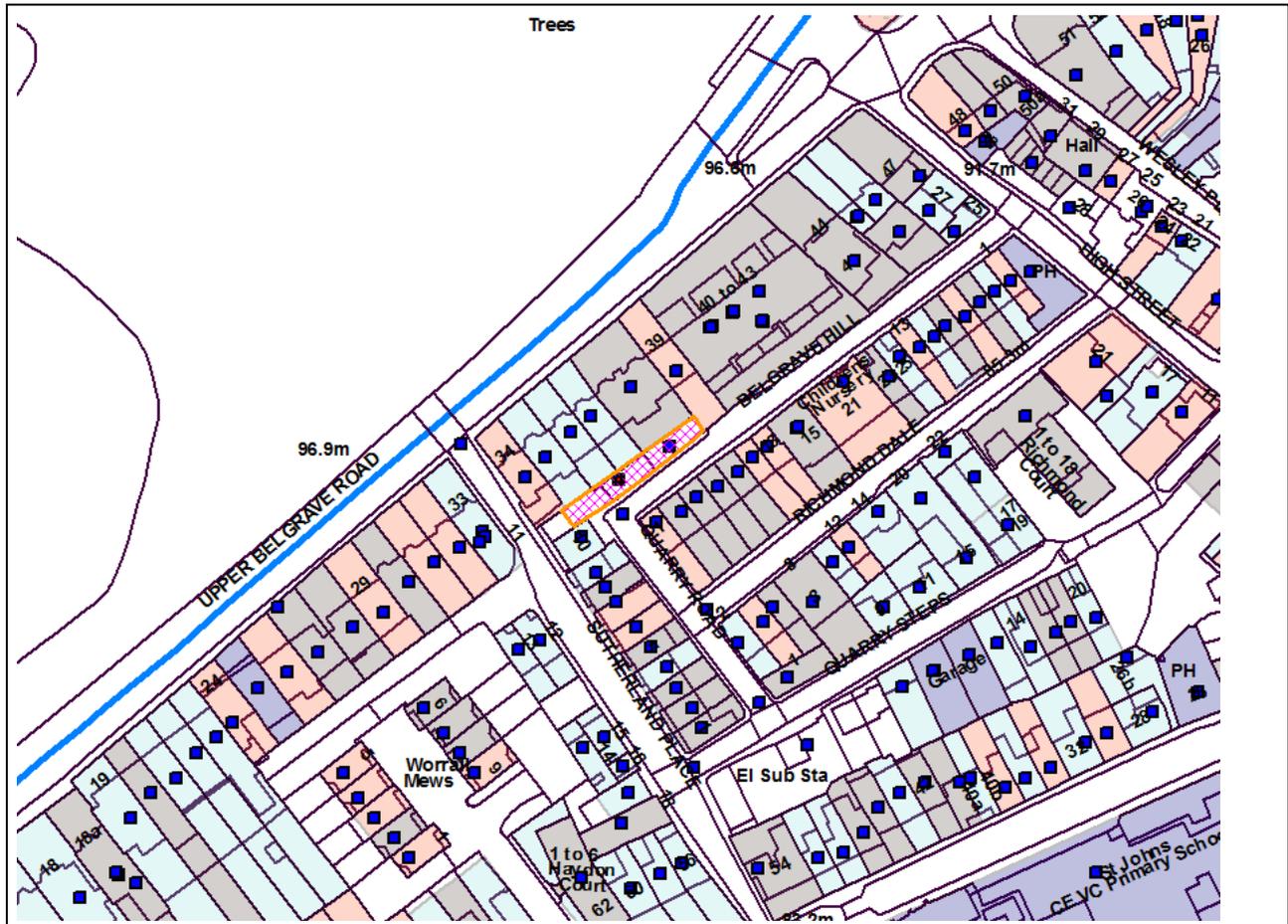
RECOMMENDATION: Grant subject to Condition(s)

AGENT: Mr David Hagan  
1 Host Street  
Bristol  
BS1 5BU

APPLICANT: James King  
C/o Agent

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

LOCATION PLAN:



**Development Control – 10 June 2020**  
**Application No. 20/00691/F : 6-8 Belgrave Hill Bristol BS8 2UA**

This application has been referred to the Committee by Councillor Stevens if recommended for approval by officers (please refer to the Councillor's referral form).

The application follows recent application 19/03178/F refused by Development Control (DC) Committee A in October 2019. The current application is for a single dwelling, while application 19/03178/F was for two dwellings. This report contains a summary of changes compared to the previous application and the Committee reports for previous relevant applications are appended to this report.

Planning application 19/03178/F was refused by DC Committee A on 16<sup>th</sup> October 2019 for the reason set out below following an officer recommendation to approve:

1. The proposed development has been assessed as comprising two no. two-bedroom dwellings as the proposed study rooms would be considered usable as bedrooms and were originally intended for that purpose. **The proposed dwellings by reason of their small size and overall living environment would fail to provide sufficient space for everyday activities and to enable flexibility and adaptability** in accordance with Policies BCS18 and BCS21 of the Bristol Core Strategy (2011) and Policy DM29 of the Site Allocations and Development Management Policies (2014). **The proposal would fail to meet the Technical housing standards-** nationally described space standard (DCLG, March 2015) and would not be in accordance with Section 12, Paragraph 127 of the National Planning Policy Framework (2018).provide sufficient space for everyday activities and to enable flexibility and adaptability in accordance with relevant policy. They would fail to meet the Technical housing standards.' [Reason highlighted by officer].

Application 18/02902/F preceded that application and was refused on the grounds of: 1) Space standards and living environment; and 2) Loss of parking. Prior applications 19/03178/F (refused), 18/02902/F (refused) and 14/02366/F (approved) are material considerations in the consideration of the current application. The appended report refers in detail.

41 objections to the proposals have been received (including Councillor Stevens' referral) and 1 contribution in support (Bristol Conservation Advisory Panel). The representations received were on grounds already raised in relation to the previous application and summarised in that report- refer to report for details (19/03178/F).

**KEY ISSUE- HAS THE PROPOSAL ADDRESSED THE PREVIOUS REASON FOR REFUSAL OF APPLICATION 19/03178/F?**

The previous reason for refusal was on the grounds of the small size (failure to meet the technical space standards) and overall living environment of the proposed dwellings.

The proposed dwelling has been assessed against the Technical housing standards- nationally described space standard (DCLG, March 2015) and complies with the standard. The overall dwelling size exceeds the standard by 7sqm and the relevant requirements in terms of bedrooms sizes, widths and storage are met.

In terms of the overall living environment, the constraints of the site result in a dwelling with a narrow room layout and generally a single aspect onto Belgrave Hill- the ground floor bedroom overlooks the small courtyard. The house has been designed with narrow 'slot' style windows, high levels windows,

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set-back windows, obscure glazing and roof lights in order to mitigate against overlooking of neighbouring properties. The Belgrave Hill elevation is south-east facing.

Policy DM29 of the Site Allocations and Development Management Policies Document (SADMP) states that 'new residential development should provide dual aspect where possible, particularly where one of the aspects is north facing.' It states that new buildings will be expected to 'achieve appropriate levels of privacy, outlook and daylight'.

Officers consider that the proposal would be acceptable on the grounds of the living environment provided overall and are satisfied that it would provide satisfactory levels of daylight, outlook and privacy. Officers consider that the previous reason for refusal has been addressed.

**COMMUNITY INFRASTRUCTURE LEVY**

How much Community Infrastructure Levy (CIL) will this development be required to pay?  
The CIL liability for this development is £12,629.38.

CONCLUSION: Approval is recommended subject to the conditions set out below.

**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

2. Full-time supervision by a geotechnical engineer/engineering geologist during enabling works

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

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

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

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

### 3. Insurance policy

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

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

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

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

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

### 5. To ensure implementation of a programme of archaeological works

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

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

- \* The programme and methodology of site investigation and recording- including timetable;
- \* The programme for post investigation assessment- including timetable;
- \* Provision to be made for analysis of the site investigation and recording
- \* Provision to be made for publication and dissemination of the analysis and records of the site investigation including timetable;
- \* Provision to be made for archive deposition of the analysis and records of the site investigation- including timetable;

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\* Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

**6. Construction environmental management plan**

The development hereby approved (including demolition/ alteration to existing base rock/ wall structure or stabilisation works to the retaining wall) shall be carried out only in accordance with the approved Construction Environmental Management Plan (version 1.2 July 2016).

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

**7. Highway condition survey**

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

The developers shall contact Highways Asset Management on 0117 9222100 to agree the extent of the condition survey and any remedial works required.

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

**8. Approval of footway works necessary**

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

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

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

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

**9. Sustainable Drainage System (SuDS)**

The development hereby approved shall not commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority.

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The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.

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

10. Bat method statement and method of working

The development (including demolition/ alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) hereby approved shall be carried out in accordance with the approved Bat Survey Report and method of working during all enabling works and construction and shall take place only in accordance with the approved method at all times.

If works to implement this consent do not commence within 12 months of the approved bat survey report (by 23 September 2020) then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site (including the enabling works listed above).

Reason: To conserve legally protected bats.

11. As a precautionary measure, no more than 48 hours prior to the commencement of development, a licensed bat consultant ecologist shall inspect all crevices for signs of roosting bats. If bats are encountered all demolition or construction work shall cease and the Bat Conservation Trust (Tel 0845 1300 228) should be consulted for advice.

Reason: To conserve legally protected bats in the event that they are found to be roosting.

12. Further large scale details before relevant element started

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

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

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

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

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Reason: To ensure that wild birds, building or using their nests are protected. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged.

14. Green living roof

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

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

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

15. Sample panels before specified elements started

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

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

**Pre occupation condition(s)**

16. Reporting of Unexpected Contamination

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

Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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or internally within the buildings that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway at any time or on the pavement except on the day of collection.

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

18. Bird and bat boxes

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

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

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

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

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

20. Prior to the occupation of the dwelling hereby permitted, certification of the installed sprinkler system to be provided by a relevantly accredited person/ authority shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The approved and certified sprinkler system shall be installed prior to the first occupation of the dwelling hereby approved and shall be retained thereafter in perpetuity.

Reason: In order to ensure that access for emergency vehicles would be acceptable.

21. Sustainability and Energy Statement

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

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

22. Solar photovoltaic and solar thermal panels

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

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

**Post occupation management**

23. Restriction of the use of the roof

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The roof of the dwelling hereby permitted shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

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

24. No extensions

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

Reason: The extension of the dwelling would require detailed consideration to safeguard the amenities of the surrounding area.

25. No further windows/ enlargement of windows

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

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

**List of approved plans**

26. List of approved plans and drawings

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

1506(L)00 Location plan, received 18 February 2020  
1506(L)01 Existing plans, received 18 February 2020  
1506(L)02 Existing elevations, received 18 February 2020  
1506(L)31 Proposed elevation, received 18 February 2020  
1506(L)32 REV B Proposed plans, received 24 April 2020  
1506(L)33 Proposed sections, received 18 February 2020  
1506(L)34 Proposed section G-G, received 18 February 2020  
1506(L)36 Proposed bird boxes and bat tubes, received 18 February 2020  
1506(L)37 Sedum roof, received 18 February 2020  
Bat survey report- J00466/V1 (23 Sep 2019), received 18 February 2020  
Sustainability Statement and energy Statement, received 18<sup>th</sup> February 2020

Reason: For the avoidance of doubt.

