

## Development Control Committee B 13 July 2016

### Report of the Service Director - Planning

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#### Planning Applications

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1	Lawrence Hill	Grant	16/00719/F - Avonbank Feeder Road Bristol BS2 0TH Proposed installation of low carbon, bio-diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid.
2	Stoke Bishop	Refuse	16/01266/F - Land Between Ladies Mile & Clifton Down Bridge Valley Road Bristol BS8 Proposed pedestrian/cycle bridge over Bridge Valley Road.
3	Windmill Hill	Grant subject to Legal Agreement	16/01311/F - Scout Hut Goolden Street Bristol BS4 3BB Former scout hall to be demolished and land to be excavated to road level to permit construction of six three-storey family dwellings for shared ownership.
4	Southville	Grant	16/00013/F - 127 - 131 Raleigh Road Bristol BS3 1QU Conversion of existing second floor from Use Class B1(c) to form 9 apartments (Use Class C3) with associated third floor roof extension, external alterations, refuse and cycle storage.
5	Lawrence Hill	Grant subject to Legal Agreement	15/06483/F - Land On West Side Of 95 Jacob Street Bristol Conversion of three existing buildings to commercial use (Use Classes A1, A3 and/or B1) with associated alterations and extensions. Demolition of all other buildings and erection of new buildings to provide student accommodation (sui generis) and residential dwellings (Use Class C3) with associated landscaping, parking and access arrangements, including the relocation of Hawkins Street, creation of a public park to the rear of One Temple Way, and associated works (Major Application).

<b>Item</b>	<b>Ward</b>	<b>Officer Recommendation</b>	<b>Application No/Address/Description</b>
6	Henbury & Brentry	Grant	16/00665/F - Land Adj To 81 Hallen Road Bristol BS10 7RA Erection of a single dwelling and associated works.

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WARD: Lawrence Hill CONTACT OFFICER: Ken Reid

SITE ADDRESS: Avonbank Feeder Road Bristol BS2 0TH

APPLICATION NO: 16/00719/F Full Planning

EXPIRY DATE: 6 April 2016

*Proposed installation of low carbon, bio-diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid.*

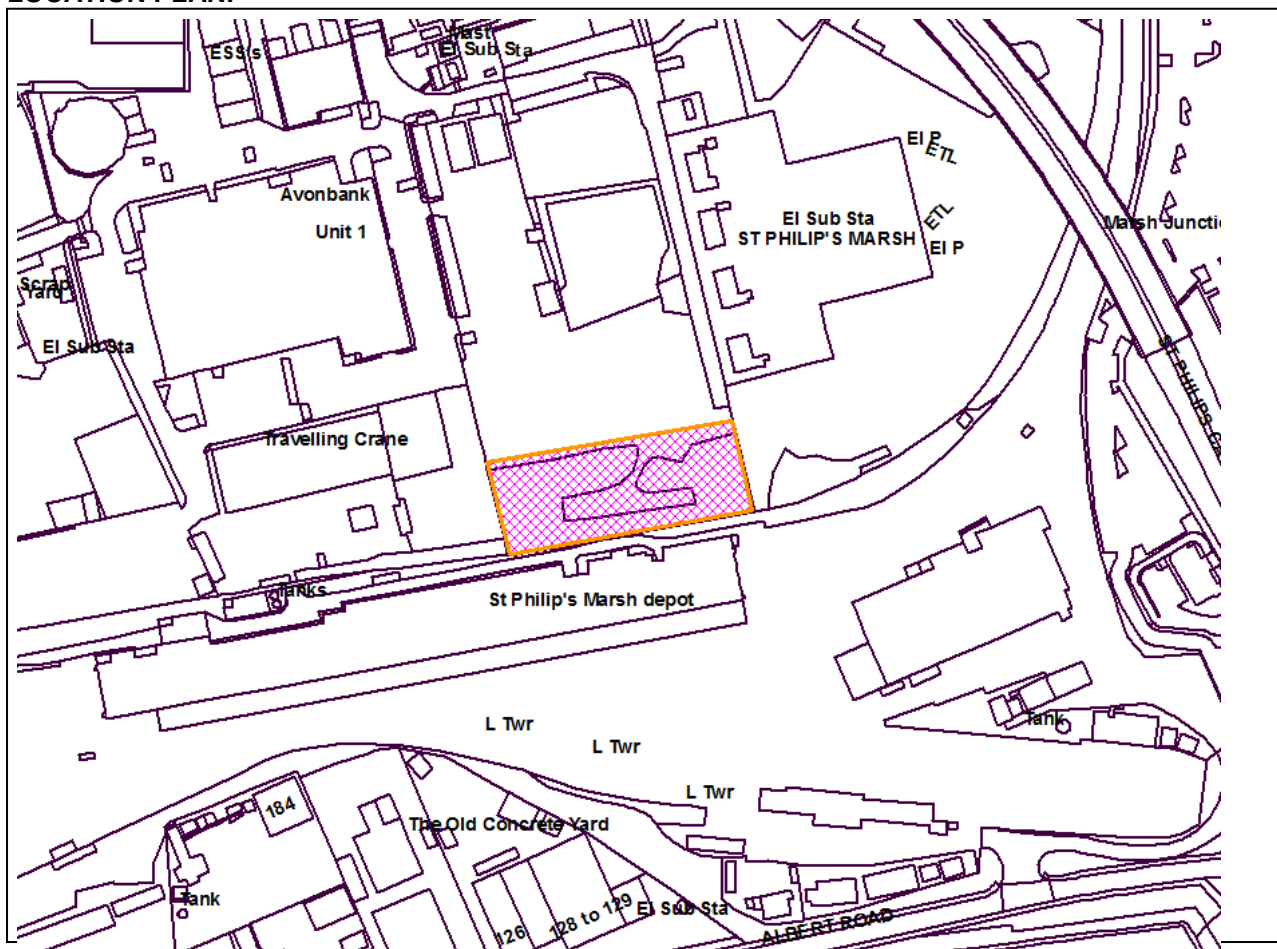
RECOMMENDATION: Grant subject to Condition(s)

AGENT: WYG  
100 St John Street  
London  
EC1M 4EH

APPLICANT: Plutus Energy Limited  
23 Hanover Square  
London  
W1S 1JB  
United Kingdom

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

LOCATION PLAN:



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**Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH**

## SITE DESCRIPTION & BACKGROUND

The application site concerns a parcel of land that is bound by a Network Rail Maintenance Depot to the south, Western Power Distribution Offices and generation units to the east and north and other industrial units to the west. The site which forms part of the St Phillips Marsh industrial area is designated as a Primary Industrial and Warehousing Area under the provisions of the Site Allocations and Development Management Policies. The site comprises of a mix of trees, shrubs and hardstanding is also designated as a wildlife corridor.

## RELEVANT PLANNING HISTORY

15/02310/F - Proposed installation of diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid. The application was withdrawn following advice from the Local Planning Authority. It was concluded that the proposal was unacceptable due to the significant impacts on air quality, exceeding the national and European objectives. This consequently would introduce a risk of harm to human health for those residents and members of the public within the vicinity of the site, contrary to policies.

## APPLICATION

Planning consent is sought for the installation of 48 bio diesel powered generators, 12 transformers, two double banded storage tanks (for the bio fuel) and associated infrastructure to link into the National Grid. These would be called on by the National Grid at times of high demand, participating in the National Grid's Short Term Operating Reserve (STOR) programme. STOR provides balance to the National Grid during unexpected period of high demand for electricity or where there are constraints on electricity available in England and Wales.

It is anticipated that the generators would operate up to 2 hours when called upon and a maximum of 200 hours per year, with an energy output of up to 20MW. The nature of their use means that their operation will be intermittent, however the generators will not be operated outside the hours of 07:00 and 22:30.

Each generator would comprise of galvanised steel modular acoustic enclosures measuring approximately 4.93m by 1.65m with a height of 2.15m. The proposed design combines exhaust and cooling air emissions from 4 engines into one stack measuring 4m in height (6m in total when measured from the ground) and there would be a total of 12 stacks. The generators would be contained within a 3m high acoustic fence. The two fuel storage tanks would measure 10.5m by 2.5m and 2.2m in height each and a switch room of similar dimensions.

Since the submission of the current proposal, the applicant was asked to provide additional information on the advice of the Local Planning Authority. This included:

- Information to supplement the Air Quality Assessment in terms of methodology,
- Readings taken from additional receptor locations not previously included in the assessment at sites including St Phillips Marsh Nursery School and,
- How the predicted concentrations of pollutants were presented in the assessment.

Clarification was also sought and confirmed over how the fuel is resourced and imported.

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## RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by neighbour notification letters and a site notice. To date a total of 297 objections have been received including from the Head of St Phillips Marsh Nursery, parents of children that attend St Phillips Marsh Nursery, the Wellspring Healthy Living Centre, the Barton Hill Settlement, and RADE (Residents Against Dirty Energy) Bristol, an organisation set up following concerns about recent proposals for standby generators in the city. Comments have come from across the city and given the high number of representations only a summary of these are set out in this report. These are as follows.

- The emissions from the generators would worsen air quality in the area to the detriment of public health, with particular concern for St Phillip's Nursery and residential areas such as Barton Hill and the Paintworks
- This is within the Air Quality Management Area where pollutant limits are already exceeded
- It would result in noise pollution to the detriment of amenity and in particular St Phillip's Nursery which the application has not taken into account
- The proposal is not a sustainable energy solution and undermines the city's Green Capital status
- That the use of bio fuel has a large environmental impact with concerns over how its resourced, placing the environmental credentials of the applicants in doubt.
- It would set a precedent for similar development in future if approved

## OTHER COMMENTS

**Thangam Debbonaire MP** objects to the planning application on the grounds that the surrounding area already suffers from poor air quality, which would be exacerbated by proposed generators. Areas such as Lawrence Hill and Barton Hill already suffer from health inequalities and reduced lifespan. As the site is near to St Phillip's Marsh Nursery school there is a risk to young children in terms of breathing in harmful particulates. Bristol should be leading in genuinely clean and renewable energy.

**The Bristol Education Centre (Bristol City Council)** has commented as follows

I believe this proposal will have a detrimental effect on the health and well-being of a significant number of very young children who attend the nursery school. The levels of noise and air pollution should be taken into account. The proposed installation is located within the Bristol Air Quality Management Area, which will result in increased levels of harmful emissions within an area of known poor air quality that already exceeds government limits.

**The Energy Service (Bristol City Council)** has commented as follows

Having reviewed the fuel proposed Hydrated Vegetable Oil (HVO) they agree that it should result in reduced emissions of NOx and particulates, when compared to either mineral diesel, or conventional biodiesel. The lower viscosity of HVO than conventional is also likely to give cold-starting benefits, which is particularly relevant to this application, given the intermittency of its operation. In addition, net greenhouse gas emissions are lower than mineral diesel.

**Network Rail** has commented as follows:-

There is no objection in principle subject to requirements ensuring the safe operation of the railway and the protection of Network Rail's adjoining land.

**Pollution Control** has commented as follows:-

As with the previous planning application (15/02310/F), the submitted noise report is acceptable and there is no objection. Approve subject to condition for noise from plant and equipment and that the

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details of the acoustic barrier are submitted for consideration prior to development commencing.

**Contaminated Land Environmental Protection** has commented as follows:-

The land to the north of the site was recently remediated by Western Power Distribution under a voluntary arrangement. Therefore we recommend the reporting of unexpected contamination only condition is applied to any future planning consent.

We support the use of the advisory note prepared by the Environment Agency with respect to the Control of Pollution (Oil Storage) Regulations 2001.

**Transport Development Management** has commented as follows:-

In principal there is no objection to the proposals which are not considered to pose any highway safety concerns providing:

- Swept path analysis is provided to demonstrate that the tankers required to deliver the bio-diesel will be able to access the non-adopted road off of Feeder Road and be able to turn within the site. [details now submitted and accepted]
- Information is provided to show how the road within the site will be lit to provide safe access during evening and winter.
- Information setting out where staff servicing/maintaining the site will park is clarified.
- Information setting out how any refuse/recycling produced by the site will be stored/collected.

**Environment Agency (Sustainable Places)** has commented as follows:-

The Environment Agency has no objections in principle, to the proposed development. However planning permission should be subject of informatives that ensure that the ground diesel tanks will have to comply with the control of pollution (oil storage) regulations 2001.

**Nature Conservation Officer** has commented as follows:-

This site is designated as a Wildlife Corridor towards the southern boundary. Accordingly local plan policy DM19 applies and therefore it is recommended that any consent is subject to an ecological mitigation strategy. This should be conditioned as a pre-commencement of development along with vegetation clearance and landscaping planning conditions.

**Arboricultural Team** has commented as follows:-

I have reviewed the arboricultural report and have no objection to the proposal and the proposed financial contribution for tree planting within the local area.

**Air Quality** has commented as follows:-

The appendices of the Air Quality Assessment describe the impact of the changes to air quality caused by the development in accordance with the guidance.

Other factors that have been taken into account, in order to determine the potential 'effect' of the development proposal, include the limited hours of operation of no more than 200 hours per annum,

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and limited number of hours predicted to exceed the average hourly concentration (of 200µg/m<sup>3</sup>) at any relevant receptor locations.

No exceedance of the short term air quality objective will result from the proposed development. At relevant receptor locations in the vicinity of the development site it has been demonstrated that maximum predicted hourly concentrations for NO<sub>2</sub> will meet the short term health based objectives for this pollutant.