**Development Control – 10 June 2020****Application No. 20/00691/F : 6-8 Belgrave Hill Bristol BS8 2UA****Advices**

- 1 Construction site noise: Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.
- 2 Right of light: The building/extension that you propose may affect a right of light enjoyed by the neighbouring property. This is a private right which can be acquired by prescriptive uses over 20 years; as such it is not affected in any way by the grant of planning permission.
- 3 Nesting birds: Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.
- 4 Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations Act. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).
- 5 Wessex Water requirements: It will be necessary to comply with Wessex Water's main drainage requirements and advice and further information can be obtained from <http://www.wessexwater.co.uk>.
- 6 Highway network: The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9031212 or email [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
- 7 Traffic Regulation Order (TRO): The implementation of a TRO may be required. The TRO process is a lengthy legal process involving statutory public consultation and you should allow an average of 6 months from instruction to implementation. You are advised that the TRO process cannot commence until payment of the TRO fees are received. Telephone 0117 9036846 to start the TRO process.
- 8 Retaining walls: Where retaining walls above or below the highway are to be constructed or are affected by development, details of the structural design should be approved by the Local Highway Authority. (Telephone 0117 9222100).
- 9 Living roof: It is recommended that the green living roof be provided with local low-nutrient status subsoil and no nutrients added with no seeding to take place to allow colonisation by native wild plants. If seeding is preferred a wildflower mix should be used rather than Sedum (stonecrop) due to its wildlife benefits.

The landform on the roof could be mounded with troughs and mounds to provide habitat diversity and structure, with stones, coils of rope and dry dead wood included to provide invertebrate

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niches (the use of egg-sized pebbles should be avoided because gulls and crows may pick the pebbles up and drop them). Please see [www.livingroofs.org](http://www.livingroofs.org) for more information.

10 Contaminated land: It is suggested that the certificate of remediation referred to in Condition No. 16 should be along the lines of:- "This is to certify that the scheme of decontamination and reclamation at the site known as \*\*\*\* in relation to Planning Application No. \*\*\*\* was carried out between the dates of \*\*\*\* and \*\*\*\* and was completed in accordance with the specification detailed in the document reference \*\*\*\* and titled \*\*\*\*, which were designed to afford protection from contamination on the site to all known receptors (in this context contamination and receptor have the same definition as in part 2(a) of the Environment and Protection Act 1990)". The certificate should be signed and dated.

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

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

In the event that any issues arise during or following construction in terms of impacts on the upslope properties, the resolution of these issues will need to be addressed through the Party Wall process, third party insurance or any other legal processes available to third parties.

However, the Local Planning Authority will seek through the discharge of Condition 3 to ensure that the insurance policy taken out will cover damage to neighbouring properties.

12 Condition 3

With regards to Condition 3 of this consent, you are advised that the City Council will require access to the insurance policy (as a named party on the insurance details) in the event that a claim is to be made.

### APPENDICES

APPENDIX 1- Report to Development Control Committee A- 16<sup>th</sup> October 2019- Application reference 19/03178/F

APPENDIX 2- Report to Development Control Committee A- 9<sup>th</sup> January 2019- Application reference 18/02902/F (deferred following Committee 17<sup>th</sup> October 2018 see below)

APPENDIX 3- Report to Development Control Committee A- 17<sup>th</sup> October 2017- Application reference 18/02902/F

**Development Control Committee A – 16 October 2019****Application No. 19/03178/F : 6-8 Belgrave Hill (also Known As Land On North Side Of Belgrave Hill) Bristol BS8 2UA**

## SUMMARY

This application follows another very recent and almost identical application 18/02902/F that was refused by Development Control (DC) Committee A in January 2019.

The current application differs from the last (refused) application 18/02902/F only in the following regards:

- One bedroom of each proposed house is now shown on layout plan as a study;
- Further information and justification showing fire appliance access to the site has been submitted.

Planning application 18/02902/F was refused by Development Control Committee A on 9<sup>th</sup> January 2019 following deferral at DC Committee A on 17<sup>th</sup> October 2018. The application was deferred pending investigation by officers relating to access to the site by emergency/ refuse vehicles and to assess the structure and soundness of the adjoining wall.

The refusal reasons were as follows:

1. The proposed development by reason of its small size and living environment would fail to provide sufficient space for everyday activities and to enable flexibility and adaptability in accordance with Policies BCS18 and BCS21 of the Bristol Core Strategy (2011) and Policy DM29 of the Site Allocations and Development Management Policies (2014). The proposal would fail to meet the Technical housing standards- nationally described space standard (DCLG, March 2015) and would not be in accordance with Section 12, Paragraph 127 of the National Planning Policy Framework (2018).
2. The proposed development by reason of its location would not be satisfactorily accessible by fire appliances without requiring the loss of on-street parking, which would result in unacceptable harm to local residential amenity. The proposal would fail to be in accordance with Policy BCS10 of the Bristol Core Strategy (2011) and Policy DM23 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) and Section 9, Paragraph 110 of the National Planning Policy Framework (2018).

Prior to that, planning permission was granted for the same development (as 18/02902/F) in 2014 (reference 14/02366/F), which expired in 2017 without being implemented.

The public response received to the application is 2 general representations, 34 objections and 1 comment in support. Objections include those from the Bristol Industrial and Archaeological Society and The Association for Industrial Archaeology. The Conservation Advisory Panel continues to support the proposal. Key objections specific to the new application and its changes, compared to the old application, include that the proposal to change a bedroom to a study within each dwelling to meet the space standards should not be acceptable and that local residents should not lose parking to ensure access to 2 new, inferior houses that do not meet the space standards.

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

**Development Control Committee A – 16 October 2019**

**Application No. 19/03178/F : 6-8 Belgrave Hill (also Known As Land On North Side Of Belgrave Hill) Bristol BS8 2UA**

The application is referred to Committee based on the officer recommendation for approval of the current application. While officers acknowledge the Committee's refusal reasons of the previous application, it is the professional opinion of officers that approval be recommended for the reasons set out in full below.

**SITE DESCRIPTION**

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

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

**RELEVANT HISTORY**

For the full planning history, please refer to page 3 of the 17<sup>th</sup> October 2018 Development Control Committee report (appended). The most recent planning history is set out within the 'Summary' section above.

APPLICATION – Please refer to the 'Summary' section above.

**PRE-APPLICATION INVOLVEMENT**

The submission of a Community Involvement Statement setting out the applicant's pre-application engagement is not an application requirement as the proposed development would not be classified as a 'major' development (10 dwellings or more or over 0.1ha).

**RESPONSE TO PUBLICITY AND CONSULTATION**

The application was publicised by press notice, site notice and individual letter. 34 objections, 2 general representations and 1 comment of support have been received to the application.

Further consultation was undertaken following receipt of an updated fire engine swept path analysis- this was updated to take account of the position of a lamp post not previously shown. At the time of writing, 5 further objection comments had been received stating that this information did not address their original concerns and that their objections remain.

The objections specific to the changes between the current application and previous refused application can be summarised as follows:

- The application has not changed since the previously refused application;
- The proposed study could be used as a bedroom and the proposal still does not fulfil the National Space Standards;
- The highway considerations have not been addressed.
- The Highway Statement does not show the presence of the lamp-post on Belgrave Hill outside Amberley Hall, which in conjunction with parked vehicles means that even a transit van cannot get past.
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**Development Control Committee A – 16 October 2019**

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Additional objections compared to those made on the previously refused application include the following:

- The objector supports Cllr. Clive Stevens' submission to the Local Plan Review proposing the designation of the site as a Reserved Open Space or Local Green Space.
- Since the last application, a peregrine falcon has been witnessed on the site;

The Bristol Industrial Archaeological Society objected that:

- The site is a historic former quarry within a Conservation Area and listed buildings nearby, all categorised as heritage assets and the relevant policy should be followed and the LPA must give great weight to the conservation of these assets;
- The proposal offers no public benefits in proposing sub-standard housing;
- This should not be a new application as there are no changes- only a bedroom changed to a study and further information regarding highway matters;
- The insurance condition remains outstanding;
- The proposals do not show the roof protection necessary to protect the proposed houses from rock falls. Other information is still outstanding.

The Association for Industrial Archaeology advised that their objections from the previous application are repeated.

The Conservation Advisory Panel commented that it continues to support the proposal for the residential re-development of this site.

All original objections/ representations to the previous (refused) application are summarised within the officer's original report to Committee, appended to this report.

#### OTHER COMMENTS

Please refer to the Committee Reports dated 17<sup>th</sup> October 2018 and 9<sup>th</sup> January 2019 (appended to this report) for full details of consultee comments received to the previous application- the content of which remain relevant.

**The Transport Development Management Team** has commented on the current application to provide updated comments. They raise no objection to the proposals. Please refer to the application background papers for full details.

**The Nature Conservation Officer** raises no objections to the proposal subject to conditions.

#### EQUALITIES ASSESSMENT

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

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## KEY CONSIDERATIONS

(A) HAS REFUSAL REASON 1 (RELATING TO SPACE STANDARDS) BEEN OVERCOME?

Refusal Reason 1 reads as follows:

*“The proposed development by reason of its small size and living environment would fail to provide sufficient space for everyday activities and to enable flexibility and adaptability in accordance with Policies BCS18 and BCS21 of the Bristol Core Strategy (2011) and Policy DM29 of the Site Allocations and Development Management Policies (2014). The proposal would fail to meet the Technical housing standards- nationally described space standard (DCLG, March 2015) and would not be in accordance with Section 12, Paragraph 127 of the National Planning Policy Framework (2018).”*

Pages 6-7 of the 9<sup>th</sup> January 2019 Committee Report refer to the previous consideration in respect of compliance with relevant space standards.

The applicant has aimed to address this refusal reason by amending the dwellings from two-bedroom to one-bedroom dwellings, with one of the bedrooms in each house now shown on plan as a study. The layout and dimensions of this room would be unchanged.

The Nationally Described Space Standard (NDSS) is specified on the basis of bedrooms and bedspaces and does not make specific provision for the assessment of other rooms such as studies. Therefore, the dwellings would achieve the minimum 58m<sup>2</sup> for a one-bedroom, two-storey dwelling under this approach.

The applicant's agent has set out that the proposal should be assessed on the basis of the submitted plans, which show a study, and that the planning system's key focus should be on the external environment. They state that the same concerns could be raised regarding dining rooms, family rooms and play rooms and there is always the possibility with any proposed scheme that internal layouts can be changed in the future. In their view, the key matter that the Local Planning Authority should assess is whether the proposed dwellings would be flexible and adaptable and, in their opinion, this is achieved.

Officers note this position but do not concur with this approach, and do not support this as a means of addressing the NDSS, since the study rooms proposed in each house could be used as bedrooms and the application has clearly been revised purely to avoid the NDSS space standard requirement for two-bedroom dwellings.

There has been a suggestion that in order to ensure that the proposed studies were maintained as such, that the description of development be changed to refer to the dwellings as '1 bedroom houses' and an advice note be attached to any permission granted that the properties be marketed only as 1 bedroom dwellings. Members may wish to consider this option, but ultimately in the long term, there may be a question regarding enforceability.

Notwithstanding the above, as set out in the officer Committee Report (9<sup>th</sup> January 2019), it is the professional view of officers that although the two-bedroom dwellings do not meet the NDSS, that taking into account the planning history; the dwellings would meet the BCS18 policy requirement to provide sufficient space for everyday activities and to allow flexibility and adaptability. Officers note

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that Members came to a different view in respect of this matter previously and have taken this into account; however the professional assessment of officers remains.

**(B) HAS REFUSAL REASON 2 (HIGHWAYS MATTERS) BEEN OVERCOME?**

Refusal Reason 2 reads as follows:

*“The proposed development by reason of its location would not be satisfactorily accessible by fire appliances without requiring the loss of on-street parking, which would result in unacceptable harm to local residential amenity. The proposal would fail to be in accordance with Policy BCS10 of the Bristol Core Strategy (2011) and Policy DM23 of the Bristol Local Plan Site Allocations and Development Management Policies (2014) and Section 9, Paragraph 110 of the National Planning Policy Framework (2018).”*

Pages 4-9 of the 9<sup>th</sup> January Committee Report refer to the previous consideration in respect of fire service access.

At the time of that decision, no tracking diagrams or swept path analyses for a fire engine to the site were submitted. Further information has now been submitted in relation to the current application in the form of a ‘Technical Note on Access’ including swept path analysis in order to demonstrate that that satisfactory access for fire appliances could be achieved to the site without the loss of any on-street parking.

This involves a route, identified by the applicant’s transport consultants as being the optimal route, via Sutherland Place, Quarry Steps and Quarry Road from the west. The swept path analysis has been modelled on the scenario where a fire engine would turn into Quarry Steps and reverse back around along Quarry Road. The vehicle could park on Quarry Road, within 45m of the site as required by the Manual for Streets (MfS) Section 6.7 and would not need to access Belgrave Hill to attend a fire. There would be sufficient width of highway in this location at the junction with Richmond Dale for the vehicle to be operated (MfS requires 3.7m operating width). The fire engine would then be able to depart in a forward gear thereby minimising the need to reverse over longer distances.

The Council’s Highway Team has reviewed the information and confirmed that the swept path analysis has been carried out to an acceptable methodology and demonstrates that a fire appliance could access within 45m of the site, which is also adjacent to an identified fire hydrant point on Richmond Dale.

Local contributors have commented that a lamp post on Quarry Steps was not shown on the diagram and would affect fire appliance manoeuvring. An updated swept path analysis was submitted to address this matter and reconsultation of contributors/ local residents has been carried out with an expiry date for comments on 10<sup>th</sup> October 2019- any responses will be reported to the committee via the amendment sheet.

The junction of Quarry Steps and Quarry Road is the most constrained turn for a fire engine to reach the site. 1 Quarry Steps has garage doors fronting onto the southern end of Quarry Road immediately adjacent to this junction with the sign ‘Workshop in use- leave clear’. There are no double yellow lines or access ‘keep clear’ markings in front of these doors. Given that this access is in use, it is unlikely that cars would park in front of it obstructing the junction, and there is therefore reasonable certainty that the tracking shown on the swept path analysis could be achieved.

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The Manual for Streets (MfS) advises (at paragraph 6.7.3) that since the introduction of the Fire and Rescue Services Act 2004, all regions have had to produce an Integrated Management Plan setting out response time targets. These targets depend on the time required to get fire appliances to a particular area, together with the ease of movement within it.

The MfS also states that residential sprinkler systems are highly regarded by the FRA and their presence allows a longer response time to be used. The applicant proposes a sprinkler system within the dwellings as set out within the submitted 'Technical Note on Access' paragraph 6.3. A condition is recommended to secure the installation of the sprinkler system, to an appropriate standard, prior to occupation of the dwellings.

It is the view of officers that the proposal would meet the guidelines within Section 6.7 of the Manual for Streets (MfS) in terms of accessing and departing the site. This further information therefore provides confirmation that appropriate fire service access to the site can be achieved in accordance with MfS guidelines, without requiring an amendment of the TRO for the area. It is also the view of officers that the fact that this is an existing situation and this access serves existing dwellings should be given significant weight.

If Members still have concerns that appropriate access and egress could not be achieved, then a Traffic Regulation Order (TRO) to restrict parking to ensure fire service access/egress to both existing and proposed dwellings would be an option. As per the last application, it should be noted that any amendments to a TROs would be through a separate process and that the timescale and outcome cannot be guaranteed at this stage. The applicant has agreed to enter into a legal agreement to pay the cost of the TRO amendment process, if deemed necessary by Members.

Bristol Waste has confirmed that in terms of servicing access, they use specialist narrow vehicles (2.2 metres wide by 7.0 metres long for recycling, and 2.2 metres wide by 10 metres long for refuse collection) for waste collections in this area and could readily service this site.

It is recommended that since the proposed development has been designed to be car-free, that future occupiers be ineligible for residents parking permits. An advice note is recommended to this effect and will advise the Highway Authority responsible for the grant of permits.

In summary, it is the professional view of officers that approval be given.

**(C) ARE THERE ANY OTHER CONSIDERATIONS?**

The bat survey carried out in relation to the previous application is now out-of-date and a further survey has been carried out by the applicant. Bristol City Council's Nature Conservation Officer has advised that this acceptable. They also note the local report of a bird of prey being witnessed at the site. Given that the nesting bird season has almost finished, they are satisfied that conditions requiring monitoring by an ecologist prior to any works being carried out would suffice.

**CONCLUSION**

While officers acknowledge the previous decision of Members and their reasons for refusal, it is their professional view that approval of the application be granted.

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**RECOMMENDED GRANT subject to condition(s)**

**Time limit for commencement of development**

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

2. Full-time supervision by a geotechnical engineer/engineering geologist during enabling works

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

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

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

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

3. Insurance policy

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

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

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

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

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

5. To ensure implementation of a programme of archaeological works

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

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

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

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

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

6. Construction environmental management plan

The development hereby approved (including demolition/ alteration to existing base rock/ wall structure or stabilisation works to the retaining wall) shall be carried out only in accordance with the approved Construction Environmental Management Plan (version 1.2 July 2016).

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

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7. Highway condition survey

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

The developers shall contact Highways Asset Management on 0117 9222100 to agree the extent of the condition survey and any remedial works required.

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

8. Approval of footway works necessary

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

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

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

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

9. Sustainable Drainage System (SuDS)

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

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

10. Bat method statement and method of working

The development (including demolition/ alteration to existing base rock/ wall structures but excluding stabilisation works to the retaining wall) hereby approved shall be carried out in accordance with the approved Bat Survey Report and method of working during all enabling works and construction and shall take place only in accordance with the approved method at all times.

If works to implement this consent do not commence within 12 months of the approved bat survey report (by 23 September 2020) then an updated bat survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on the site (including the enabling works listed above).

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Reason: To conserve legally protected bats.

11. As a precautionary measure, no more than 48 hours prior to the commencement of development, a licensed bat consultant ecologist shall inspect all crevices for signs of roosting bats. If bats are encountered all demolition or construction work shall cease and the Bat Conservation Trust (Tel 0845 1300 228) should be consulted for advice.

Reason: To conserve legally protected bats in the event that they are found to be roosting.

12. Further large scale details before relevant element started

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

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

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

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

Reason: To ensure that wild birds, building or using their nests are protected. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged.

14. Green living roof

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

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

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

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15. Sample panels before specified elements started

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

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

**Pre occupation condition(s)**

16. Reporting of Unexpected Contamination

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

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

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

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

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

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

18. Bird and bat boxes

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

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

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

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

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

20. Prior to the occupation of the dwellings hereby permitted, certification of the installed sprinkler system to be provided by a relevantly accredited person/ authority shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The approved and certified sprinkler system shall be installed prior to the first occupation of the dwellings hereby approved and shall be retained thereafter in perpetuity.

Reason: In order to ensure that access for emergency vehicles would be acceptable.

21. Sustainability Statement and Energy Strategy

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

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

22. Solar photovoltaic and solar thermal panels

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

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

**Post occupation management**

23. Restriction of the use of the roof

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

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

24. No extensions

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

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

25. No further windows/ enlargement of windows

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

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

**List of approved plans**

26. List of approved plans and drawings

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

1506 (L)00 Site location plan, received 28 June 2019  
1506 (L)01 Existing plans, received 28 June 2019  
1506 (L)02 Existing elevations, received 28 June 2019  
1506 (L)33 REV B Proposed bird boxes & bath tubes, received 28 June 2019  
1506 (L)34 Sedum roof, received 28 June 2019  
1506 (L)21 REV B Proposed elevations, received 28 June 2019  
1506 (L)22 REV B Proposed floor plans, received 28 June 2019  
1506 (L)23 REV A Proposed sections, received 28 June 2019  
1506 (L)24 REV C Proposed section G-G, received 28 June 2019  
1506 (L)32 Proposed footway works, received 28 June 2019  
Bat survey report- Version 1, received 24 September 2019  
Energy statement, received 28 June 2019

Reason: For the avoidance of doubt.

**Advices**

1 Construction site noise: Due to the proximity of existing noise sensitive development and the potential for disturbance arising from contractors' operations, the developers' attention is drawn to Section 60 and 61 of the Control of Pollution Act 1974, to BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites code of practice for basic information and procedures for noise and vibration control" and the code of practice adopted by Bristol City Council with regard to "Construction Noise Control". Information in this respect can be obtained from Pollution Control, City Hall, Bristol City Council, PO Box 3176, Bristol BS3 9FS.

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

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

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4 Bats and bat roosts: Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations Act. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult English Nature (Taunton office 01823 283211).

5 Wessex Water requirements: It will be necessary to comply with Wessex Water's main drainage requirements and advice and further information can be obtained from <http://www.wessexwater.co.uk>.

6 The development hereby approved is likely to impact on the highway network during its construction. The applicant is required to contact Highway Network Management to discuss any temporary traffic management measures required, such as footway, Public Right of Way or carriageway closures, or temporary parking restrictions. Please call 0117 9031212 or email [traffic@bristol.gov.uk](mailto:traffic@bristol.gov.uk) a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

7 Traffic Regulation Order (TRO): The implementation of a TRO may be required. The TRO process is a lengthy legal process involving statutory public consultation and you should allow an average of 6 months from instruction to implementation. You are advised that the TRO process cannot commence until payment of the TRO fees are received. Telephone 0117 9036846 to start the TRO process.

8 Retaining walls: Where retaining walls above or below the highway are to be constructed or are affected by development, details of the structural design should be approved by the Local Highway Authority. (Telephone 0117 9222100).