In order to ensure that the development proposal is operating in line with the modelled engine emission limits, regular inspection and maintenance of the engines, in line with the manufacturers recommendations, will be required and should be conditioned. Reporting of engine stack emissions, an ambient air quality monitoring programme and restricting the hours of operation to 200 hours per annum should also be conditioned. The applicant should report to the Council on the hours of operation to ensure compliance with this condition.

The required planning conditions will ensure that the development operates within the parameters modelled in the air quality assessment and therefore I do not object to this development on the grounds of air quality effects, based on the predictions contained within the air quality assessment.

**RELEVANT POLICIES****National Planning Policy Framework – March 2012****Bristol Core Strategy (Adopted June 2011)**

BCS8	Delivering a Thriving Economy
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS21	Quality Urban Design
BCS23	Pollution

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

DM13	Development proposals on principal industrial and warehousing areas
DM14	The health impacts of development
DM15	Green infrastructure provision
DM17	Development involving existing green infrastructure
DM23	Transport development management
DM27	Layout and form
DM29	Design of new buildings
DM33	Pollution control, air quality and water quality
DM19	Development and nature conservation
DM25	Greenways
DM34	Contaminated land

**POLICY CONTEXT**

While the principle of the proposed development is assessed in more detail in the key issues below, the purpose of this section is to clarify the policy position in which the proposed development sits. This application has been made as it is recognised that the energy demands in the city are outweighing the supply, and back up generation is needed to meet energy requirements. The Council's Energy Service has confirmed that such proposals do provide security of supply for National Grid, operating either as STOR (Short Term Operating Reserve) or as Flexible Balancing Generation. This is of

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national strategic importance to the National Grid as infrastructure such as this allows the National Grid to operate a smaller supply margin as they can call-upon such generation capacity, in association with other measures, such as large scale energy saving. At this time there is not a renewable energy alternative that could satisfy this demand in an urban area.

Classifying this type of development in terms of the planning use class can be problematic as proposals for a back-up energy supply are not clearly addressed in local or national planning policy. For this assessment, the proposed use is defined as B2 - General Industrial and has been evaluated as such, although there is clearly a need to assess the specific and unique impacts of this particular proposal, which are covered under the key issues.

As stated above, there is no specific policy that covers the control of small scale power generations units. The policies contained within the Bristol Development Framework Core Strategy relating to climate change and renewable energy are intended as promotional policies to encourage the submission of planning applications in which developments incorporate sustainable design and renewable energy sources.

National policies such as the National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance (NPPG), also encourage the promotion of renewable energy technology, but again does not account for other forms of energy production. Wider national policy relating to energy generation is set out in the National Policy Statement for Energy (EN-1). Whilst this policy document is primarily used by the Planning Inspectorate to assess major infrastructure projects of over 50MW, the information nonetheless provides useful guidance for smaller scale development.

Paragraph 2.2.4 of EN-1 states that the role of the planning system is to provide a framework which allows for the construction of the types of essential infrastructure in areas of need and that are acceptable in planning terms, including the principles of sustainable development. Paragraph 3.4.4 of EN-1 adds that as more intermittent renewable electricity comes onto the UK grid, the ability of biomass and electricity from waste to deliver predictable, controllable electricity is increasingly important in ensuring the security of UK supplies. Paragraph 3.4.1 of EN-1 sets out the UK's commitment to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 and new projects need to continue to come forward urgently to ensure that this target is met.

The National Policy Statement for renewable energy Infrastructure (EN-3) must be read alongside EN-1 as it provides specific policies in regard to electricity generation from renewable sources of energy including the use of bio fuels (biomass). Paragraph 2.5.1 of EN-3 states fuels of biological origin for electricity generation is likely to play an increasingly important role in meeting the UK's renewable energy targets.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING**

The proposed development is classed as Schedule 2 development (3 (a) - Industrial installations for the production of electricity). However, as the application site does not exceed 0.5 hectares it falls below the size threshold set by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended). The site does not comprise a "sensitive area" as defined in the Regulations. An Environmental Impact Assessment is therefore not required.



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KEY ISSUES

(A) ARE THE PROPOSALS ACCEPTABLE IN LAND USE TERMS?

Notwithstanding the policy context of the development as set out in key issue B, the suitability of the site must be assessed against the potential use. The site is located within a Principle Industry and Warehousing Area (PIWA) and Policy DM13 cites that general industrial uses are acceptable. DM13 also specifically states that essential public utilities are also acceptable in principle within PIWA's.

As such, as the proposal is considered to be appropriate to the site and wider industrial context, subject to detailed assessment as to the specific impacts of environmental amenity, movement and design. The site is also designated as a Wildlife Corridor and the ecological impacts are assessed under Key issue D.

(B) IS THE INSTALLATION OF A BIO FUEL POWERED FLEXIBLE GENERATION FACILITY ACCEPTABLE IN TERMS OF SUSTAINABILITY AND CLIMATE CHANGE?

Policy BCS13 of the Core Strategy requires development to contribute to both mitigating and adapting to climate change, and to meeting targets to reduce carbon dioxide emissions. The various measures by which development can do this include the use of decentralised, renewable and low-carbon energy supply systems. New development should demonstrate through Sustainability Statements how it would contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions through the use of such measures. Policy BCS14 of the Core Strategy further promotes the use, distribution and development of renewable and low-carbon energy, including by encouraging freestanding renewable energy installations.

Policies BCS13 and BCS14 do not seek to restrict any form of development in principle. Their purpose is to ensure that, if the principle of any given development is acceptable in other respects, its impact on climate change and vulnerability to climate change is minimised. Officers therefore consider that, while the policies promote renewable and low-carbon energy, they do not themselves provide an in-principle reason to refuse proposals for conventional energy generating development. Nor does the National Planning Policy Framework which, at paragraphs 97-98, promotes renewable and low carbon energy development, seek to restrict the development of the alternatives. Notwithstanding the above it is recognised that the proposed use of a bio-fuelled standby generator is derived from a renewable energy source.

The proposal would still be subject to the requirement in policy BCS13 (in terms of its operation) to demonstrate, through a Sustainability Statement, what steps have been taken to mitigate and adapt to climate change. However, in practice, there are limits to how a development of this type could reasonably mitigate its impact. Principally this would be likely to involve making efficient use of its waste heat. Officers have considered the potential for the proposed development to capture its waste heat to contribute to a future district heating network. However, due to the intermittent nature of the proposed energy generation on the site, it is considered that the proposed development would not provide a consistent or reliable source of heat and heat capture would be unlikely to be cost-effective.

The sustainability of the fuel

The applicant has confirmed that the source of the bio fuel would be a hydrotreated vegetable oil (HVO) which is derived from the removal of oxygen from vegetable oil molecules using hydrogen therefore creating hydrocarbons similar to diesel fuel components. The main component of HVO is rapeseed oil in the European market, however it can also be made from other sources including soybean and carmelina oil. The fuel would be supplied by a Finnish based national oil company (who manufacture the product in Finland, the Netherlands and Singapore) and each shipment of fuel would come with a Proof of Sustainability Certificate (POS). In addition the applicant has provided detailed documentation of the oil company's sustainability strategy and sustainability credentials. The applicant

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has stated that the choice of the Finnish based product was because this HVO is the leading biofuel available on the market and is not currently available in the UK. The fuel results in lower emissions and is the most viable product as recommended by engine manufacturers and the terms of their engine warrantee.

There has been a debate regarding the sustainability of resourcing bio-fuel and it has been raised as a concern in the comments received. The social, environmental and economic case for widespread deployment of biomass-fuelled plant depends on the sustainability of fuel used in it. The Renewables Obligation, administered by the Office of Gas and Electricity Markets (Ofgem) is the main support mechanism for renewable electricity in the UK. In order to receive incentives (ROCs) under the Renewables Obligation (RO), and for their output to count towards the UK's renewable energy targets, generation plants fuelled by bio liquids must use fuel which meets sustainability criteria laid down in the Renewable Energy Directive.

The applicant has confirmed that the source of the HVO allows them to receive Renewable Obligation Certificates (ROCs) however they will not be claiming them. It is for these reasons that officers in the Council's Energy Team do not raise any objections to the proposal on sustainability grounds.

Officers recommend that the acceptability of the proposed development should therefore be determined on the basis of its wider environmental impact in the proposed location, in accordance with other policies of the Local Plan and national planning policy.

**(C) DO THE PROPOSALS HARM THE ENVIRONMENTAL AMENITY OF THE AREA?**

Policy BCS23 of the Core Strategy deals with any form of pollution that would result from development, stating that development must "avoid adversely impacting upon environmental amenity" of the area, taking account of surrounding uses. Policy DM14 of the Site Allocations and Development Management Policies cover the health impacts of development and seeks to ensure that development contributes to reducing the causes of ill health, improving health and reducing health inequalities throughout the city. DM33 and DM35 are specifically concerned with Air Quality and Noise Mitigation respectively. Air Quality Management Areas are designated where concentrations of key pollutants exceed national targets. Major development within Air Quality Management Areas will require mitigation.

**Air Quality**

The full comments from the Air Quality Team are attached as a background paper and relate to the technical output that could potentially result from the proposed development.

Concerns were raised by the Council with regards to the predicted maximum hourly concentrations of Nitrogen Dioxide (NO<sub>2</sub>) associated with the proposed engine configuration under the previous withdrawn application (15/02310/F). The current proposal includes a number of alterations aimed at reducing the predicted impacts upon air quality. The revised proposal includes changes to the fuel type, number of stacks, stack height, exhaust emission temperature and velocity.

The impacts from the operation of the proposed generators have been assessed using an air quality dispersion modelling package. Consideration was also given to construction dust impacts, impacts from the vehicles making deliveries to the site and consideration of the potential for odour.

In the air quality assessment, the impacts were predicted assuming the engines would operate continuously during all the hours that it could be called into operation (3607 hours per annum). This ensured that the meteorological conditions that may give rise to an exceedance could be identified and the frequency of these conditions quantified. The probable number of exceedances is then derived based on the maximum of 200 hours that the generators would be in operation in any one year. Assessment of impacts has been made on the basis of the flexible generation facility operating

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for no more than 200 hours per year and for a maximum of 2 hours at any one time. The full results of this have been set out in the Executive Summary of the air quality assessment.

The assessment focuses on the impact on short-term NO<sub>2</sub> concentrations as it is this pollutant and its potential impact upon hourly concentrations which are of greatest relevance for a development of this nature. Where the average hourly concentration of 200µg/m<sup>3</sup> of nitrogen dioxide is exceeded more than 18 times per year, in a location where members of the general public can be expected to be present for an hour or more, then this objective is considered to have been breached.

The findings of the Air Quality Assessment showed that the highest number of exceedance predicted to occur is at an industrial site on Albert Road. As advised by the Air Quality Officer the hourly objective for NO<sub>2</sub> is only relevant at outdoor locations where members of the public might reasonably be expected to spend one hour or longer. An industrial site does not meet these criteria.

The focus of this application is on those areas where the largest air quality impacts are predicted where they coincide with relevant exposure locations, in this case, Sparke Evans Park, Paintworks Phase 3 and the Wholesale Fruit Centre.

The findings showed that no exceedances are predicted to be breached at any of the relevant receptor locations when considering the probable impacts from operation of the plant for 200 hours per year. The maximum number of probable hourly exceedances is reported as 1 at Sparke Evans Park and the Wholesale Fruit Centre. At all other receptor locations it is predicted that there would be no exceedances.

The applicant was presented with a request for clarification of a number of points related to the air quality assessment and they responded to the Council addressing all the points raised. One of the requests was for data to be supplied showing the predicted impacts at the St Phillip's Marsh Nursery due to its sensitive nature and proximity to the site (approximately 200m). This showed that with the development proposal running for 3607 hours of the year that there would not be a single hour that pollutant levels are predicted to exceed the 200µg/m<sup>3</sup> average hourly value, consequently, given the limited 200 operational hours that the generators would be running, no exceedance is predicted at this location.

The air quality assessment submitted for the proposal has shown that these peak hourly impacts have been effectively mitigated by the newly proposed configuration of the generation plant. Therefore the impacts would not be harmful.

#### Noise

The applicant has included a noise assessment as part of the submission. The generator site would also be enclosed with an acoustic fence. No objection has been raised by the Pollution Control Team who were satisfied with the conclusions reached in the noise assessment and stated that the development is unlikely to cause excessive noise nuisance. Subject to standard controls of plant machinery and details of the acoustic fence attached as condition to any approval, this aspect is considered satisfactory.

#### (D) HAVE ECOLOGICAL ISSUES BEEN ADDRESSED?

This site is designated as a Wildlife Corridor and includes vegetation and trees as well as hard standing. Accordingly Local Plan Policy DM19 applies and it is necessary to submit a Phase 1 habitat survey. This, along with a bat survey, was submitted and investigated the site for habitats and any mitigation measures necessary. Recommendations from the survey included retaining an element of woodland and scrub habitat to maintain a contiguous and connective corridor, along with a precautionary approach to any site clearance.

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The city's Nature Conservation Officer has been consulted and is satisfied that the proposals meet the requirements of DM19, subject to conditions being attached to any approval that secure the recommendations in both surveys.

In relation to trees, an arboricultural report was submitted and evaluated by the Council's Arboricultural Officer. Given the location of the site, away from the public realm, it is concluded that the trees on site have little public amenity and, as such, it is not reasonable to protect them through a Tree Protection Order. The loss of the trees are therefore acceptable, subject to compliance with policy DM17 and a suitable tree replacement contribution, which the applicant has agreed with and can be secured by a planning obligation.