#### 9 Living green roof

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

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

10 Contaminated land: It is suggested that the certificate of remediation referred to in Condition No. 16 should be along the lines of:- "This is to certify that the scheme of decontamination and reclamation at the site known as \*\*\*\* in relation to Planning Application No. \*\*\*\* was carried out between the dates of \*\*\*\* and \*\*\*\* and was completed in accordance with the specification detailed in the document reference \*\*\*\* and titled \*\*\*\*, which were designed to afford protection from contamination on the site to all known receptors (in this context contamination and receptor have the same definition as in part 2(a) of the Environment and Protection Act 1990)". The certificate should be signed and dated.

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11 Party Wall Act

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

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

In the event that any issues arise during or following construction in terms of impacts on the upslope properties, the resolution of these issues will need to be addressed through the Party Wall process, third party insurance or any other legal processes available to third parties. However, the Local Planning Authority will seek through the discharge of Condition 3 to ensure that the insurance policy taken out will cover damage to neighbouring properties.

12 With regards to Condition 3 of this consent, you are advised that the City Council will require access to the insurance policy (as a named party on the insurance details) in the event that a claim is to be made.

13. Restriction of Parking Permits - Existing Controlled Parking Zone/Residents Parking Scheme

You are advised that the Local Planning Authority has recommended to the Highways Authority which administers the existing Controlled Parking Zone/Residents Parking Scheme of which the development forms part that the development shall be treated as car free / low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a Residents Parking Scheme.

APPENDICES

APPENDIX 1- Report to Development Control Committee A- 17<sup>th</sup> October 2018- regarding application reference 18/02902/F

APPENDIX 2- Report to Development Control Committee A- 9<sup>th</sup> January 2019- regarding application reference 18/02902/F

**Development Control Committee A – 9 January 2019**  
**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol**

ADDENDUM TO DEVELOPMENT CONTROL COMMITTEE A REPORT (FOR COMMITTEE MEETING ON 17<sup>TH</sup> OCT 2018) IN RELATION TO APPLICATION 18/02902/F- LAND ON THE NORTH SIDE OF BELGRAVE HILL

The case was deferred by Development Control Committee (A) on 17<sup>th</sup> October 2018 following concerns raised by Members in relation to land stability matters and access for emergency vehicles, matters that are addressed below. Clarification is also given regarding space standards.

4 additional representations (objections) to the case have been received since 17<sup>th</sup> October, which raise points already covered by the original report to the Committee (pages 4-5 of the original report dated 8<sup>th</sup> October 2018 refer).

KEY ISSUES

F) LAND STABILITY CONSIDERATIONS (page11 of DC Committee A (17<sup>th</sup> Oct 2018) Report)

National policy (Paragraphs 178 and 179 of the NPPF, 2018) and local policy (Site Allocations and Development Management Policy DM37) require planning decisions to take account of risks arising from land instability and to ensure that adequate site investigation information is available to inform these assessments.

The above policy sets out that this will require a desk based study of available records to assess the previous uses of the site and their potential for instability in relation to the proposed development. Where the study establishes that instability is likely but does not provide sufficient information to establish its precise extent or nature, site investigation and risk assessment are carried out to determine the standard of remediation required to make the site suitable for its intended use. Where remediation measures are necessary, conditions or obligations may be applied to ensure that the development does not take place until appropriate works are completed.

In this case, a desk-based study and site investigation and risk assessment have been carried out by the applicant with proposals made for remediation of the land stability risks. Conditions are recommended to secure the remediation works. The Local Planning Authority (LPA) has instructed a specialist engineering geologist consultant (Arup) to review the submitted information.

In summary, the developer proposes to remove existing bedrock forming the base of the site and stabilise the existing cliff face and masonry walling using rock anchors before constructing the proposed development.

Based on the advice of its consultant, the LPA considers the proposal to be in line with the above policy and to have addressed the risks relating to land instability matters through appropriate remediation, which can be secured by planning condition. The detail of the land stability considerations is set out below:

*a) Site description, desk study and site investigation*

The north-west of the site is bounded by the foot of an old quarried cliff, into which various masonry walls have been constructed. The site is formed into the face of an old quarry excavated into the Clifton Down Limestone of the Carboniferous Limestone. At the base of the cliff (the eastern surface of the site) is an outcrop of bedrock. The majority of the elevation is then faced with a masonry wall, masking the underlying rock face, sections of which are in a poor state of repair. There are a number of alcoves and buttresses to the wall.

The applicant's reports advise that over much of its length, the masonry is in relatively good condition given its' age, however localised areas were in poor condition with mortar joints being either

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weathered or absent. Vegetation remains are regularly observed protruding from and through the face, causing distress to the wall. No evidence of any large scale mass movement was seen during inspection.

The Applicant's consultant engineering geologist advises that the rock face does not appear to be at risk of large scale instability and that given the technical considerations that 'wedge' failure does not appear to be critical. However, they have advised that it would still be appropriate to carry out some remedial works to better the current situation, which would allow an appropriate design life, and prevent future problems arising from the weathering and degradation of the masonry wall.

The LPA's consultant (Arup) advises that for over 100 years these cliffs have been standing close to vertical with the domestic properties on top and set back from the edge of the cliff edge. Indeed, kinematic analysis<sup>1</sup> completed by Intégrale for their 2018 report [10] confirms planar failure is unlikely to occur as the bedding planes dip at a lower angle than the rock mass angle of internal friction. Two joint sets do intersect within relation to the slope face, which suggests wedge failure could theoretically occur. It is understood that the potential failure mechanisms will be considered during the investigation and stabilisation works.

Arup confirms that the characterisation of the land stability hazard has been carried out by a competent party in accordance with the relevant standards, including the process described within BS EN 1997-2:2007 [5], which is currently the best practice guide for geotechnical works in the UK.

*b) The proposed combined investigation and stabilisation process (land stability remediation)*

Arup advises that the applicant's reports (Intégrale (2014) report [9] and Section A5.4 of the Intégrale (2018) [10] report) describe the proposed method statement and sequencing of working to ensure that the stability of the general area is not at any time compromised. It is understood that Dr Hawkins (the LPA's previous consultant) and the applicant's geotechnical and structural consultants worked closely to develop and agree on a method and sequence of working, described below. Arup has independently reviewed these broad proposals and it is considered that this is an appropriate and sensible procedure for investigation and subsequent stabilisation of the rock/masonry face.

A summary of the remedial proposals broadly includes: chemical treatment and vegetation clearance > geotechnical inspection and assessment > erection of scaffolding > investigation of the masonry wall and repointing and rebuilding of the masonry facing in areas of poor-quality stonework > drill anchor holes/investigation location to confirm anchor lengths and agree lengths with the BCC consultant > stress anchors > repeat for the next line of anchors in a top down fashion > repeat as necessary to base of wall (as per Figure 1).

Arup state that the Intégrale Ltd (2018) report [10] acknowledges that the proposal would be subject to change in the light of findings revealed as the investigation phase of the works proceeded. The reports do not elude as to what these changes may look like, but it is anticipated that this could include more (or less) rock anchors and at greater (or fewer) intervals. It is considered unlikely that steel mesh would be used as most of the rock face is covered by masonry stonework that will be repointed.

Arup state that it is understood that the de-vegetation and topsoil removal work during the site preparations have resulted in uncovering an exposure of bedrock on the construction platform that will require removal. The agent confirms that this will be done using "*non-percussive means utilising diamond drilling equipment and hydraulic rock splitting equipment under the supervision of a qualified engineer...the majority of works will be done utilising small handheld machinery. In terms of structural stability, the wall will firstly be secured as set out in the structural report, before then removing the small amount of stone bedrock*". The methodology of excavation is considered suitable given the site constraints and are not expected to impact on the stability of the rock slope/masonry wall. Therefore, no mitigation measures would be required. The Applicant proposes to use non-percussive techniques; therefore there is no need for vibration monitoring.

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*c) Can the land stability risks be satisfactorily mitigated overall?*

Arup advises that the work carried out to date has followed industry best practice and meets the requirements of the BCC Policy DM37. This includes characterising the land instability hazard, including the potential modes of failure. The Applicant's ground engineering consultants have used this information to develop a scheme design, the principles of which are considered to satisfactorily mitigate against land instability.

This includes any potential changes to the ground model as a result of future investigation work. If the results investigations show that the level of the land stability hazard is greater than expected then the proposal would be subject to change in the light of findings. This reactive approach is industry best practice and is acknowledged within the Intégrale Ltd (2018) report [10], however they do not elude to how the scheme design may change (as discussed above).

The Intégrale (2014) report [9] identifies an issue that the walls further back from the crest (i.e. boundary walls to other properties on the crest) will be in other peoples' ownership. It is acknowledged that this is out of the control of the Applicant, but if critical 'risk' areas are identified, specific notification will be given to the relevant landowners, if the risks are likely to pose a future threat to the public at the foot of the cliff.

*d) Would the proposed remediation make the site safe for development of housing?*

The applicant's submission advises that the proposed dwellings would be constructed with concrete slab roofs to protect against rock falls. Arup has advised that the agent should confirm the rock fall measures to be incorporated into the proposed houses. The ability of the homes to meet their design life of 60 years will depend on inspection and maintenance of the rock anchors and masonry/ rock face.

*e) What would the land stability situation be if works stopped part way through?*

Arup advises that the proposed method and sequence of working is an acceptable method of working and will ensure an improvement to stability if work must stop for any reason.

*f) How should it be ensured that the mitigation measures are carried out satisfactorily?*

Appropriate planning conditions are recommended, which will ensure that any alternative mitigation measures are agreed with the Local Planning Authority and their consultant.

**E) TRANSPORT CONSIDERATIONS (page 11 of the 17<sup>th</sup> Oct Committee Report refers)**

Members of the Committee deferred a decision on the application on 17<sup>th</sup> October 2018 and requested that officers review emergency vehicle access to the proposed development.

*Planning policy and considerations*

The NPPF (paragraph 110) requires Local Planning Authorities (LPAs) to assess provisions for emergency vehicle access as a material planning consideration. Emergency fire service access is also covered by the Building Regulations and Government has emphasised that consenting regimes (such as planning and building control) should avoid overlap.

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The Building Regulations (Approved Document B) requires assessment of fire service vehicle access to a property, but only considering access within an application site and not on the surrounding highway network. The Planning system should include consideration of access to any new dwellings along the existing highway network.

Manual for Streets (MfS) (Department for Transport, 2007) provides technical guidance for planning purposes but is based around the Building Regulations requirements. The key requirements for fire service access are:

- There should be a minimum carriageway width of 3.7m between kerbs for operating at the scene of a fire, with 3.1m the minimum width at a pinchpoint such as a gate. The Association of Chief Fire Officers has expanded on the Building Regulations requirements and states that to reach a fire, the access route could be reduced to 2.75m over short distances;
- There should be access for a fire pump appliance within 45m of single houses;
- Fire service vehicles should not have to reverse more than 20m;
- Sprinkler systems allow longer response times and alternative site layouts to be used.

Consultation with the Council's Transport officers, the Council's Building Regulations Team and Avon Fire & Fire Service (AFRS) has been carried out and is summarised below.

*Consultation responses*

**The Council's Building Control Team** advises that the Building Regulations requirements only apply from the actual site boundary and do not apply to the existing roads outside the site. So the 45m would apply from the site boundary (or from a suitable access point for a fire appliance within the site) to all points within the dwellinghouse. If 45m is exceeded then if sprinklers are provided this can be increased to 90m. If the 90m is exceeded then we would then discuss this on a case by case basis with AFRS to see if a suitable solution can be achieved.