The applicant has submitted a Unilateral Undertaking as part of the proposal and in the event of an approval, a contribution of £56,625 is required to cover the loss of the 19 trees identified in the arboricultural report and the cost of the 74 replacement trees that are required but cannot be provided within the site. This is in accordance with the Bristol Replacement Tree Standard.

**(E) IS THE PROPOSAL ACCEPTABLE IN DESIGN TERMS?**

The site is away from the public realm and the visual impact will be minimal. Furthermore, the proposed design will not appear out of place in what is an industrial context.

**(F) ARE ANY TRANSPORT AND MOVEMENT ISSUES RAISED?**

The generation unit is proposed to store fuel on site with expected deliveries to number once a week. Transport Development Management has been consulted upon the scheme and following minor revisions have offered no objection. The industrial natural of the area meaning the proposals are not expected to significantly alter the pattern of traffic in the area.

**UNILATERAL UNDERTAKING**

Prior to commencement of the development, hereby approve, a contribution of £56,625 shall be provided for any trees not replaced on site in accordance with the Bristol Tree Replacement Standard (DM17).

**CONCLUSION**

The application has been assessed upon its own merits. All impacts and benefits of the development have been assessed, including the need for infrastructure improvements to the energy network and environmental and residential amenity, movement issues and design.

The conclusions of the Air Quality Assessment have demonstrated that there would not be a detrimental impact on pre-existing levels of air quality and in particularly at St Phillips Nursery School, the Paintworks site and Sparke Evans Park, which is a regularly used public space. The health, wellbeing, residential and environmental amenity of these close-by locations would not be detrimentally harmed.

Other impacts, including loss of trees and part of the Wildlife Corridor are considered to be satisfactorily mitigated and can be controlled through appropriate conditions should the Committee be minded to approve the application.

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

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

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

1. Full Planning Permission

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

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

**Pre commencement condition(s)**

2. Construction management plan

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

Parking of vehicle of site operatives and visitors  
 Routes for construction traffic  
 Hours of operation  
 Method of prevention of mud being carried onto highway  
 Pedestrian and cyclist protection  
 Proposed temporary traffic restrictions  
 Arrangements for turning vehicles  
 Arrangements to receive abnormal loads or unusually large vehicles  
 Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

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

3. Acoustic barrier

No development shall take place until full details of the acoustic barrier detailed in the acoustic report submitted with the application have been submitted to and approved in writing by the Council.

Reason: In order to safeguard the amenities of nearby occupiers.

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4. Details of a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary shall be submitted to and approved by the Local planning Authority before development commences.

Reason: To ensure the safe operation of the railway line and the protection of Network Rail's adjoining land.

5. Ecology

No development shall take place until an ecological mitigation strategy prepared by a qualified ecological consultant has been submitted to and approved by the Local Planning Authority. This should include:

- A Precautionary Method of Working method statement with respect to the potential presence of legally protected reptiles;
- Measures to protect nesting birds;
- A method statement for the control and removal of Japanese knotweed which was recorded on site during the extended phase one habitat survey dated July 2015;
- An update badger survey to be undertaken no more than three months prior to construction commencing;
- Measures to protect foraging or commuting badgers becoming trapped in open trenches or pipework;
- The provision of bird and bat boxes;

Reason: - In the interests of maintaining the ecological value of the site.

6. Submission and approval of landscaping scheme

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

**Pre occupation condition(s)**

7. Servicing & Management Plan

No building or use hereby permitted shall be occupied or use commenced until a servicing and management plan addressing vehicle arrivals, departures, parking, stopping and waiting has been prepared and lighting, has been submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved servicing and management plan.

Reason: In the interests of highway safety.

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## 8. Ambient Air Quality Monitoring

An ambient air quality monitoring station will be commissioned in an agreed location by the Local Planning Authority before the development commences operation. Real-time nitrogen oxides monitoring, using monitoring equipment that has been type approved under the UK Environment Agency MCERTS Scheme is required to fulfil this requirement. The air quality monitoring site should be operated and maintained in line with the QA/QC standards applied to Bristol City Councils air quality monitoring network. Bristol City Council should be provided with access to raw data and calibration data for the monitoring equipment. Wind speed and direction data should also be collected at or in close proximity to the air quality monitoring site. The applicant should pay for the equipment installation and running cost for a minimum period of 2 years from the date that the proposed plant is operational:

Reason - To ensure that the air quality impacts at a relevant location are in line with the predictions made in the air quality assessment.

**Post occupation management**

## 9. Restriction of noise from plant and equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 1997- "Method of rating industrial noise affecting mixed residential and industrial areas".

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

## 10. Inspection and maintenance

The generator plant shall be inspected and maintained in line with manufacturers guidance:

Reason - To ensure optimal engine performance and to minimise emissions to air throughout the life of the plant.

## 11. Total hours

The plant should not operate outside the hours of 07:30 to 22:30 or for more than 200 hours in any one year. The applicant must submit records listing the annual hours of operation to Bristol City Council. Any variation to increase operating hours must be accompanied by a revised air quality assessment:

Reason: This is the basis on which the air quality impacts have been assessed and any changes required to the plant operation will need to assess the potential impact on air quality.

## 12. Regular and on-going stack emissions monitoring

There shall be regular and on-going stack emissions monitoring, throughout the operational life of the plant, to demonstrate that engine emissions comply with the pollutant emission concentrations as stated in Table D3 of Appendix D contained in the Air Quality Assessment Appendices Document (1750086/R2016/001). This monitoring should also demonstrate that the stack emission parameters are in line with the exhaust flows and temperatures as modelled in the air quality assessment and contained in Table D4 of the Air Quality Assessment Appendices Document (1750086/R2016/001). Data should be reported to Bristol City Council's Sustainable City and Climate Change Service.

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Reason: This is the basis on which air quality impacts have been assessed in the planning application and to which the engines will be required to perform.

13. If the measured concentrations of nitrogen oxides are higher than those predicted by the modelling and give rise to concern about breaches of air quality objectives/health impacts, Bristol City Council will review the operation of the site to ensure impacts are reduced to a level that do not give rise to concern. Mechanisms to bring air quality impacts in line with the predicted modelled concentrations could include but would not be limited to examples such as, placing a restriction on the meteorological conditions under which the plant could operate, requiring additional abatement technology to be installed or changing the stack release parameters:

Reason - To ensure mechanisms are in place to ensure that the plant is operating within acceptable parameters to protect health.

15. Bio fuel

The fuel to be used shall comprise of Hydrotreated Vegetable Oil (HVO) only.

Reason: To protect local air quality and as assessed under the Air Quality Assessment.

16. Sustainability criteria

The development hereby permitted shall only operate when the bio fuel satisfies the sustainability criteria.

For the purposes of this condition:

- (a) 'biomass' has the meaning given by Article 2(e) of the Renewables Directive;
- (b) 'sustainability criteria' means such criteria relating to the sustainability of biomass as are set out in the Renewables Directive from time to time;
- (c) 'Renewables Directive' means Directive 2009/28 of the European Parliament and of the Council on the promotion of the use of energy from renewable sources, as amended or replaced from time to time.

Reason: To ensure the use of low-carbon fuel in compliance with policy BCS14 of the Bristol Development Framework Core Strategy.

17. Annual reports

Throughout the operational life of the development, there shall be submitted to the Council annual reports on the sustainability of the biofuel to be used in the electricity generating engines. This information shall provide the same levels of assurance and verification which the operator of the development is required to do (or would be required to do, if they were claiming financial assistance through Renewable Obligations (RO)).

Reason: To ensure that the fuel used complies with the national criteria of a sustainable fuel.

**List of approved plans**

18. 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.



**Development Control Committee B – 13 July 2016****Application No. 16/00719/F : Avonbank Feeder Road Bristol BS2 0TH**

110 Proposed tracking plan, received 31 March 2016  
 104 C Proposed site sections (sheet 1 of 3), received 22 April 2016  
 105 C Proposed site sections (sheet 2 of 3), received 22 April 2016  
 106 C Proposed site sections (sheet 3 of 3), received 22 April 2016  
 Unilateral Undertaking given by Plutus Energy Limited, received 30 June 2016  
 Air Quality Assessment - Further Information, received 6 April 2016  
 Air quality assessment, received 2 June 2016  
 Arboricultural constraints report, received 10 February 2016  
 Extended phase 1 habitat survey, received 10 February 2016  
 Noise impact assessment, received 10 February 2016  
 1525\_SK002 A Site location plan, received 10 February 2016  
 5355-03 Generator plan & elevations, received 10 February 2016  
 5355-04 Switch room elevation & plan, received 10 February 2016  
 5355-05 Double bunded diesel storage tank, received 10 February 2016  
 1525\_SK005 A Existing site with boundary, received 10 February 2016  
 03 C Proposed site layout, received 10 February 2016  
 13442-1-1 A (1) Internal layout, received 10 February 2016  
 13442-1-1 A (2) General arrangement, received 10 February 2016

Reason: For the avoidance of doubt.

**Advices**

## 1. Network Rail

You are advised to refer to the comments and recommendations from Network Rail dated 21st March 2016 which are to ensure that the safe operation of the adjoining railway is continued.

## 2. Environment Agency

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any waste oils must be collected and contained prior to disposal in an approved manner. On no account should waste oils be discharged to any drainage system.

**BACKGROUND PAPERS**

Air Quality	18 March 2016
Bristol Neighbourhood Planning Network	29 February 2016
Network Rail	21 March 2016
Pollution Control	12 April 2016
Contaminated Land Environmental Protection	17 March 2016
Transport Development Management	1 April 2016
Environment Agency (Sustainable Places)	9 March 2016
Nature Conservation Officer	17 March 2016
Arboricultural Team	29 April 2016
Air Quality	11 April 2016
City Design Group	1 March 2016

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**WARD:** Stoke Bishop                      **CONTACT OFFICER:** Charlotte Sangway  
**SITE ADDRESS:** Land Between Ladies Mile & Clifton Down Bridge Valley Road Bristol BS8

**APPLICATION NO:** 16/01266/F                      Full Planning  
**EXPIRY DATE:** 2 May 2016

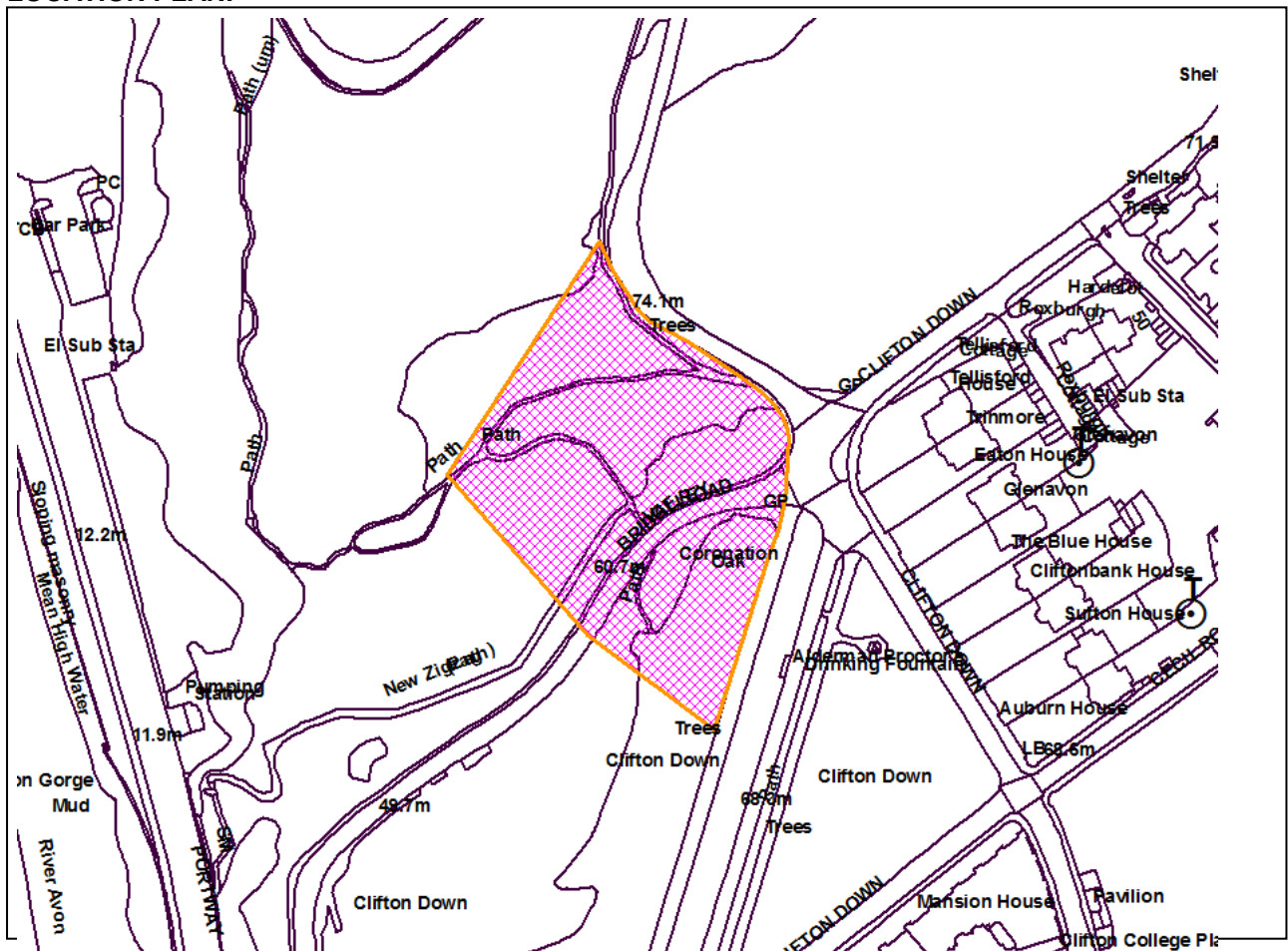
*Proposed pedestrian/cycle bridge over Bridge Valley Road.*

**RECOMMENDATION:** Refuse

**APPLICANT:** Dr Adrienn Tomor  
Frenchay Campus  
Coldharbour Lane  
Bristol  
BS16 1QY

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

**LOCATION PLAN:**



**Development Control Committee B – 13 July 2016****Application No. 16/01266/F : Land Between Ladies Mile & Clifton Down Bridge Valley Road  
Bristol BS8****SUMMARY**

The application relates to a site situated within Clifton ward at the junction of Bridge Valley Road, Clifton Down, The Promenade (pedestrian route) and Ladies Mile/ Downs Circular Road. The site has a number of designations in terms of its heritage and conservation value (see Site Description below).

The application has been proposed by the Friends of the Downs and Avon Gorge (FODAG) group and has been put together by a Senior Lecturer in Engineering at the University of the West of England, a specialist in the design of stone bridges. The current application follows a pre-application enquiry on the site and a planning application that was subsequently withdrawn by the applicant following concerns raised by officers regarding the visual and landscape impact of the proposals. The proposal is for a stone bridge to provide pedestrian and cycle access crossing Bridge Valley and ancillary paths and ramps giving access to the bridge. The bridge would measure approximately 80m in length (including ramps) and 5.0m wide with a segregated footpath and cycle path. The application requires the removal of 38 trees to facilitate the proposals (31 of 'C' grade quality and 7 of 'B grade quality).

Public consultation on the application has elicited 166 representations to the proposals- 148 in support and 14 in objection. The comments in support welcome the opportunity of the proposal for knowledge sharing and as an engineering project, enhanced safety for pedestrians and cyclists and the design and sustainability of the proposed stone bridge. The objections received were on the basis of the landscape impact of the proposal, the siting and the lack of consideration of other options.

The key considerations for this application relate to the impact on the landscape character of the Conservation Area, impact on green infrastructure and nature conservation and transport and access matters. The officer recommendation is for the refusal of the application on the grounds of impact on landscape quality and the character and special interest of the Conservation Areas.

**SITE DESCRIPTION**

The application site forms part of Clifton Down and is within Bristol City Council ownership, under the management of The Downs Committee and the stewardship of The Society of Merchant Venturers. The site is designated as forming part of The Downs Important Open Space and Local Historic Park and Garden. The site is within The Downs Conservation Area and adjoining the Clifton and Hotwells Conservation Area. The site is also within a Special Area of Conservation (SAC), Site of Nature Conservation Interest (SNCI) and a Site of Special Scientific Interest (SSSI).

There are also a number of listed structures on The Downs including Alderman Proctor's Drinking Fountain close to Clifton Down (Grade II listed) and several listed lamp posts (Grade II listed). The properties on Clifton Down are Grade II listed and there are a number of Grade II\* listed properties further south along Clifton Down.

**RELEVANT HISTORY**

15/01128/F- Proposed pedestrian/cycle bridge over Bridge Valley Road.

The above application was withdrawn following concerns raised by officers regarding the visual and landscape impact of the proposal and loss of green infrastructure. Concerns were also raised that

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alternative options to improve access with a lesser visual impact had not been sufficiently explored and that the proposed bridge would be premature in light of The Clifton and Durdham Downs Place and Movement Framework being brought forward by The Downs Committee.

13/04123/PREAPP- Proposed bridge for the junction of Bridge Valley Road, Clifton Down and Ladies Mile.

**APPLICATION**

The application proposal is for the installation of a combined pedestrian and cycle bridge with associated access (ramps, paths and barriers). The proposed bridge would be approximately 80m in length (including ramps) and 5.0m in width with additional footpaths/ cyclepaths leading to the bridge. The bridge itself and ramps/ paths leading to the bridge would be segregated as a separate cycle path and footpath. The cycle path width would be 2.5m and the pedestrian lane 2.0m in width. An additional 0.5m in width has been allowed on the South side of the bridge for users to stop (e.g. to enjoy the view).

The additional proposed footpaths/ cycle paths are required to give access to the bridge from existing roads given that cycling is prohibited on The Downs and The Promenade. Barriers would be required to footpaths/ cycle paths where they cross The Promenade to prevent conflict between cyclists and pedestrians and to prevent vehicles driving on to the bridge.

The proposed materials of the bridge would be Limestone with bonded gravel surfacing demarcated/ signed to indicate the cycle lane and pedestrian lane. The bridge parapets would be 1.1m high and 25cm thick with a 45cm wide capstone. Lighting columns are proposed to illuminate the bridge surface access.

The application proposes the removal of 38 trees to facilitate the proposals (31 of 'C' grade quality and 7 of 'B' grade quality) - please refer to Appendix B (Tree Protection Plan 15305-BVR-TPP-AM) of the Arboricultural Statement.

**PRE APPLICATION COMMUNITY INVOLVEMENT**

The submission of a formal Statement of Community Involvement is not a requirement of this application given that it is not classified as 'major' development. However, the applicant has undertaken community consultation and this is outlined within their Heritage and Planning Statement (Section 4). They state that the design of the bridge was developed in consultation with the Downs Committee, the Friends of the Downs and Avon Gorge group (FODAG), Bristol City Council departments, various access groups and local interest groups including via an Open Day at Engineers House.

In response to the consultation a number of amendments were made to the design, for example inclusion of a segregated cycle lane as requested by the Downs Committee; allowing suitable lane width for two-way pedestrian/ cycle traffic; realignment of the bridge and ramp design.

**RESPONSE TO PUBLICITY AND CONSULTATION**

A site notice and press notice have been posted/ published and neighbours have been consulted by individual letter. 166 written representations have been received to the proposals on the following grounds.

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Representations in support (148 representations):

It is noted that many of the representations in support of the proposals are made by parties not local to Bristol.

The Friends of the Downs and Avon Gorge (FOD+AG) commented (in summary) that:

'The proposal is fully supported by FOD+AG. Clifton Down, Durdham Downs and Avon Gorge are one very special, cultural and historic place but this unique environment has been severed by Bridge Valley Road. The Downs Management Plan has identified the need to create a safe circular path allowing people to access the Gorge from the Downs and encourage more pedestrian and cyclist movement around the Downs. The proposed bridge will cater for pedestrians, school children, the disabled, the elderly and others who find the current crossing dangerous to negotiate. It will provide a focal point and social link and contribute to the improved circular pedestrian route.'

Other representations in support are summarised below:

- The proposal offers significant safety benefits for users as a crossing and would safely link the separate parts of the Downs;
- The proposal would encourage healthier lifestyles and mobility;
- The proposal would perfectly match the surroundings and be an excellent addition to the neighbourhood that would add to the ambience of the streetscape.
- The stone bridge would be a more beautiful, sustainable and long lasting solution with lower maintenance requirements than a steel bridge and would add to the natural beauty of the area;
- The project is a significant opportunity for Clifton and the South West as the construction of the first large stone bridge in Europe for more than 100 years and would bring cultural benefits and be an attraction;
- The construction project would involve the local community and local apprentices and it would make Bristol a hub of knowledge in Europe for this type of engineering project.

Representations in objection (14 representations):

The Stoke Bishop Residents' Planning Group/ Stoke Bishop Forum have commented as follows (in summary): The group considers that in principle a bridge of some sort is acceptable, though are not convinced of its necessity in traffic terms. There is a safe pedestrian crossing near the zoo but the group recognise that both cyclists and pedestrians cross Bridge Valley Road at the top of the hill. However, the proposed bridge is a substantial structure which seems heavy and obtrusive in this place. In particular, its width seems excessive, the dismount on the Promenade side is a very bulky structure which would impact on views of the tree-lined Promenade and is very close to the Coronation Oak. The proposal requires substantial loss of trees, which would substantially change the character of the Downs in this location, regardless of the replanting proposals. The proposal may result in conflict between users. In the event that a bridge is deemed necessary, a lighter bridge with lesser impact would be preferred. It is suggested that a competition be held to find a solution, depending on funding.

Councillor John Goulandris objects to the application on behalf of residents that the site is an extremely sensitive location and the proposal would harm visual amenity. A stone bridge would not be in keeping with the historic environment and loss of so many trees is unacceptable and would harm the natural environment. The mix of pedestrian and cyclist users will result in accidents. There are structural concerns regarding the stability of the cliffs. There is no discernible need for the bridge.

Bristol Civic Society commented that while they consider the broad aims of the proposal (connectivity, safety, skills training and durability) to be admirable; they consider the proposal to be

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harmful to the wooded, rural character of Bridge Valley Road and the open and parkland character of the Promenade, which they feel could only absorb a light structure without harmful effects.

Clifton and Hotwells Improvement Society (CHIS) questioned the need for a bridge in this location and raised concerns regarding the width of the bridge and the inclusion of a cycle lane which increases the size of the structure. Some considered that reviving outmoded technology was inappropriate and raised concerns regarding the funding of bridge construction and maintenance. Further research would be needed into the impact on Bridge Valley Road during construction. CHIS are pleased that the Highways Department is considering the possibility of a roundabout in this location. The application is the only way of separating pedestrian and disabled users of this crossing and it is agreed that both traffic lights and a zebra crossing would not be appropriate. Though the bridge is a bulky structure, the nature of the site and existing tree cover ensures that its visual impact is minimal. CHIS are concerned about the potential approach paths, particularly from the Promenade and the circular access ramps.

The Bristol Tree Forum objects to the loss of so many trees, especially the B grade trees, and comments that mitigation planting in the woodland will not recreate the visual amenity that these trees currently provide. The design seems not to have considered existing trees at all, contravening Policy BCS9 para 2.

The Conservation Advisory Panel strongly objects to the proposal for the following reasons:

"The Panel reiterates its previous meeting minute. It supports the position of Natural England. The bridge proposal is an inappropriately designed bridge in a very sensitive location. The need for a bridge in this location needs to be established through the Development Plan process before a development proposal is formulated. If a bridge in this location is considered appropriate then the design of this should be open to a competition. Furthermore a viable economic case needs to be made for this.

April 2015 minute on withdrawn application 15/01128/F:

The principle of a bridge in this particular location is questioned, as there is a greater need to deal with the design of the existing junction. Bristol is a city of innovative bridges and a historicist pastiche is not appropriate. The architectural language of the proposed design is considered to be ill-conceived and poorly designed. The solid masonry mass would be a visual intrusion in this area of natural beauty. In addition the approach works to the bridge were not detailed and would have at least as great an impact on the conservation area as the bridge itself. The width of 4.5m as proposed is questioned and is considered to be insufficient for a combination of moving pedestrians and cyclists and viewing. A balustrade of 1.4m high would be required for cyclists' safety and this must not be added at a later date. There is a need to provide an archaeological assessment of the area covered by the bridge and access works. Surfaces, grades and appearance need greater consideration and detail."

Other public comments received objecting to the proposals are summarised below:

- Resolution of the access issues requires independent and transparent consultation. A pedestrian crossing/ traffic calming measures should be employed instead. Many people would continue to use the existing short cut across the road or the existing crossing 200m away. The proposal would distract drivers negotiating the incline and sharp bend and be vulnerable to damage from vehicles. The proposal may result in conflicts between cyclists and pedestrians. Cycling on the Downs is not permitted and should not be encouraged.
- The proposals are of a significant scale and would have a significant negative and intrusive impact on the Promenade and surrounding area. A modern lightweight pedestrian-only bridge would be more appropriate. The proposed bridge design should be modern.
- Impact on Site of Special Scientific Interest and the proposed lighting would detract from the current night time "dark sky" aspect of the Downs area.

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- Cliff stability is an issue.
- The proposal would attract anti-social behaviour.
- The costs of the proposal appear to have been underestimated and there is no indication of the funding of future repair and maintenance works. \*
- At the Neighbourhood Partnership meeting (29 March 2016) it was agreed that the Neighbourhood Partnership would allocate £15000 of Community Infrastructure Levy to fund a design study for junction improvements at Clifton Down Road/ Bridge Valley Road. This was deferred for 6 months pending a 20mph assessment and the outcome of The Downs Place and Movement Framework.

\* NB The costs of the development are not a planning consideration, though the maintenance costs would need to be considered should the Council wish to adopt the structure.

**OTHER COMMENTS**

**City Centre Projects (Public Art)** has commented as follows:-

The proposed masonry arch bridge - developed with historical construction skills and community involvement - would offer scope for the involvement of an artists and crafts people and contributing to its design.

**Urban Design** has commented as follows:-

Concerns are raised regarding the scheme and withdrawal of the application is recommended. Please refer to Key Issues for further details.

**Transport Development Management** has commented as follows:-

The principle of the bridge is considered acceptable in highways terms but practical considerations are significant in terms of ensuring the structure would not impede traffic flow/ visibility and the following matters would need to be addressed:

**Design**

- The proposed layout of the bridge lanes may lead to conflict;
- The detailed construction of the structure would need to go through the Approved in Principle (AiP) process following a decision on the planning application;
- Large scale plans and details of the existing public right of ways (PROWs) and any proposed pathways connecting into the existing network are required;
- Confirmation by applicant needed if bridge adoption by BCC would be sought. If yes, a financial contribution towards ongoing maintenance would be sought;

**Justification**

- The applicant should include analysis of any personal injury collisions (PICs) at this junction within their Transport and Movement Statement;
- The applicant has considered alternative options to improving access at this junction, but has not considered traffic management/ traffic calming measures as a means of slowing traffic.