**Avon Fire and Rescue Service (AFRS)** advise that they would assess proposals based on the Building Regulations requirements outlined above. However, in contrast to the guidance in Manual for Streets they state that 2.75m would be too narrow for fire appliance access. Furthermore, while sprinkler systems can allow alternative layouts to be considered, that leaving a fire appliance unattended some 90m away from the site while dealing with a fire would not be considered safe. Their view was that the ability to extend up to 90m [mentioned above] would apply to a scenario such as a large commercial building where extra hose length would be required to travel through the building to the scene of a fire.

**The Council's Transport Development Management (TDM) Team** has identified highway widths, residential parking spaces and the 45m distance from the proposed dwellinghouses on a plan.

They have advised that the site is situated within the Clifton East Residents parking scheme subject to permit holder only parking Mon – Fri 9am-5pm. The area of Belgrave Hill, Richmond Dale, Quarry Road and Quarry Steps are subject to these restrictions.

Vehicles currently park in demarcated bays at the beginning of Belgrave Hill and on the carriageway and partly on the footway towards the sites frontage. The carriageway is sufficient width for fire appliances to access within 45m of the site but vehicles parking wholly on the carriageway would block carriageway access for larger vehicles meaning that they may continue to need to mount the kerb. Bristol Waste currently service Belgrave Hill via a narrow access vehicle.

If members are concerned with fire service access to the proposal, a Traffic Regulation Order (TRO) to provide double yellow lines and prevent parking along Belgrave Hill would be the only feasible method to ensure that on street parking does not restrict the useable width of the carriageway.

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*Summary of fire service access considerations and recommendation*

The access for emergency vehicles to existing properties in this area would remain unchanged following construction of the development (the proposal would not affect the existing road carriageway or footpath width). The Council would not seek to adopt the site in order to widen the road carriageway, as suggested by objectors.

The actual road carriageway width is wide enough for fire appliances to access the site but the effective (useable) carriageway width is reduced due to the presence of on-street parking. Taking into account the existing parking, fire appliances would need to mount the kerb in order to reach within the required 45m distance of the site. This situation would not comply with the guidance for new development.

The majority of existing properties along Belgrave Hill have alternative access with frontages on more than one road and therefore do not rely Belgrave Hill alone for access. While other properties in the wider area may rely on fire appliances having to mount kerbs for access, this is a proposal for new development and the matter is a material planning consideration raised by Members. It is therefore reasonable to explore the matter in further detail and to apply the available guidance on this matter.

Removing on-street parking on Belgrave Hill would increase the effective width of Belgrave Hill sufficiently that a fire appliance could access within 45m of the site, as required by the Manual for Streets. The applicant was asked to provide tracking diagrams indicating access around the corners to Belgrave Hill, but has declined to provide this information. However, in the absence of this evidence, the TDM Team has advised that they consider it likely that a fire appliance would be able to manoeuvre around the corner at High Street/ Belgrave Hill (though not necessarily in one manoeuvre).

Removing on street parking to enable access for this development via amendment of the TRO could be secured by section 106 agreement if Members are minded to recommend approval. The Transport Development Management Team can advise on the extent of the double yellow lines required.

This would result in the loss of parking from an area of Clifton where existing on street parking is already in high demand and would impact on the amenity of existing residents in terms of availability of parking spaces, which is also a material planning consideration. It is estimated that 4 or 5 parking spaces (wholly on the carriageway) would be lost at the upper end of Belgrave Hill, with approximately 4 spaces (partly on the footway) at the lower end of the road outside the site.

It is therefore for Members to come to a view on whether the benefits of the proposed development would outweigh the loss of parking and impact on the amenity of existing residents in order to ensure satisfactory fire service access to the proposed development.

The officer recommendation is to approve subject to a section 106 agreement to secure a planning obligation that would pay the fee for amending the Traffic Regulation Order (TRO).

(D) RESIDENTIAL AMENITY AND SPACE STANDARDS (page 9-10 of the 8<sup>th</sup> Oct Committee report refer)

The national space standard ('Technical housing standards – nationally described space standard', DCLG, 2015) should now be applied as a material consideration as they supersede the Bristol Space Standards (2011).

The national standard deals with internal space within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as the floor areas and widths of bedrooms, areas for storage and the floor to ceiling height.

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Both dwellings would be below the minimum gross internal floor area (for the whole dwelling) set out within the national standard by nearly 16%- as set out in Table 1 below. The double bedrooms in each dwelling would also be below the national standard of 11.5m<sup>2</sup> in area (they would measure 10.3m<sup>2</sup> and 9.7m<sup>2</sup> respectively).

**Table 1**

	Proposal floor area (m <sup>2</sup> )	BCC Space Standard requirement (now superseded) (m <sup>2</sup> )	Current national space requirement (m <sup>2</sup> )
Unit 1	59.1	57- 67	70
Unit 2	59.3	57-67	70

In other respects, the proposed dwellings would meet the national space standards- meeting the minimum floor area standard for single bedrooms and the minimum width for both double and single bedrooms. Storage areas in accordance with the national standard minimum would also be included or could be accommodated. This takes into account that the dwellings would meet the minimum 2.3m floor to ceiling height over their floor area.

Policy BCS18 of the Bristol Core Strategy states that *“Residential developments should provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.”*

Officers considered that the 2014 proposal would meet the policy requirements in terms of providing sufficient space for everyday activities and to enable flexibility and adaptability. That scheme was required to meet only the Bristol space standards, which it did. The current application is for an identical proposal and therefore the view of officers would not change in this respect.

Therefore, while acknowledging the updated national space standards, on the balance of considerations, officers would not consider refusal to be warranted.

## CONCLUSION

Officers hope that this additional information addresses the queries of Members.

The officer recommendation is for approval of the application subject to s106 agreement for amendment of the TRO and subject to the conditions set out at page 12 of the original report to Committee (dated 8<sup>th</sup> Oct 2018).

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

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

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

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

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

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

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

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

**SITE DESCRIPTION**

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

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

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

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

**RELEVANT PLANNING HISTORY**

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

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

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

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

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

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

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

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

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

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

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

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

## Other Planning History:

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

## APPLICATION

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

## RESPONSE TO PUBLICITY AND CONSULTATION

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

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

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

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

## OBJECTION

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

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

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

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

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

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

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

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

**SUPPORT**

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

**CONSULTEES**

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

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

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

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

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

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

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

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

## EQUALITIES

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

## PRE-APPLICATION INVOLVEMENT

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

## RELEVANT POLICIES

National Planning Policy Framework – July 2018

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

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

Clifton Conservation Area Character Appraisal

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

The Planning (and Conservation Areas) Act 1990

Technical housing standards – nationally described space standard (2015)

## KEY ISSUES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Space standards for future occupiers

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

**Table 1**

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

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

*"The adopted policy arena in this regard remains unchanged.*

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

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

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

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

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

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

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

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

#### Neighbouring occupiers

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

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

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

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

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

*Condition 6- Construction environmental management plan (CEMP)*

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

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

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

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

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

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

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

*Condition 3- Insurance policy*

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

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

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

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

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

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

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

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

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

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

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

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

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

**(H) HAVE NATURE CONSERVATION ISSUES BEEN ADDRESSED?**

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

**CONCLUSION**

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

**APPENDICES**

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

**COMMUNITY INFRASTRUCTURE LEVY**

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

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

**RECOMMENDED** GRANT subject to conditions

**Time limit for commencement of development**

1. Full Planning Permission

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

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

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

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

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

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

3. Insurance policy

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

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

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

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

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

5. To ensure implementation of a programme of archaeological works

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

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

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

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

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

6. Construction environmental management plan

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

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

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

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

7. Highway condition survey

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

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

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condition survey and any remedial works required.

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

8. Approval of footway works necessary

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

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

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

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

9. Sustainable Drainage System (SuDS)

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

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

10. Bat method statement and method of working

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

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

Reason: To conserve legally protected bats.

11. Further large scale details before relevant element started

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

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

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

12. Green living roof

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

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

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

13. Sample panels before specified elements started

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

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

**Pre occupation conditions**

14. Reporting of Unexpected Contamination

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

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

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

15. Bird and bat boxes

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

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

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

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

**Development Control – 17 October 2018**

**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol**

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

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

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

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

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

18. Sustainability Statement and Energy Strategy

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

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

19. Solar photovoltaic and solar thermal panels

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

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

**Post occupation management**

20. Restriction of the use of the roof

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

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

21. No extensions

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

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

**Development Control – 17 October 2018**

**Application No. 18/02902/F : Land On North Side Of Belgrave Hill Bristol**

22. No further windows/ enlargement of windows

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

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

23. Site clearance

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

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

**List of approved plans**

24. List of approved plans and drawings

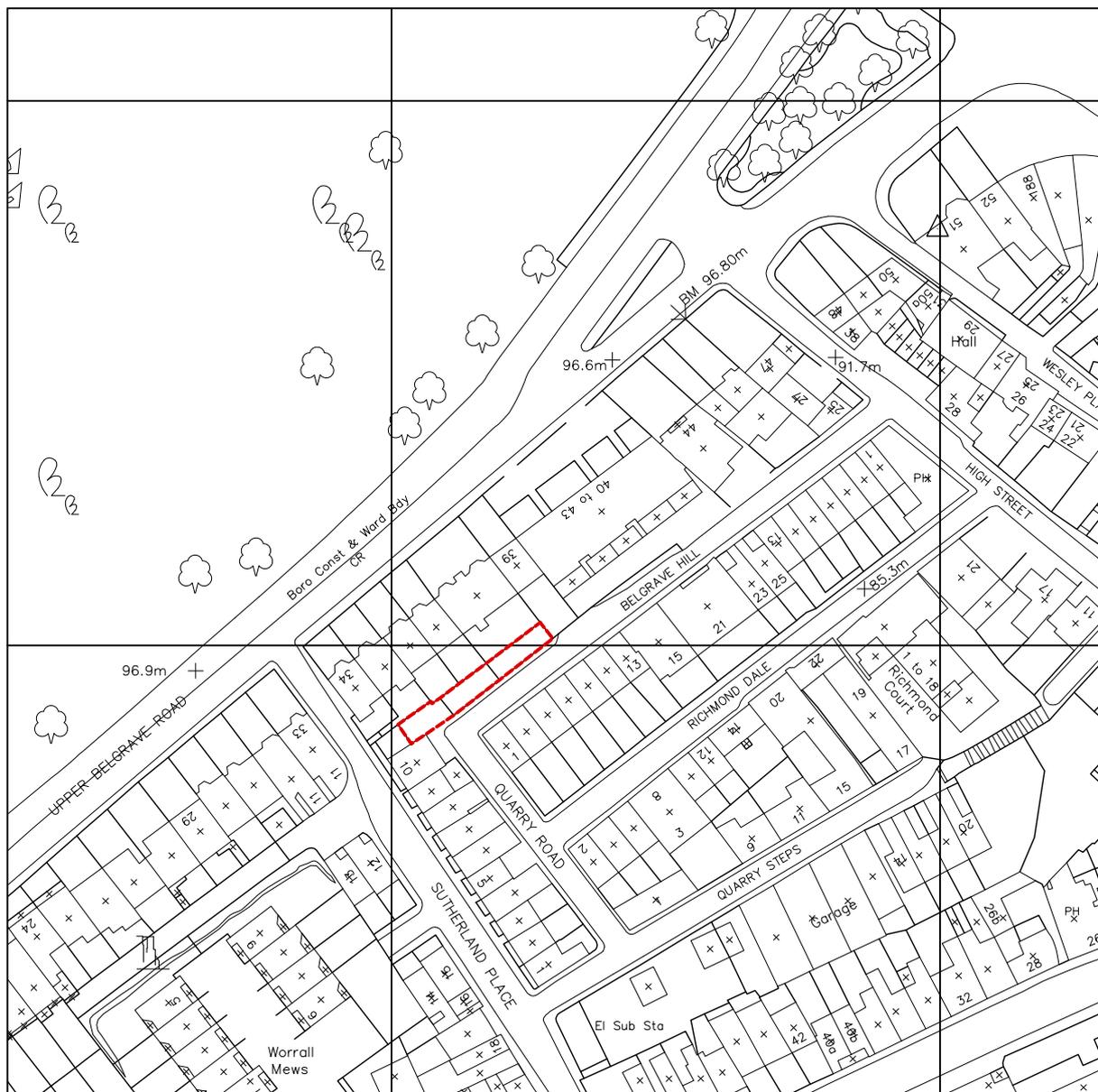
The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