**Management**

- A Construction Management Plan and Condition Survey would be required via condition.

**Contaminated Land Environmental Protection** has commented as follows:-

There are no objections subject to conditions. (See background papers for full details).

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**Nature Conservation Officer** has commented as follows:-

An Appropriate Assessment has been carried out and supplied to Natural England, as required. It is concluded that the proposal would not result in any adverse effect on the Avon Gorge Special Area of Conservation, Site of Special Scientific Interest, Site of Nature Conservation Interest or any protected species. No objections are raised to the proposals subject to detailed conditions. (See background papers for full details).

**Natural England** has commented as follows:-

There is no objection to the proposal. In their letter dated 15 April 2016 they raised questions in relation to the potential effects of the proposals on the Avon Gorge Woodlands Special Area of Conservation (SAC) and Avon Gorge Site of Special Scientific Interest (SSSI). Based on the information provided, the extent of permanent habitat loss within the SAC/ SSSI boundary is relatively small and the area is not thought to currently contain any qualifying features. Natural England agrees with the local planning authority's conclusion in the Appropriate Assessment that the works are unlikely to result in an adverse effect on the integrity of the SAC provided that any planning permission includes the recommended planning conditions. (Comment received 22 June 2016; see background papers for full details).

**Crime Reduction Unit** has commented as follows:-

There are no objections subject to details of lighting and approaches. (See background papers for full details).

**Flood Risk Manager** has commented as follows:-

No objection. (See background papers for full details).

## RELEVANT POLICIES

### **National Planning Policy Framework – March 2012**

#### **Bristol Core Strategy (Adopted June 2011)**

BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM14	The health impacts of development
DM15	Green infrastructure provision
DM16	Open space for recreation
DM17	Development involving existing green infrastructure
DM19	Development and nature conservation
DM23	Transport development management



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DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
DM31	Heritage assets
DM33	Pollution control, air quality and water quality
DM34	Contaminated land
DM35	Noise mitigation
DM37	Unstable land

**Supplementary Planning Documents**

SPD5 Sustainable Design and Construction (February 2006)**Supplementary Planning Documents**

SPD7 Archaeology and Development (March 2006)**Supplementary Planning Documents**  
Planning Obligations - Supplementary Planning Document - Adopted 27 Sept 2012

**Supplementary Planning Guidance**

Clifton & Hotwells Conservation Area Character Appraisal

PAN 2 Conservation Area Enhancement Statements (November 1993)

The Planning (Listed Buildings and Conservation Areas) Act 1990

**KEY ISSUES**

**(A) WOULD THE PRINCIPLE OF THE DEVELOPMENT BE ACCEPTABLE IN LAND USE TERMS?**

The application site has a number of designations being part of The Downs, including nature conservation designations (refer to Site Description above). In land use terms, the site is designated as Important Open Space.

Policy DM17 (of the Site Allocations and Development Management Policies document- SADMP) states that development on part or all of, an Important Open Space will not be permitted unless the development is ancillary to the open space use. The proposed bridge structure would be considered to be ancillary to this open space use given that it would provide improved access to the area of open space and for these reasons; there is no objection in principle in land use terms.

**(B) WOULD THE PROPOSED DEVELOPMENT BE ACCEPTABLE IN TERMS OF ITS VISUAL AND LANDSCAPE IMPACT AND WOULD IT SAFEGUARD THE SPECIAL INTEREST OF ALL RELEVANT HERITAGE ASSETS?**

Impact on the Local Historic Park and Garden and Conservation Areas

Development is required by national and local planning policy and legislation to give considerable weight and importance to preserving the special interest, character and setting of Conservation Areas (in this case The Downs and neighbouring Clifton & Hotwells Conservation Areas) and to conserving local historic parks and gardens as heritage assets. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies BCS22 and DM31 of the Local Plan refer.

The proposed site of the bridge is a wooded area at the periphery of The Downs and the Avon Gorge. The Promenade (adjacent) is a historic, formal pedestrian route lined by mature trees,

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giving way to open areas of grassland and the woodland lining Bridge Valley Road and the Avon Gorge. The bridge would be around 80m in length (including ramps) and 5.0m in width with new footpath/ cycle way structures leading up to the bridge, and would be constructed from stone.

The structure would be of a substantial scale appearing highly prominent and as a significant intervention into both the natural, landscaped character of the Gorge and the formal character of The Promenade. The proposed loss of trees (38 in total) would result in a gap in the wooded character of the area thereby diminishing its landscape value. It is the view of officers that the proposals would have an unacceptably harmful impact on the special landscaped character of The Downs and Clifton & Hotwells Conservation Areas through the introduction of a structure of such a substantial scale and the loss of trees within this sensitive and historic setting.

The application submission does not demonstrate whether other, less intrusive bridge design options have been considered and it is possible that a more lightweight design and materials would have a lesser impact. The application submission (see the Transport Statement) sets out the alternative options considered by the applicant for highways improvements in this location- which have been ruled out by the applicant on the grounds of ability to meet the needs of all users, feasibility and highways safety.

The Council's City Design Group has recently produced the 'Clifton and Durdham Downs: Place and Movement Framework' on behalf of The Downs Committee. This document sets out 3 scenarios for improving access to/ around The Downs- one of which includes improvement of the Bridge Valley Road junction for all users through redesign while 'avoiding the adverse landscape and visual impact of a more costly pedestrian/ cycle bridge structure across Bridge Valley Road.' This document is not a planning policy or guidance document and therefore while it can be given some weight, this is not full weight in planning terms.

Summary: There are highways safety concerns in this location given the nature of the road network/ existing crossing facilities and access could be improved. The proposal therefore offers clear public benefits in addressing this issue. However, there are fundamental concerns with the proposed structure in terms of its visual impact on this landscape and the Downs and Clifton & Hotwells Conservation Areas due to its scale and form that would not be outweighed by these public benefits. Officers are therefore unable to recommend approval of this application as they would consider it to be contrary to planning policy.

It is noted that alternative options are under consideration by other parties in terms of addressing access issues in this location; however the application proposal must be judged on its own merits and these options cannot be taken into consideration in the assessment of this application.

The proposals are considered by officers to be contrary to Sections 11 and 12 of the National Planning Policy Framework (NPPF) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would also be contrary to local policies BCS9, BCS21 and BCS22 of the Core Strategy and DM17, DM26, DM27 and DM31 of the Site Allocations and Development Management Policies (SADMP).

#### Impact on nearby listed buildings and structures

The nearest directly affected listed structure (Grade II) is Alderman Proctor's water fountain situated on the east side of Clifton Down. While the proposal would have an impact on the setting of the fountain through the introduction of increased hard landscaping and infrastructure; this would not be considered to be harmful such that refusal of the application would be recommended on this basis. The proposals would also safeguard the setting of neighbouring listed buildings and lampposts, and would be in accordance with Section 12 of the NPPF and Section 16 (2) of the Planning (Listed

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Buildings and Conservation Areas) Act 1990, which requires development to preserve the special interest and setting of listed buildings.

**(C) WOULD THE PROPOSAL BE ACCEPTABLE IN RESPECT OF ITS IMPACTS ON GREEN INFRASTRUCTURE AND NATURE CONSERVATION?****Green infrastructure/ trees**

Policy BCS9 of the Core Strategy states that loss of green infrastructure will only be acceptable where it is allowed for as part of an adopted Development Plan document or is necessary, on balance, to achieve the aims of the Core Strategy. Appropriate mitigation will be required. While local planning policy (DM23 refers) encourages the enhancement of the pedestrian and cycle network; the creation of a bridge in this location is not an objective of the Local Plan.

As outlined above, the proposal would result in the loss of 38 trees; 31 of which are Category 'C' trees (low quality) and 7 of which are Category 'B' trees (Moderate quality). The Arboriculture Officer has advised that the trees to be lost are not specimens of particular individual value and raises no objections on that basis, though there would be an inevitable landscape impact through the loss of this number of trees.

The applicant proposes that compensatory replanting be undertaken in an area adjacent to the site of the proposed bridge. The Bristol Tree Replacement Standard (BTRS) would require the replanting of 111 trees. However, the area identified for replanting (Site B) is small and already heavily planted and therefore replacement planting would need to be off-site via a financial contribution towards the Council undertaking this replanting. The contribution would be significant (£84,938.31) based on 111 trees at £765.21 per tree. In addition, any replanting on the Downs may need to go through a further detailed consultation process with relevant parties given the sensitivity of the environment and the large number of new trees to be replanted. There is no guarantee that suitable sites for all trees could be found on the Downs.

In the event that Members are minded to approve this application, a legal agreement undertaking to pay this contribution would be required from the application prior to a decision on the application being taken.

Summary: While the individual trees to be lost are not of significant individual value, it remains the view of officers that through its impacts, including the loss of a large number of trees, the application would result in an and a harmful impact on the landscape quality of the area and the character and appearance of The Downs and Clifton and Hotwells Conservation Areas, as set out under Key Issue B) above.

**Nature conservation**

The application site has a number of important nature conservation designations (refer to 'Site Background' above). The proposal has been reviewed by the Council's Nature Conservation Officer and Natural England in accordance with the requirements of The Conservation of Habitats and Species Regulations 2010 and the Conservation of Habitats and Species (Amendment) Regulations 2012 and all other national and local planning policies (Local Plan policies BCS9 and DM19 refer). The Council's Nature Conservation Officer has carried out an Appropriate Assessment, as required by Natural England, who raises no objections to the proposals subject to appropriate conditions.

**Development Control Committee B – 13 July 2016****Application No. 16/01266/F : Land Between Ladies Mile & Clifton Down Bridge Valley Road  
Bristol BS8****(D) WOULD THE PROPOSAL BE ACCEPTABLE IN HIGHWAYS TERMS?**

The proposed development would be acceptable in highways terms in principle as it addresses objectives of improving access for all users. However there would be significant practical considerations that would need to be addressed through the submission of further detailed plans following the planning application stage, as outlined below.

It is proposed that the bridge would be adopted by the Council following construction. As proposed, the bridge structure would not meet adoptable standards in its current form. However in the event that permission is granted, detailed construction drawings would need to be agreed by the Council's Structures and Highways Teams to ensure that these standards would be met. Were this to result in amendments to the planning permission, then an application to vary the permission may be necessary. Some changes may be minor and not require planning amendments (e.g. surfacing materials) whereas others may do so (e.g. gradient of ramps). Through this process it would be ensured that the structure would meet an adoptable standard and provide appropriate access for all users including those with disabilities. A financial contribution to the Council would be required for on-going maintenance of the structure, which would be secured via highways agreement outside the planning process.

Should Members be minded to recommend the approval of the application planning conditions would be recommended to obtain any further details necessary for planning purposes as well as an Advice Note to the applicant advising them of the highways agreement process. The following further elements would need to be addressed either by planning condition or separate highways agreement:

- The segregated lanes (with additional 0.5m width for pedestrians) are over complicated and it would be simpler to have just two segregated lanes for cycles and pedestrians- or to move the 'reservation' lane to the same side as the pedestrian lane;
- Balustrades would be required to a height of 1.4m;
- Ramp/ bridge gradients should be no greater than 1:20;
- Detailed lighting plans would be required (to an adoptable standard);
- Detailed constructions plans and methodology would be required;
- Large scale plans and details of the proposed pathways are required;
- The barriers to the Promenade should be replaced by bollards;
- Appropriate signage would be required;
- Further consideration of junctions with the highways network would be needed;
- Further drainage details are sought;
- A Construction Management Plan would be required;

**(E) WOULD THE PROPOSALS SAFEGUARD RESIDENTIAL AMENITY?**

The proposed development would be concluded to safeguard the residential amenity of neighbouring residential occupiers and the environmental amenity of the area. Should Members be minded to approve the application, conditions seeking further details of the lighting to the bridge would be require to ensure appropriate light levels for this setting.

**(F) HAVE SUSTAINABILITY AND CLIMATE CHANGE CONSIDERATIONS BEEN ADDRESSED?**

The proposed development is exempt from the requirement to submit a Sustainability Statement and Energy Strategy given that it is not for a building. However, the application submission (Heritage and Planning Statement- Section 8.2.5) makes reference to the development's contribution to addressing objectives for achieving healthy sustainable communities including

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through environmental, economic and social sustainability.

The main construction material proposed (limestone) is a highly durable, low maintenance material and can be recycled. It is possible that limestone can be locally sourced, though importation is an alternative and would result in an increased carbon footprint. More generally, the loss of trees would be contrary to wider sustainability objectives, though through replanting that could be mitigated. The applicant states that the proposed materials are an environmentally sustainable choice and carbon neutral and that the proposal has been included as a national pilot study for the new BREAAAM Infrastructure scheme by the Building Research Establishment (BRE). They also state that the construction project would benefit the local economy through employment and knowledge-building opportunities; and in terms of social sustainability, the proposal includes a social space acting as a community focal point.

Overall, there are no objections to the proposals on these grounds such that refusal would be recommended on this basis.

**(G) HAVE LAND STABILITY AND LAND CONTAMINATION MATTERS BEEN ADDRESSED?**

Land contamination: There are no objections in this regard subject to conditions, should Members be minded to recommend approval of the application.

Coal: The site is within an area of low development risk as designated by the Coal Authority and there are no objections or further information required on this basis.

Land stability: The application has been accompanied by a Geological Assessment that provides a basic desktop study of the characteristics of the site in terms of geology and natural hazards and which concludes that the site is in an area where there are no superficial deposits and the bedrock is virtually at existing ground level. Therefore the present bridge design is unlikely to have any effect on the stability of the Avon Gorge at the point of its proposed construction.

Policy DM37 of the Site Allocations and Development Management Policies Document (SADMP) states that in instances where remediation of land stability issues are required, that the further exploration of these can be subject of planning conditions. Should approval of the application be granted, then an appropriate condition would be recommended to secure further geological investigation as required, which may require specialist advice from outside the Council.

**(H) ARE THERE ANY OTHER MATERIAL CONSIDERATIONS?****Equalities impact assessment**

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

The proposal is for pedestrian and cyclist access via a new bridge and different groups would therefore have different needs, experiences, issues and priorities in relation to this particular proposed development. While the approval of this application would have implications for these different groups, it is considered that any outstanding matters can be addressed to ensure that the proposals would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010 (please refer to Transport Key Issue for further details).

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In terms of economic factors and employment opportunities, in the event of an approval, there is an opportunity for workers/contractors in its construction to be secured from local workers via a planning condition. In this event, the proposals would offer local employment and economic opportunities.

**CONCLUSION**

In conclusion, refusal of the application is recommended on the grounds of the landscape and Conservation Area impact of the proposals. While the benefits of the proposals in terms of access improvements for all users are welcomed and recognised, these benefits would not be concluded to outweigh the landscape harm arising from the proposed development and harmful impact on The Downs and Clifton & Hotwells Conservation Areas.

**HOW MUCH COMMUNITY INFRASTRUCTURE LEVY (CIL) IS PAYABLE?**

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

**RECOMMENDED    REFUSED**

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

**Reason(s)**

1. The proposal by reasons of its scale, form and siting and the loss of a significant number of trees would have a harmful impact on the landscape character and visual amenity of this area and would fail to preserve the character and special interest of The Downs and Clifton and Hotwells Conservation Areas. The proposals are concluded to be contrary to Sections 11 and 12 of the National Planning Policy Framework (NPPF) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would also be contrary to local policies BCS9, BCS21 and BCS22 of the Core Strategy and DM17, DM26, DM27 and DM31 of the Site Allocations and Development Management Policies (SADMP).

**Advice(s)**

1. Refused Applications Deposited Plans/Documents

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

- 1:1250 Site Location Plan, received 7 March 2016
- 1:2500 Site Location Plan, received 7 March 2016
- 1:5000 Site Location Plan, received 7 March 2016
- 10-01 Current Site Layout Plan, received 7 March 2016
- 20-01 Proposed Bridge With Circular Ramp, received 7 March 2016
- 30-01 Ramp 1, received 7 March 2016
- 30-02 Ramp 2, received 7 March 2016
- 30-03 Ramp Sections, received 7 March 2016
- 40-01 Elevations (NE & SW), received 7 March 2016
- 40-02 Elevations (SE & NW), received 7 March 2016

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40-03 Ground Levels, received 7 March 2016  
 50-01 Sections 1, received 7 March 2016  
 50-02 Sections 2, received 7 March 2016  
 50-03 SUDS, received 7 March 2016  
 60-01 Works 1, received 7 March 2016  
 60-02 Works 2, received 7 March 2016  
 70-01 Trees, received 7 March 2016  
 70-02 Trees & Works, received 7 March 2016  
 90-01 Bats & Badgers, received 7 March 2016  
 90-01 Lighting 1, received 7 March 2016  
 90-02 Lighting 2, received 7 March 2016  
 Arboricultural Impact Assessment, Method Statement & Tree Protection Plan, received 7 March 2016  
 Appendix A - H, received 7 March 2016  
 Construction Statement, received 7 March 2016  
 Ecology Statement, received 7 March 2016  
 Ecology Survey Update, received 7 March 2016  
 Geological Report, received 7 March 2016  
 Heritage Statement, received 7 March 2016  
 Transport & Moving Statement, received 7 March 2016  
 Supporting Statement, received 7 March 2016  
 Design & Access Statement, received 7 March 2016  
 Whitebeam Survey, received 7 March 2016

**BACKGROUND PAPERS**

City Centre Projects (Public Art)	23 April 2016
Urban Design	19 April 2016
Contaminated Land Environmental Protection	3 May 2016
Nature Conservation Officer	9 June 2016
Natural England	18 April 2016
Crime Reduction Unit	30 March 2016
Flood Risk Manager	13 April 2016

**WARD:** Windmill Hill **CONTACT OFFICER:** Heather Faulkner  
**SITE ADDRESS:** Scout Hut Golden Street Bristol BS4 3BB

**APPLICATION NO:** 16/01311/F Full Planning  
**EXPIRY DATE:** 3 May 2016

*Former scout hall to be demolished and land to be excavated to road level to permit construction of six three-storey family dwellings for shared ownership.*

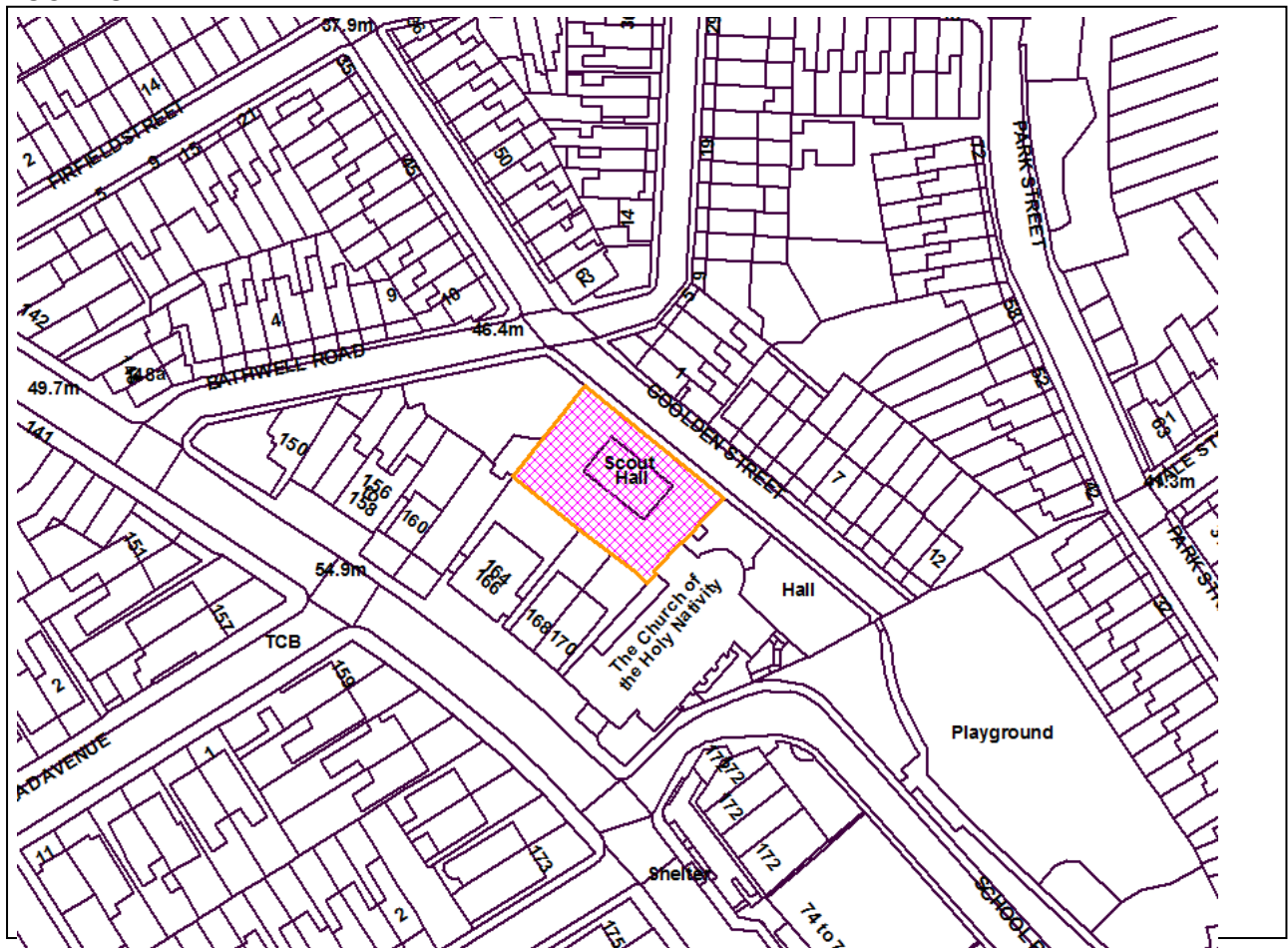
**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Oxford Architects  
The Workshop  
254 Southmead Road  
Bristol  
BS10 5EN

**APPLICANT:** The Guinness Partnership  
Building C, Estune Business Park  
Wild Country Lane  
Long Ashton  
Bristol  
BS41 9AF

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

**LOCATION PLAN:**





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**Application No. 16/01311/F : Scout Hut Goolden Street Bristol BS4 3BB**

## SITE DESCRIPTION AND APPLICATION

The application relates to a disused Scout Hut on Goolden Street in Totterdown. The site is broadly rectangular in shape and the Gooden Street edge of the site is bounded by a rubble stone wall. To the south east of the site is the Church of the Holy Nativity and to the north west is a vacant development site. There are significant level changes in the area which mean the properties to the south west fronting onto Wells Road are at a higher level. To the north of the site are rows of terrace houses. There is a sewer running to the south west of the site with an easement which affects which areas of the site can be developed.

The site is not within a conservation area and is not within any other designated sites. The adjacent church is not a Listed Building in its entirety, however, the tower section of the building on the corner of Wells Road and School Road is Grade II Listed.

The application seeks to demolish the existing Scout Hut on the site and construct a terrace of 6 houses. The properties would be three storeys and built into the site so that they would be two storeys at the rear. The properties would each have a garage for parking. The houses are of a contemporary design with offset gable frontages and inset colour render panels.

The properties would each have three bedrooms and a study.

The application has been submitted by The Guinness Partnership an affordable housing provider and the houses are intended to be shared ownership.

See plans and supporting documents for full information.

## RELEVANT HISTORY

There is no relevant planning history in relation to the site itself.

There have been a number of applications over the last decade or so for the adjacent site which is on the corner of Bathwell Road and Goolden Street. At present the previous consents granted on the adjacent sites have lapsed and there are no extant consents in place. However, the owner of the adjacent site is currently in the process of considering the redevelopment of the site and it is likely that further applications will be made in the near future for additional residential properties. The previous consent on this site was for 8 flats and there was also a consent for a single dwelling both now expired.

## RESPONSE TO PUBLICITY AND CONSULTATION

Letters were sent to 157 properties with 19 responses were received. This includes comments from the Bristol Tree Forum, Totterdown Residents Environmental and Social Action (TRESA) group and Bristol Civic Society. The comments are summarised below.

A Community Involvement Statement was also submitted with the application. This details the consultation that took place prior to the application being submitted. This included a targeted letter drop to local residents and a presentation and feedback event at the Church on 19th November 2015. The Statement includes the comments received and how the feedback had been addressed.

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Summary of comments:

Highways, Parking and Refuse - to be addressed in Key Issue C

- Parking situation in the area is already bad, particularly with the number of subdivided houses. The development will result in the loss of parking spaces on the length of pavement adjacent to the development. A shared surface/homezone development should be considered. Allocation of on street parking for other properties should be considered.
- There are already road safety concerns and these will be exacerbated
- Refuse arrangements could be combined for shared storage.

Design and appearance - to be addressed in key issue B

- Views of the Holy Trinity Church need to be protected.
- Scale and massing of proposals is inappropriate
- Coloured render should be used instead of brick
- The garages at ground floor level and the bin storage do not represent good urban design

Impact on neighbours - to be addressed in key issue D

- The buildings will be overbearing
- Loss of light to neighbouring properties
- The properties will overlook neighbouring properties

Existing issues in the area

- The area is already overcrowded with all the other flats in the area.
- Concerns that they will be converted like other properties on the street  
Case officer comment: Planning permission would be required for the properties to be converted into flats and an assessment of the impacts would be considered at this time.

Trees and Ecology - to be addressed in key issues F and G

- The Ecology of the site needs to be considered
- Most of the trees on site have been removed

Other Matters

- Development of the area is piecemeal and the developers of the site should work together to form a high quality design for the benefit of the whole area.
- The development claims to be affordable but will still be out of reach for many people

Support comments include:

- Well thought out plan for 6 homes which are generally in keeping with the area
- The provision of off street parking is good
- No loss of mature trees

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Comments from TRESA:

While generally supportive of a housing development on this site, particularly family homes rather than small flats, TRESA has the following objections to the current plans:

- the images provided do not reflect the densely populated area so that it is difficult to accurately assess the impact on the street scape which is likely to be considerable
- there is no active frontage for the entire development: at night pedestrians will effectively walk past a row of garages. This is an opportunity to provide active frontage to increase the sense of safety for pedestrians, especially at night, in preference to individual garages for the properties: as the developer points out car parking is not a requirement for this area because of the proximity to public transport links.
- garages under the houses mean that cars will drive across the pavement. Indeed, the general design may lead to the home owners cars sometimes parking across the pavement e.g. loading/unloading before putting the car in the garage
- it is difficult to assess the turning space in the street for cars to turn into, or drive out of, the garages. However, this is a narrow street and it seems likely that this will cause problems for neighbours
- the provision of garages for these houses will not relieve competition for on-street parking as the requirement to access the garages will remove current parking spaces for the entire length of the development. It is highly likely that a residents parking scheme will be implemented in the area soon and this current design will severely restrict parking bays in the vicinity for other residents and visitors
- the development is proposing the removal of eight sycamore trees, as well building on what is currently open land. The impact on the natural environment, and the potential for increased surface water needs to be carefully considered.