## **Supporting Documents**

### **2. 6-8 Belgrave Hill, Bristol, BS8 2UA.**

1. Location Plan
2. Existing Plans
3. Existing Elevations
4. Proposed Plans
5. Proposed Elevation
6. Proposed Sections
7. Proposed Section G-G

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



ISSUED FOR PLANNING

10/10/11

REV	Note	Date
-	-	-



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

T 0117 3737 596  
E Info@105west.co.uk

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

Drawing Title **Location Map**

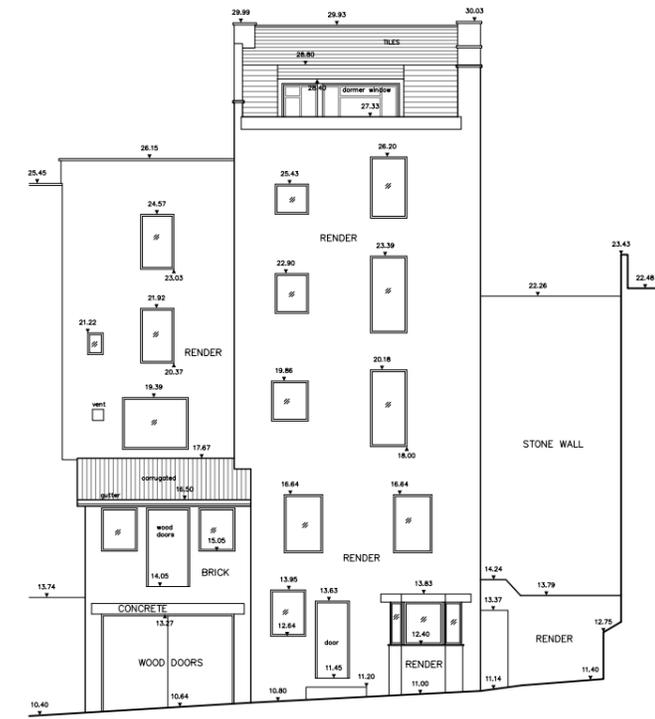
Drawing No. **1506(L)00**

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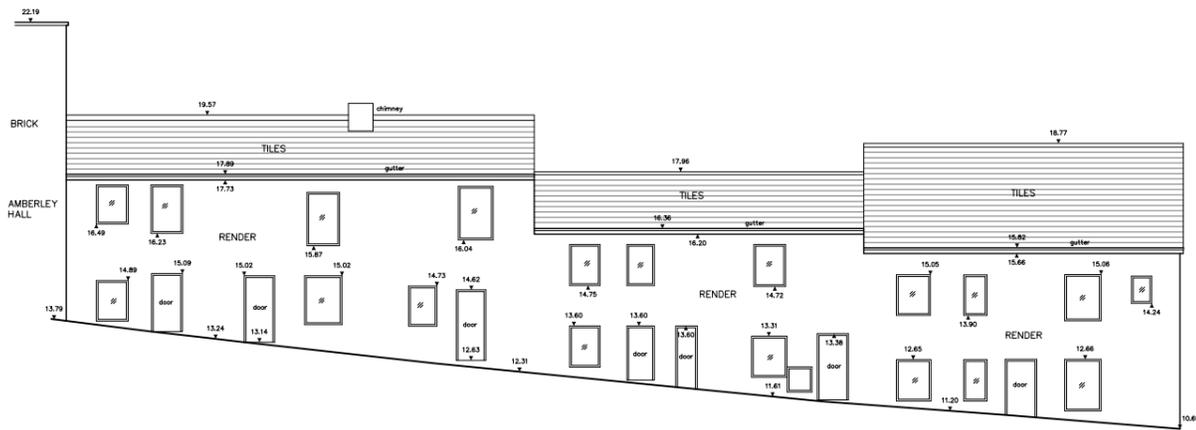




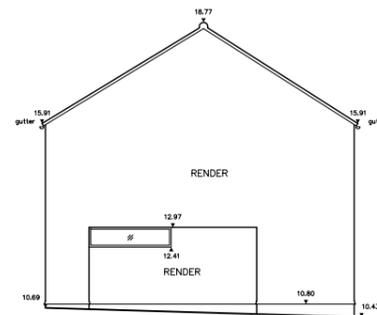
Retaining Wall Elevation



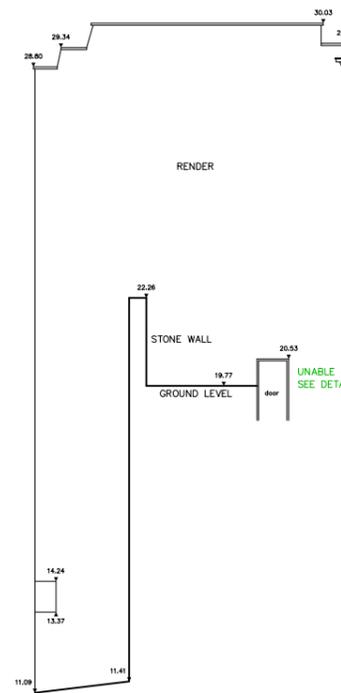
Rear Elevation  
10 Sutherland Place



Front Elevation  
1 to 13 Belgrave Hill



Side Elevation  
1 Belgrave Hill



Side Elevation  
10 Sutherland Place

ISSUED FOR PLANNING  
ISSUED FOR PLANNING  
Jun 2019  
04/07/11

REV	Note	Date

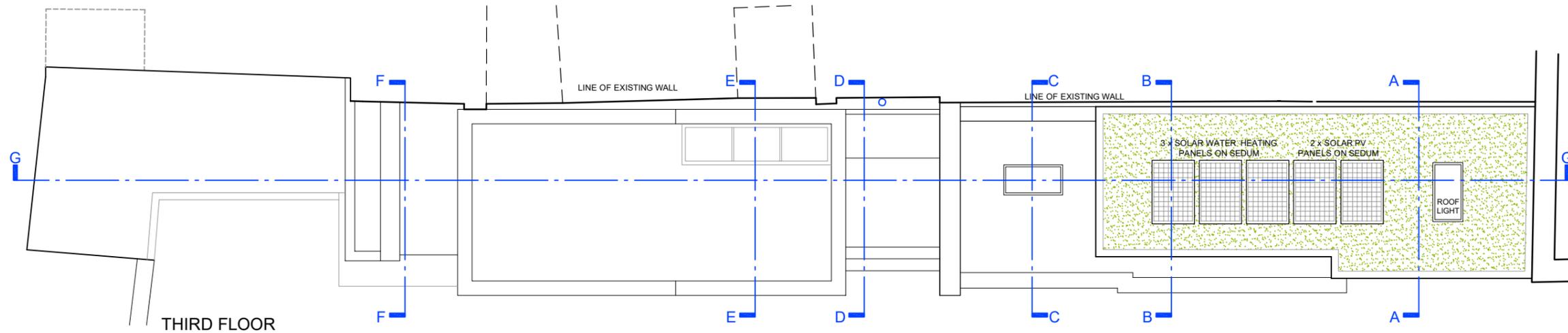
**105WESTARCHITECTS**  
 105 WEST ARCHITECTS Ltd  
 24 Alfred Place, Kingsdown  
 Bristol, BS2 8HD  
 T 0117 3493892  
 E info@105west.co.uk

Project **Belgrave Hill, Clifton  
Bristol**  
 Drawing Title **Existing Elevations**

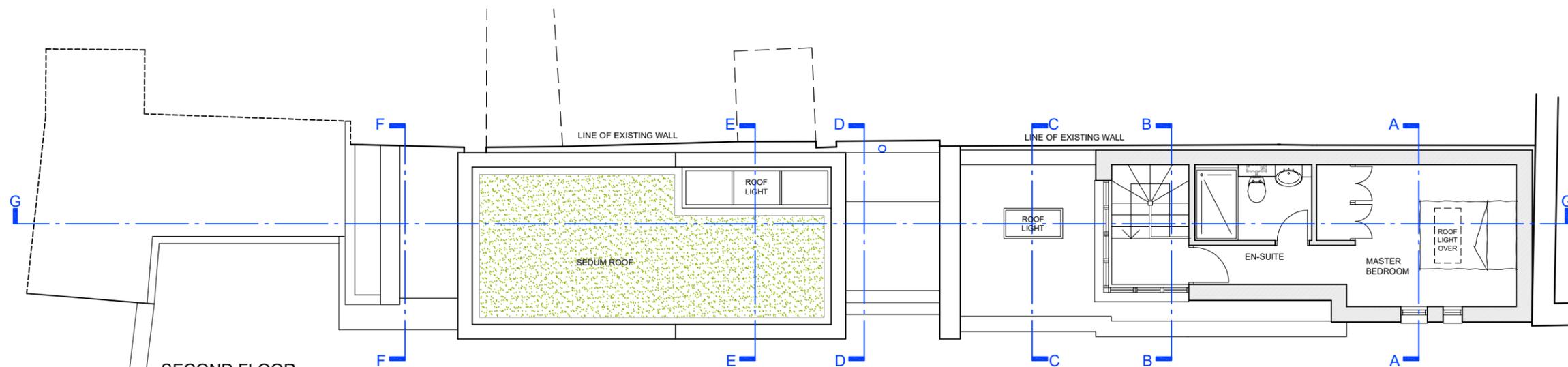
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Scale @A3 drawn by Date Rev  
 1:100 DF 18/09/07 -

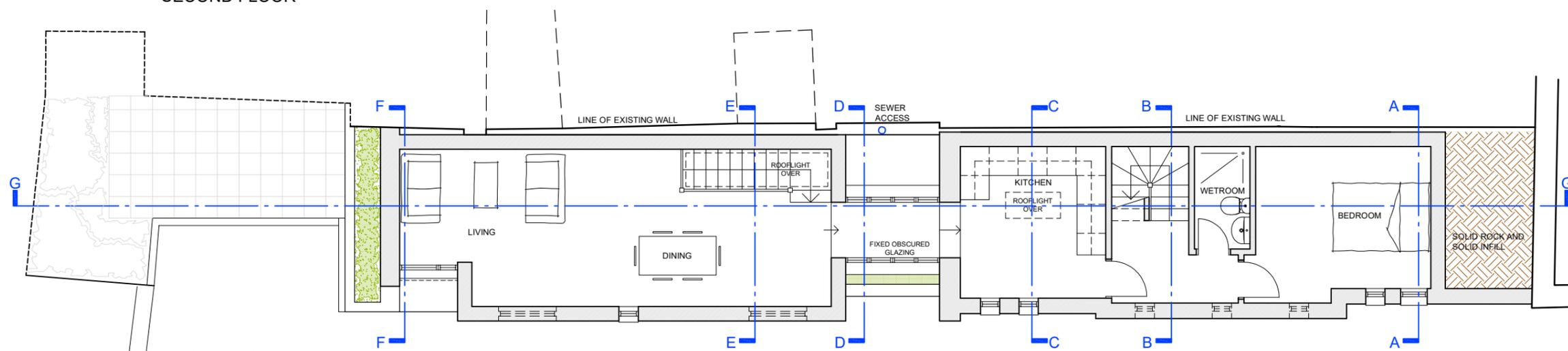
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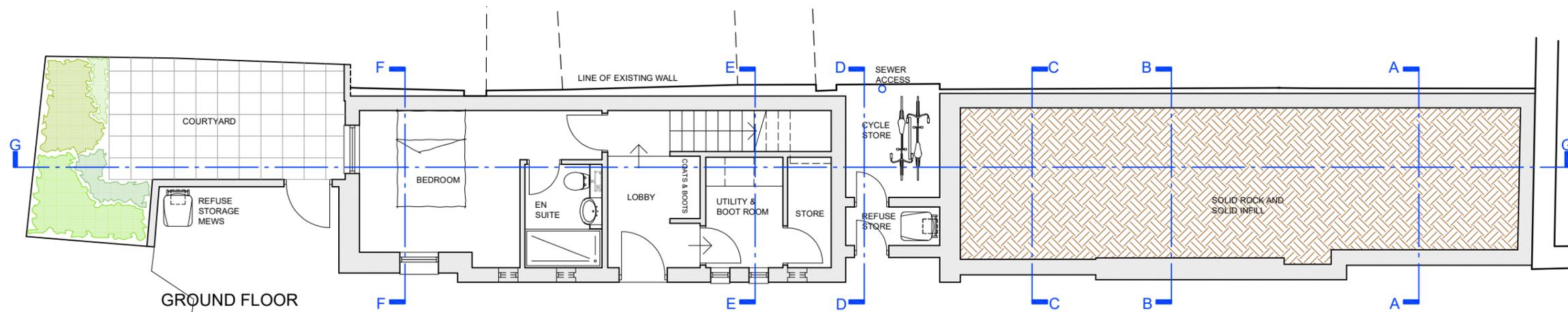
THIRD FLOOR



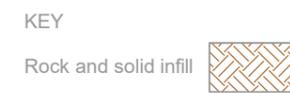
SECOND FLOOR



FIRST FLOOR



GROUND FLOOR



B	First Floor bathroom revised	21/04/20
A	Solar panels revised	05/02/20
REV	Note	Date

**105WESTARCHITECTS** 105 WEST ARCHITECTS Ltd  
 107 Lower Redland Road, Redland  
 Bristol, BS6 6SW  
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Project **Belgrave Hill, Clifton  
Bristol**

Drawing Title **Proposed Plans**

Drawing No. **1506(L)32**

Scale @A3 drawn by Date Rev  
**1:100 DF 08/01/20 B**

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



**MATERIALS**

- Walls - Random Rubble Stone to match existing, Painted Render and Natural Timber
- Windows - Composite Aluminium
- Doors - Composite Aluminium and Natural Timber
- Courtyard - Marshalls Tegula Priora permeable paving. Colour: pennant
- All Roofs - Sedum on grey single ply membrane

**105 WEST ARCHITECTS**  
 105 WEST ARCHITECTS Ltd  
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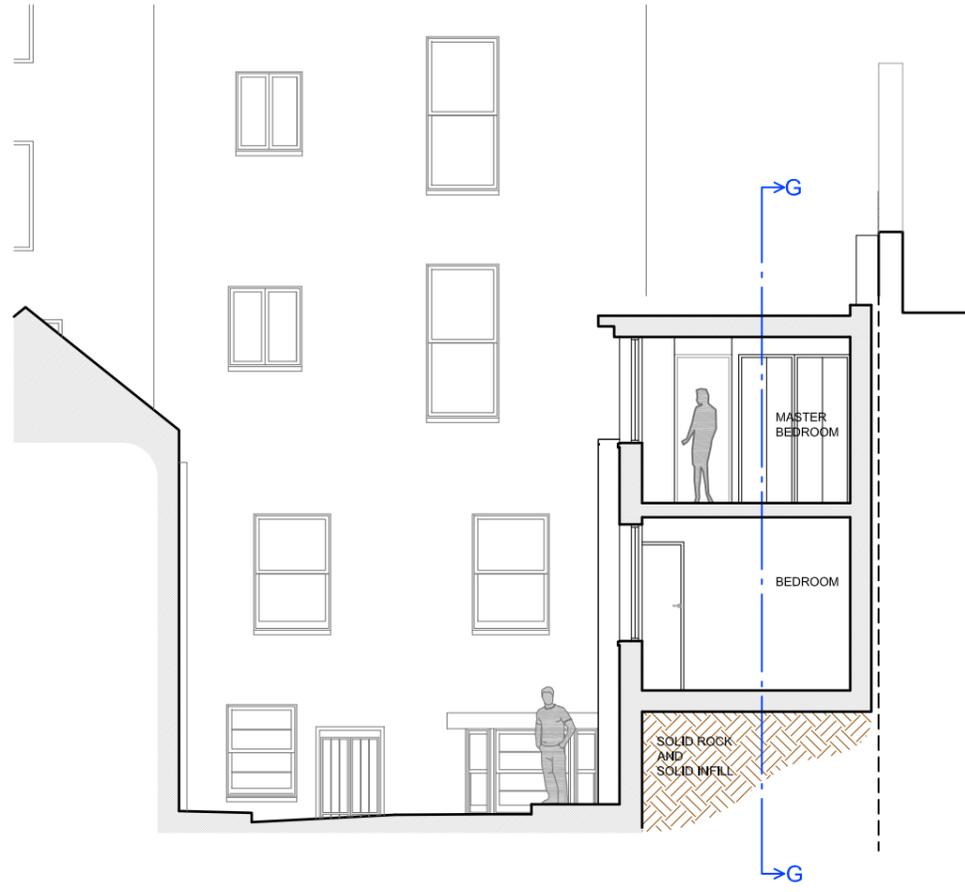
Project **Belgrave Hill, Clifton  
Bristol**

Drawing Title **Proposed Elevation**

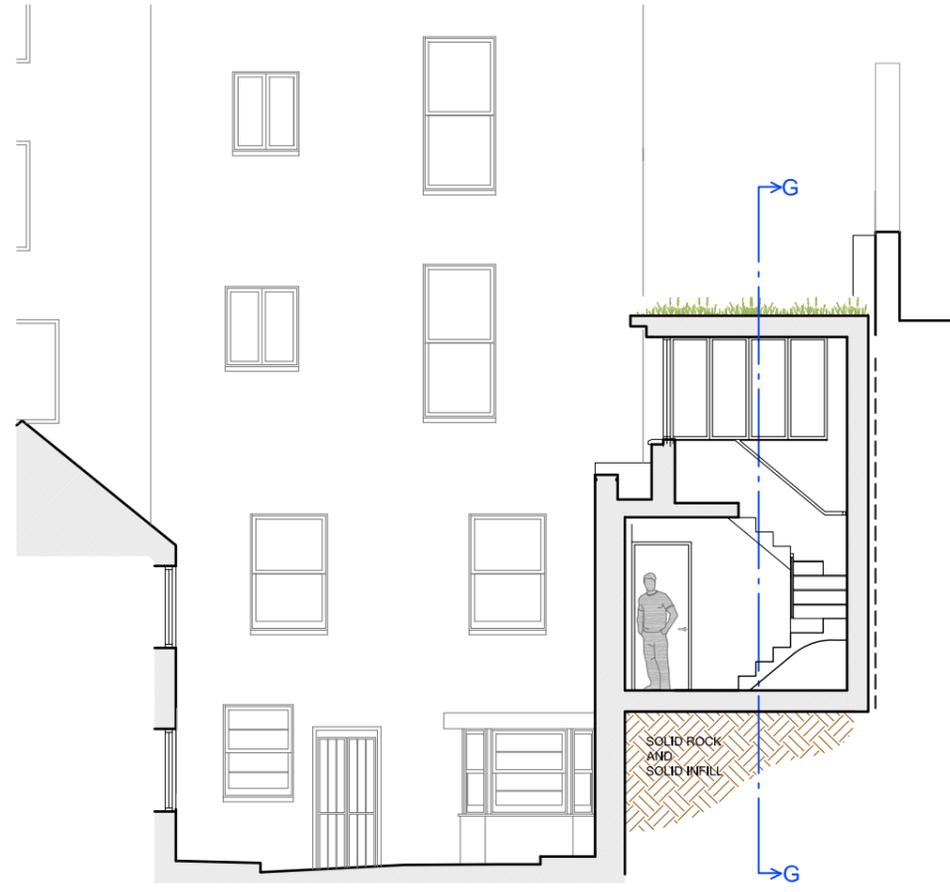
Drawing No. **1506(L)31**

Scale @A3 drawn by Date Rev  
**1:100 DF 08/01/20 -**

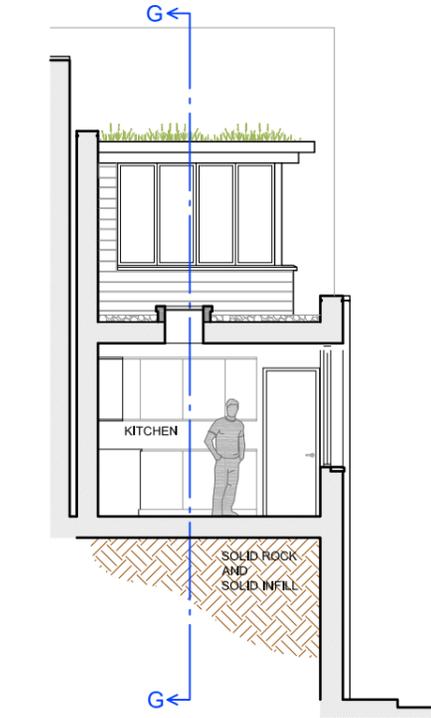
Responsibility is not accepted for errors made by others scaling from this drawing. All construction information should be taken from figured dimensions only.