Comments from Bristol Civic Society:

Bristol Civic Society has no objection to the principle of residential development on this site. The Society does, however, object to the height of the proposed dwellings which, at three storeys, would be inconsistent with the predominance of two storey houses in the neighbourhood. This could also harm the amenity of the houses opposite. The garages at ground floor level will have a detrimental effect on the street scene by creating dead frontage. There is no guarantee that garages would be used to accommodate cars which could be left on the street or half on, half off the pavement.

Comments from Bristol Tree Forum:

Objection: The removal of this many trees requires mitigation. DM17 specifies a schedule which adds to about 15 new ones. Perhaps some could be done on site but it is likely to trigger a financial obligation - please assess

Comments have also been received from former Cllr Joffe:

I have some concerns about this development.

The whole site is owned by the applicants but this application only refers to part of it and I think it needs to be considered as a whole.

I am opposed to the garages being built since we need to discourage car ownership in this highly congested area, which in any case has good links to public transport and services.

This is a development which will have high impact on the immediate neighbours and it is therefore very important that the details are well worked out.

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CONSULTEE RESPONSES

Transport Development Management Comments summary (refer to full comments dated 21st June 2016):

Recommendation:

Transport Development Management has no objection to the proposal which is considered acceptable on highway safety grounds providing:

o A condition is imposed within the Tenancy Agreement for the dwellings that restricts car ownership to just one vehicle per dwelling and that this must be kept within the garage at all times.

Conditions recommended in respect of construction management, further cycle storage details, refuse storage, completion of vehicular access, completion of pedestrian access, installation of vehicle cross over, completion of vehicle parking, vehicle crossover, completion of parking, completion of cycle provision and retention of garages.

Arboricultural Officer Comments:

I have considered the opinions presented by Oxford Architects within their tree assessment statement.

I note this document has not been prepared by the project arboriculturist and therefore the opinions stated are made without the same knowledge as the project arboriculturist regarding, tree biomechanics and the influence trees have on the built environment.

The proposed site is being heavily developed with little or no green space being provided for the future occupants. This in turn has caused a complete loss of any natural visual amenity the site currently possesses and causes the loss of all green infrastructure assets on site. This is in direct contravention of BCS9, DM15. The current statement wishes to discharge any obligations set out in DM17 and The Planning obligations SPD "Trees".

The Bristol tree replacements Standard is designed to encourage development that retains green infrastructure assets on site, and should only be removed for good reason. Replanting on site is our main objective however high density development that cannot provide new or enhanced green infrastructure on site is required to mitigate the loss by financial contribution so that this amenity can be replaced locally by Bristol City Council.

The site itself is a semi derelict site that has a number of young to early mature Sycamore on site, whether they are self-seeded or not they provide visual amenity and connectivity of green infrastructure assets locally.

I have considered the content of the statement and have concluded that trees 5,6,7 & 8 are young trees that have colonised locations not suitable for future establishment. Trees 9,10 & 11 have not been identified within the arboricultural report. I would reasonably conclude that these trees would be removed through good arboricultural management of this site and a reasonable easement of the BTRS calculation can be made regarding these trees.

I consider groups 1 & 2 provide a significant amenity to the adjacent residential properties. They are early mature trees that with appropriate management could be retained, therefore the loss of these trees requires mitigations.

Trees 3 & 4 are growing within the rubble of a collapsed wall on this semi derelict site. This is not unusual on sites such as these and many continue to grow into full maturity irrespective of the current form. Again these trees require mitigation.

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I consider the easement from 15 to 10 replacement trees to be reasonable. This proposal for high density development has made no attempt to retain any green assets or provide new green infrastructure within the proposal. The contribution required is reasonable considering the extent of vegetation to be removed.

**Contaminated Land Environmental Protection** has commented as follows:-

A comprehensive study has been undertaken, the made ground present on site was tested and found to have various issues with contaminants at levels above the relevant screening criteria including lead, beryllium, arsenic and various polycyclic aromatic hydrocarbons. The report proposes the made ground is removed from the site to facilitate the design of the scheme and to remove the source material. Our only concerns are that the natural material underlying the site has not been subject to testing and therefore we do not know the chemical composition of these soils, whilst the borehole logs do not indicate contamination is present there is the potential that leaching has occurred. Likewise it is not clear if the material is suitable physically for use as a topsoil. We therefore would expect the future garden areas to be validated as part of the remediation scheme and validation process and where necessary clean imported materials to be bought onto site at a suitable depth.

The applicants will need to submit a remediation scheme (comprising of the proposals for removal of the made ground and the validation of the natural soils in the garden areas).

Therefore we recommend standard condition B12, B13 and C1 are applied to any future consent.

We support the B13 condition being a pre occupation condition rather than pre commencement as gardens are usually completed at the end of the development process.

Asbestos containing materials are thought to be present in the roofing materials of the existing scout hut. The following advisory note is recommended to be applied to any future planning consent.

**Asbestos Advice:**

The applicant is advised to undertake an asbestos survey prior to works commencing. Any asbestos containing materials present on site must be removed in accordance with the Control of Asbestos Regulations 2012

**Flood Risk Manager** has commented as follows:-

The flood risk posed to the site is deemed as low.

The sustainability statement explains that a comprehensive drainage strategy will be implemented to assist with reducing storm water impact. Details of this should be submitted to confirm the exact approach to drainage and surface water management for the development. This is still uncertain.

We support the use of SuDS techniques proposed such as permeable paving and rainwater harvesting. The site drainage should follow the SuDS hierarchy in finding the most suitable drainage solution. This goes in order of preference from infiltrating to ground, discharging to a watercourse, connecting to a storm water sewer and then connecting to a combined sewer. Hence connecting to the combined system is the least preferable alternative and should be reconsidered.

Guidance is available in the West of England Sustainable Drainage Developer Guide at: <https://www.bristol.gov.uk/planning-and-building-regulations/flood-risk-drainage-and-development>.

There is the right to connect to the sewer, although this is not deemed as the most sustainable option.

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This will require approval from Wessex Water which can be applied for via: [planningliaison@wessexwater.co.uk](mailto:planningliaison@wessexwater.co.uk). WW will check what flows they can accept into that part of the sewer system. More detail will be required to ensure the new piped system is in accordance with Sewers for Adoption standards.

Further information and detail of the permeable paving, aco drainage channels, rainwater harvesting and amount of attenuation storage they will be providing will need confirming. The following SuDS condition Could cover these requirements;

**B35 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.

**Urban Design** has commented as follows:-

- o The contemporary approach is considered to pick up on a number of prominent character cues in the area, such as the terrace form and gable frontage, and so considered to represent an appropriate response the character of the area.
- o While render is the most prevalent material in the locality, the proposed brick is considered to represent a robust and in keeping solution. However it will be necessary to ensure an appropriate colour, tone and finish of brick is selected- this can be achieved through an appropriate condition.
- o While integrated garages at street level is usually strongly discouraged, the clear pressure on parking in this area and limited on-street capacity requires a more lenient approach. The 1st floor provides a good level of overlooking and surveillance to the street, and in this case is considered to balance the impact of the garages at ground floor.
- o However given the prominence and impact on the streetscene a condition will be required to ensure an appropriate appearance and material treatment.
- o The amendments to the boundary and threshold treatment shows improvement, but it is considered that there is scope to increase the width of the stone wall to further enclose the visitor cycle parking. If this cannot be resolved in the course of the application, a condition would be required to ensure an appropriate solution post-decision.
- o Clarification is required related to the treatment of the plot boundary treatment- is this now a raised planter bed in a stone wall?
- o The brick detail, while simple, does provide some visual interest to what will be very exposed flanks. Given the constraints of avoiding overlooking to adjacent sites, the proposed detail is considered acceptable.

**Contaminated Land Environmental Protection** has commented as follows:-

A comprehensive study has been undertaken, the made ground present on site was tested and found to have various issues with contaminants at levels above the relevant screening criteria including lead, beryllium, arsenic and various polycyclic aromatic hydrocarbons. The report proposes the made ground is removed from the site to facilitate the design of the scheme and to remove the source material. Our only concerns are that the natural material underlying the site has not been subject to

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testing and therefore we do not know the chemical composition of these soils, whilst the borehole logs do not indicate contamination is present there is the potential that leaching has occurred. Likewise it is not clear if the material is suitable physically for use as a topsoil. We therefore would expect the future garden areas to be validated as part of the remediation scheme and validation process and where necessary clean imported materials to be bought onto site at a suitable depth.

The applicants will need to submit a remediation scheme (comprising of the proposals for removal of the made ground and the validation of the natural soils in the garden areas).

Therefore we recommend standard condition B12, B13 and C1 are applied to any future consent.

We support the B13 condition being a pre occupation condition rather than pre commencement as gardens are usually completed at the end of the development process.

Asbestos containing materials are thought to be present in the roofing materials of the existing scout hut. The following advisory note is recommended to be applied to any future planning consent.

**Asbestos Advice:**

The applicant is advised to undertake an asbestos survey prior to works commencing. Any asbestos containing materials present on site must be removed in accordance with the Control of Asbestos Regulations 2012

**Nature Conservation Officer** has commented as follows:-

As a planning condition, all construction works should be carried out in accordance with the recommendations in the Preliminary Ecological Appraisal dated February 2016. Please note that this includes a recommendation to remove the soffit boxes from the building before the end of March to discourage future use by bats, and measures to minimise light spill during construction. The Preliminary Ecological Appraisal dated February 2016 states that this site has the potential to support reptiles, particularly slow-worms and possibly grass snakes. Reptiles including slow-worms and grass snakes are legally protected against being killed or injured. A site visit on 30 March 2016 indicated that whilst most of the trees on site have been cut down and scrub cleared, areas of vegetation and features which are potentially suitable for reptiles remain on the site. Condition recommended.

Most of the trees on site have been cut down and scrub cleared but some trees still remain. The following advisory note should be provided. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. No site clearance or tree or hedge removal shall be carried out on site between 1st March and 30th September inclusive in any year, unless a check has been carried out beforehand by a qualified ecologist as agreed with the local planning authority.

**Community Buildings Manager** has commented as follows:-

We are aware of the applicant's aspirations, as they contacted us a few months ago. Whilst we would not object to the affordable housing that this application seeks to deliver, we are opposed to the loss of a community use. It appears that the scout hut ceased to be used approx 10 years ago. We've been informed that the property was originally owned and maintained by the adjacent church, but after the 164th Bristol (Holy Nativity) Scout Group closed in 2005 the property fell into disrepair. Although this particular scout group no longer operates, there is a shortage of fit-for-purpose community facilities in this area. This application will extinguish the community use of this property/land, which is regrettable.

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As Core Strategy policy BCS12 seeks to protect the loss of existing community facilities, we would encourage the applicant to provide a replacement of the community use at another site in the local area.

## RELEVANT POLICIES

**National Planning Policy Framework – March 2012****Bristol Core Strategy (Adopted June 2011)**

BCS1	South Bristol
BCS5	Housing Provision
BCS9	Green Infrastructure
BCS10	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS12	Community Facilities
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS17	Affordable Housing Provision
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM5	Protection of community facilities
DM15	Green infrastructure provision
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
FDM21	Development of private gardens
DM32	Recycling and refuse provision in new development
DM33	Pollution control, air quality and water quality
DM34	Contaminated land

**Supplementary Planning Documents**

Planning Obligations - Supplementary Planning Document - Adopted 27 Sept 2012



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KEY ISSUES

(A) IS THE DEVELOPMENT ACCEPTABLE IN PRINCIPLE?

The application site is currently occupied by a disused Scout Hut. In terms of principles the issues to consider here are whether the loss of the community building is acceptable and whether a residential use is acceptable in this location.

**Loss of Community Building**

The Scout Hut is clearly in a poor state of repair and has not been in use for a number of years. The Design and Access Statement states that the building has been un-used for between 10 and 15 years since the Scout Troop disbanded. Policies within the Core Strategy and Local Plan seek to protect community uses.

Policy BCS12 recommends that existing community infrastructure should be retained, unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. Policy DM5 provides further detail and criteria for when the loss of a community building is acceptable. These criteria are as follows:

- i. The loss of the existing community use would not create, or add to, a shortfall in the provision or quality of such uses within the locality or, where the use has ceased, that there is no need or demand for any other suitable community facility that is willing or able to make use of the building(s) or land; or
- ii. The building or land is no longer suitable to accommodate the current community use and cannot be retained or sensitively adapted to accommodate other community facilities; or
- iii. The community facility can be fully retained, enhanced or re-initiated as part of any redevelopment of the building or land; or
- iv. Appropriate replacement community facilities are provided in a suitable alternative location.