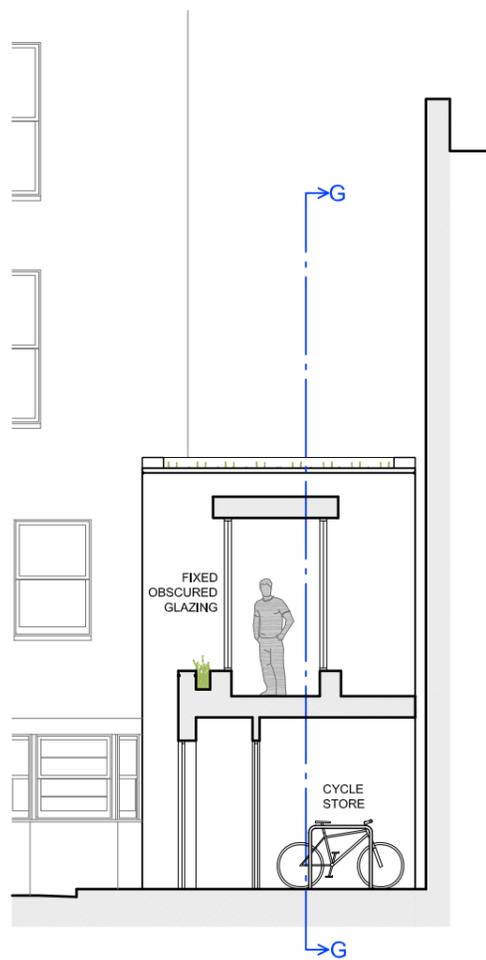
SECTION A-A



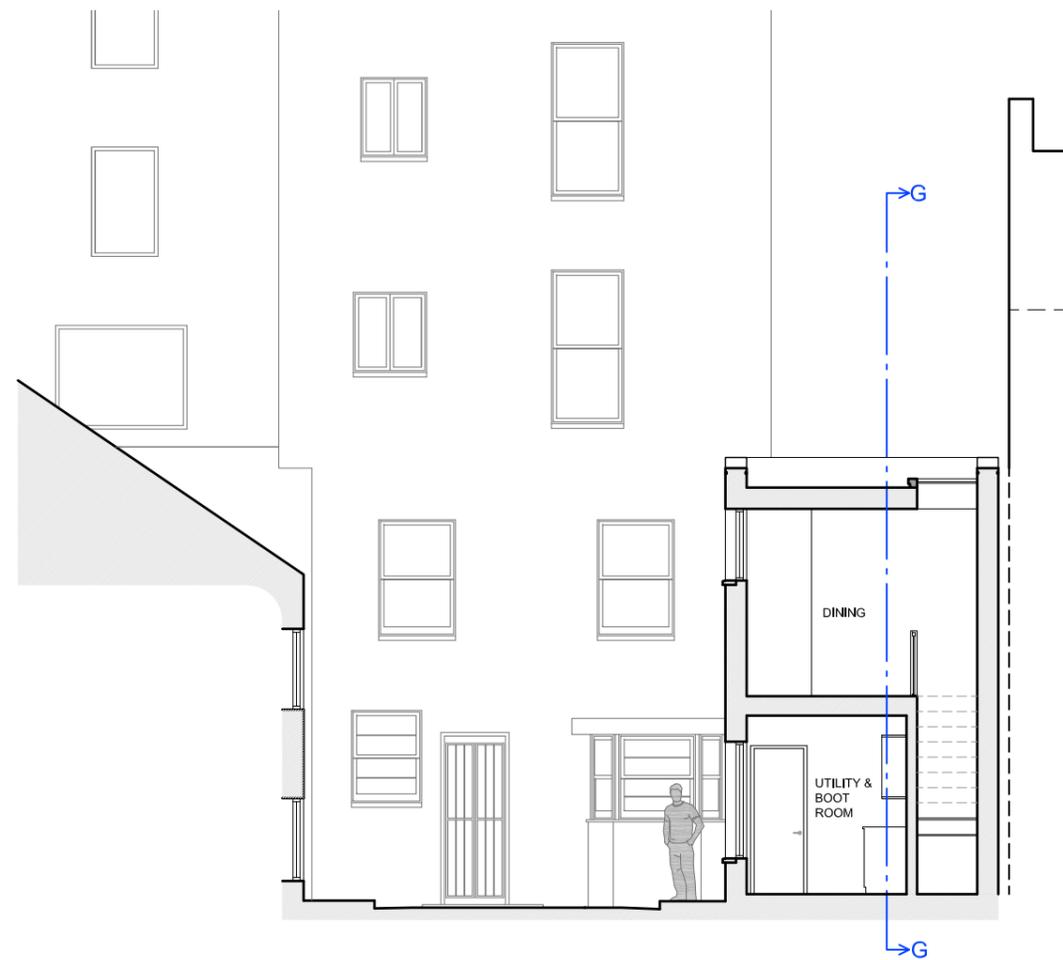
SECTION B-B



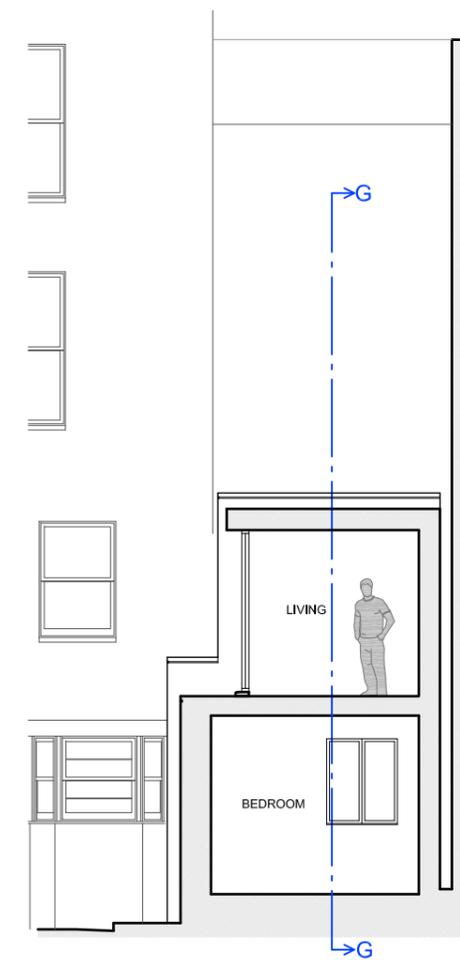
SECTION C-C



SECTION D-D



SECTION E-E



SECTION F-F



REV	Note	Date
 <b>105 WEST ARCHITECTS</b> 105 WEST ARCHITECTS Ltd 107 Lower Redland Road, Redland Bristol, BS6 6SW T 0117 3737 596 E Info@105west.co.uk		

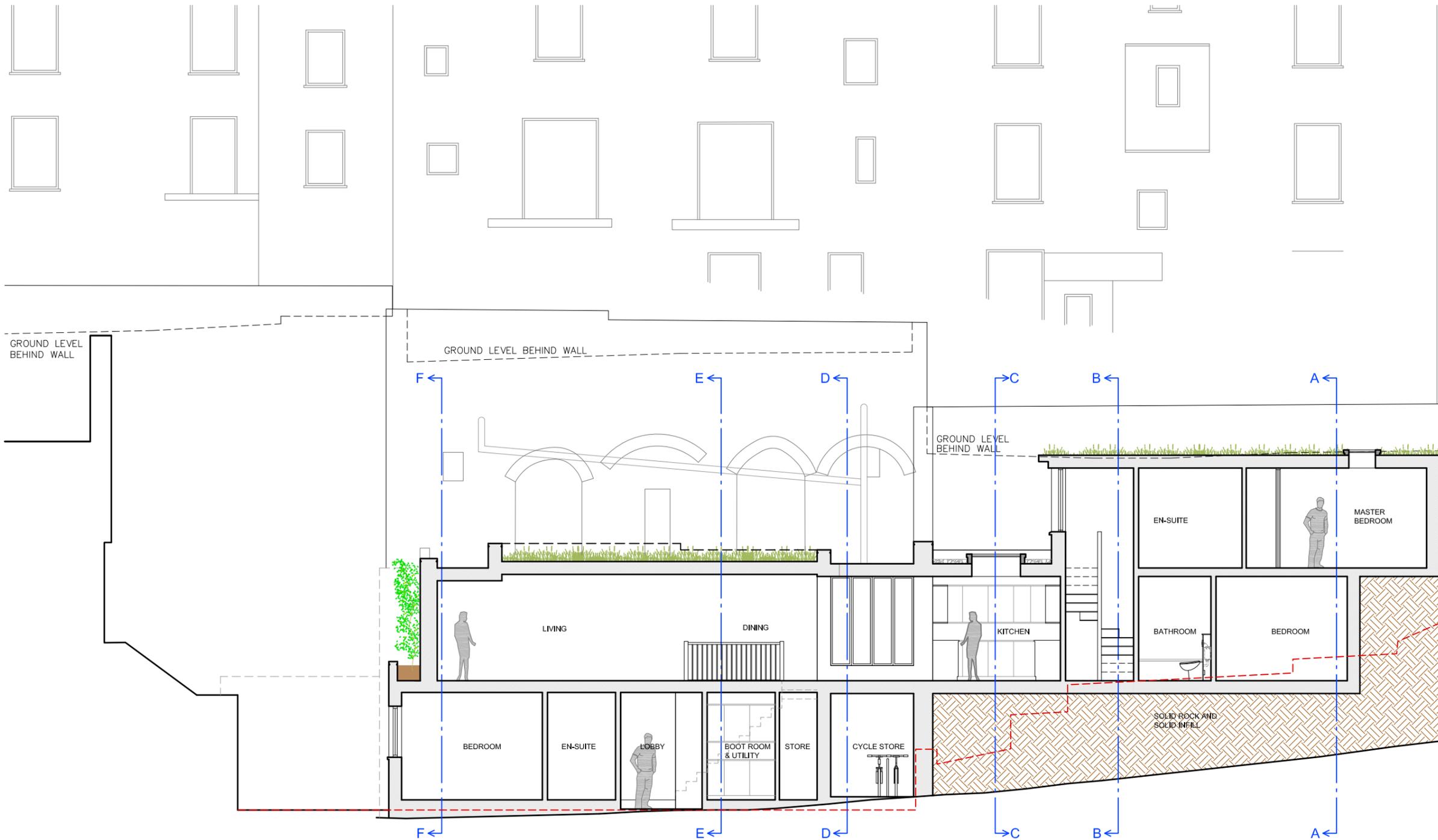
Project **Belgrave Hill, Clifton  
Bristol**

Drawing Title **Proposed Sections**

Drawing No. **1506(L)33**

Scale @A3 drawn by Date Rev  
**1:100 DF 08/01/20 -**

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SECTION G-G

Approx Extg ground line

Extg kerb line

KEY  
Rock and solid infill

REV	Note	Date
		
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Project **Belgrave Hill, Clifton  
Bristol**

Drawing Title **Proposed Section G-G**

Drawing No. **1506(L)34**

Scale @A3	drawn by	Date	Rev
1:100	DF	08/01/20	-