The Community Assets Team has objected to the loss of the community use and states that there is a shortage of fit-for-purpose community facilities in the area. In this instance given the existing building has not provided a community facility for over 10 years it is difficult to argue that its loss would create a shortfall in the provision in the area based on the current situation. The applicant has provided details of the other community uses within the area and their availability and the church itself also has space available for community use. Therefore there are alternative options within the local area. It is also of note that the existing building is also in a very poor state of repair and it is unlikely to be feasible and unviable for the existing building to be brought back into community use.

Therefore due to the length of time that the building has been out of use and the fact that there is alternative provision locally, the loss of the building and use of the site is accepted.

Residential use

In land use terms the provision of a residential use within an area which is predominately residential is something that can be accepted. The development of a brownfield site is also strongly supported in both national and local policy. The site is also considered to be in a sustainable location in walking distance to a number of bus stops and local services.

The efficient use of land is integral to creating sustainable patterns of development and this is central to the focus on sustainable development in the NPPF. Indeed, the NPPF allows Local Planning Authorities to set their own approach to housing density to reflect local circumstances. Policy BCS20 of the Core Strategy sets a minimum development density of 50 dwellings per hectare. The proposed

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development would be around 80 dwellings per hectare and as such would comply with this policy requirement. The general dwelling density in the Totterdown area is around 120 dwellings per hectare so the proposed development could not be considered to be out of keeping in this regard, nor the site considered to be over developed.

The application proposes 6 dwellings each with 3 bedrooms and therefore considered as family homes. Family sized homes predominate the area however it is acknowledged that there are a number of flats in the area, particularly where properties have been converted. The proposed dwelling would contribute to the housing mix in the area and is considered to be appropriate.

It is considered that this is a suitable site for residential development and the principle of development is acceptable subject to the consideration of the other key issues discussed below.

**Affordable Housing**

The application has been submitted by an affordable housing provider and it is intended that the properties would be shared ownership, part buy and part rent. On a development of this scale there is no requirement for the houses to be affordable and therefore there will be no legal agreement or condition to secure the tenure of the properties. Development by affordable housing providers is exempt from CIL, however, the liability will be collected if the housing is not completed as affordable housing.

Some of the local objections have been that the houses will still be too expensive for local residents. As there is no requirement for the houses to be affordable at all and therefore whilst the concern is understood there is not control over this issue.

Other objection comments also refer to the properties being bought by 'buy to let' landlords. With any market development housing there is no control over this matter. There is no reason to conclude that the development will not be completed by The Guinness Trust and therefore they would remain as part buy part rent, however, as mentioned above this cannot be secured as there is no requirement for them to be affordable in any event.

(B)           WOULD THE PROPOSAL HAVE AN ACCEPTABLE VISUAL IMPACT ON THE CHARACTER OF THE AREA?

**Design and Scale**

Policies BCS21, DM26 and DM29 require development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness.

The proposal is for a terrace of 6 houses, given that the area is surrounded by terrace properties this is an appropriate response. The houses have a contemporary appearance with the use of gable frontages. The modern design also takes characteristic from the local vernacular including the use of render coloured panels. Some objectors have commented that the houses do not match the surrounding properties. However, replication is not the only way for properties to be in keeping with an area. The expression of modern design is which tie in features with its locality is an accepted approach.

In terms of the materials to be used this has been considered. Although the majority of the houses in the area are finished in render there are examples of brick buildings and in particular the houses on the other side of Goolden Road. The church is also a key example of the use of brick in the area. The use of brick and render coloured panels is considered an acceptable approach. It will be essential to approve samples of the materials to ensure that the brick is of a suitable colour and texture with

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appropriate bonding.

There have also been concerns raised in terms of the scale of the buildings. The properties on the opposite side of Goolden Street are either two or two and a half storeys with additional basement levels. In particular the houses opposite the side have gable third floor accommodation with the roof. The scale of the buildings also considers the topography of the area with there being an increase in the roof levels as the properties go up the hill, as shown on drawing 008A. Whilst the proposed houses would be higher than those opposite this arrangement would not have a harmful impact on the overall character of the area and the properties would still remain at a substantially lower level than the properties on Wells Road.

It is acknowledged that there are some less successful parts of the proposals and these include the garages at the ground floor level and the appearance of the frontages. The inclusion of the garages at ground floor level is not an ideal solution however this has been weighed against the desire to provide parking in an area where there are some parking pressures.

There have also been changes to the frontages to make them appear more enclosed and increase the rubble stone wall at the front.

Other changes to the designs have included additional detail added to the side elevations to add some architectural interest.

### **Impact on existing street scene and church**

The proposed development would result in the loss of a significant section of the rubble stone boundary wall. This is regrettable however the site would be difficult to develop without this wall being removed and the retention of small elements of it across the site would not be feasible. However, there is scope for the stone to be reused with the front boundaries and this will be conditioned.

There have been concerns raised regarding the impact on the views of the adjacent church. Both the short and long range views need to be considered. The church is a very dominant building within the street scene and the wider area. Views of the church would be obstructed at close range and when viewed from the junction with Bathwell Road. However, the development of the corner site (which has previously secured planning permission) would have obstructed this view in any event. The development would be close to the church but the scale and change in levels between the buildings provide some balance. The prominent elements of the rear of the church will remain visible. The views of the most significant part of the church - the Listed tower- will be largely unaffected at close range due to the position of the tower at the front of the building.

Due to the topography of the site the consideration of far range views is also necessary. Depending on the view point the visibility of the houses varies. Example views have been provided by the applicant. It is clear that particularly in the views from Victor Street Bridge that the houses will be fairly prominent feature with the hill slope. However, they would also form part of the city scape where views of houses and roof tops on hillsides is a common feature.

There would be some impact on views of the church, however, it is not considered that this would be to any harmful degree. The lower section of the building would be partially obscured but the church will remain a significant and prominent feature in the landscape. There would be no impact on the views of the Listed tower. It is overall considered that the proposed development would safeguard the setting of the church and the heritage asset that is its Listed tower.

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**(C) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?**

There have been no objections to the proposals from the Transport Development Management Team (TDM). One of the critical issues for the local residents is the impact that the development has on the parking situation within the area. The properties are located in what is considered to be a sustainable location with good access to local shops and bus routes. The Bristol Local Plan has maximum parking standards and which for 3 or more bedroom dwellings is 1.5 spaces per dwelling. The proposed development falls within these standards. Whilst it is acknowledged that there parking in the locality is more challenging than some other parts of the city as the development is within a sustainable location and does provide some parking a refusal could not be substantiated on this basis.

Local residents state that a number of off street parking spaces would be lost as cars would no longer be able to park on the south west side of Goolden Street which would further reduce parking availability in the area. However, the parking that currently takes place on this side of the street involves cars half mounting the pavement and is not considered a legal way to park and as such the loss of this parking can be given little weight. The lack of cars parking on the pavement on this side of the road will improve pedestrian movements on Goolden Street.

Cycle storage has been provided with in the properties and is adequate.

No concerns have been raised by TDM in respect of highway safety and visibility and manoeuvring associated with the development are acceptable. Residents have raised concerns in respect of existing problems with highway safety, however, it is not considered that the addition of 6 houses would have any significant impact on this and the daily traffic movements from these properties would be relatively low compared to the existing car movements from all the existing properties in the area.

Refuse and recycling arrangements are also suitable.

In terms of drainage the hard-standing will incorporate drainage to prevent the discharge of any surface water onto the adopted highway.

A construction management plan is recommended as a condition.

Objectors have made suggestions in terms of how the development proposals might improve the parking situation and the street environment. Unfortunately due to the scale of this development and the lack of any serious harm to road safety it would not be possible to secure these kinds of work through this application.

Overall the local residents concerns have been carefully considered and whilst there is no argument that there will be an impact on the area the NPPF is clear that proposals should only be refused on transport grounds where the residual cumulative impacts of development are severe and that is not considered to be the case in this instance.

**(D) WOULD THE PROPOSAL CAUSE ANY UNACCEPTABLE HARM TO THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS OR FUTURE OCCUPIERS OF THE SITE?**

The closest neighbours to the development are those on Goolden Road itself and on Wells Road.

The properties on Wells Road are at a much higher level than the proposed houses and as such there are no issues with the properties being overbearing or resulting in loss of light. Due to the level changes and the distances involved there would be no harmful overlooking to these properties or their gardens.

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The relationship with the properties on Goolden Road is more sensitive. The main properties to be affected would be 1 Goolden Street which sits on the corner of Summer Hill and contains 2 flats and 2 and 3 Goolden Street. 1 Goolden Street has windows fronting onto Summer Hill and well as onto Goolden Street. The properties on Goolden Street are on the same level as the proposed development however the relationship between the properties would be fairly close, there would be around 12 metres between the new dwellings and 1 Gooden Street and around 15 metres between 2 and 3 Goolden Street. With respect to overlooking, whilst this is a fairly close arrangement it is not dissimilar to the general arrangement of properties in the area where the distances between properties range between around 6.5 metres on Parliament Street, 11.5 metres on Summer Hill and 13 metres of Stanley Hill. Therefore whilst this is a relatively close arrangement it is not of character with the surrounding area is accepted.

In terms of the impact on the massing of the building a similar argument exists. The relationship is not an uncharacteristically close one. However, the height of the building does need to be considered as its relative scale is larger than 1 Gooden Street. It is accepted that there will be an impact on this property in terms of the building having a greater impact than the current situation. A solar study has also been submitted with the application and this also show that there will be some overshadowing of 1 Goolden Street in particular and this impact will be worse within the winter months. The solar study also shows that the properties are overshadowed to some degree by the church. The impact on these properties has been carefully considered and overall it is not considered to be so harmful to warrant the applications refusal.

If the development is approved, a Construction Environmental Management Plan could be secured by condition, to safeguard against residential amenity impacts during development works.

It is therefore concluded that the proposed works would not cause any unacceptable harm to the residential amenity of neighbouring occupiers or future occupiers of the site.

**(E) WOULD THE DEVELOPMENT PROVIDE A SATISFACTORY LEVEL OF ACCOMODATION FOR FUTURE OCCUPIERS?**

Policy BCS18 requires residential development to provide sufficient internal space for everyday activities and meet recommended space standards. Excluding the garage space each of the dwellings has around 117 square metres of floor space. This is over and above the requirement for a three bedroom dwelling which at maximum occupancy (6 persons) would require 108 square metres.

Therefore the development provides an acceptable size of accommodation and each room will have adequate outlook. It is also noted that each unit will have a reasonable sized garden.

The development complies with policy BCS18.

**(F) DOES THE SITE HAVE ANY ECOLOGICAL VALUE?**

As the site has become empty and unused for number of years the land has become overgrown with vegetation. The application was submitted with a Preliminary Ecological Appraisal dated February 2016. The report states that an Extended Phase 1 Habitat survey (IEA, 1995) was conducted of the proposed development site to map the habitat types present. In addition, an external and internal inspection of the Scout hut present on the site was performed, which involved looking for features with potential to be used by roosting bats and evidence of roosting. The Scout hut was valued as having low potential to support roosting bats but a further endoscope investigation found no evidence of bat use meaning it has 'negligible' potential for bats.

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The documents also reports that the site includes a limited range of habitats and features that have the potential to support protected and/or notable species of wildlife. An evaluation of the habitats and species identified within the site defines the scale of value to be assigned as 'site value'. Reptiles and breeding birds were identified as being potential constraints.

The Council's Nature Conservation Officer reviewed the information submitted and recommends that all works should be carried out in accordance with the recommendations in the submitted report. The Preliminary Ecological Appraisal dated February 2016 states that this site has the potential to support reptiles, particularly slow-worms and possibly grass snakes. It is therefore recommended that prior to the clearance of the site that a detailed method statement is provided and qualified ecologists are involved. Guidance notes will also be required in respect of the treatment of slow worms and nesting birds.

**(G) IS THE PROPOSAL ACCEPTABLE IN RELATION TO TREES?**

The application was submitted with an Arboricultural Report which identified 8 sycamore trees on the site all of which were either mature or semi-mature in poor structural condition but fair physiological condition. All of the trees were considered to be BS category C. The development would involve the removal of these trees. Whilst the trees have some visual amenity value there is no objection to their removal and they are not protected in anyway.

Under the provisions of policy DM17 there is a requirement for tree to be replaced in line with the Bristol Tree Replacement Standard. The number of replacement trees required has been carefully considered by the Council's Arboricultural Officer and in light of further information being submitted by the application it has been concluded that a contribution is required for 10 replacement trees. The applicant has proposed that 8 replacement trees will be provided on site and a draft Unilateral Undertaking has been submitted for a financial contribution for two replacement trees in accordance with the Planning Obligations Supplementary Planning Document (Adopted 27 September 2012). This is a contribution towards off site provision of replacement trees.

The Unilateral Undertaking will be finalise should the Committee be minded to grant approval.

It is concluded that the proposal is acceptable in relation to trees.

**(H) WOULD THE PROPOSAL BE ACCEPTABLE IN RELATION TO ISSUES OF SUSTAINABILITY AND FLOOD RISK MITIGATION?**

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings and extensions to existing buildings, and for new development to mitigate against the risk of flooding, including rainwater soak-away drainage. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

On site renewable energy generation is provided as part of the proposal, adequate to reduce CO2 emissions from the residual energy demand of the dwellings by in excess of 20%, in accordance with current policy requirements.

The application site is set within flood zone 1 and as such is at low risk from tidal and fluvial flooding. A condition should be attached to any permission granted, for the provision of a scheme of Sustainable Urban Drainage for the site.

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Given the imposition of appropriate planning conditions, the proposal is found to be acceptable when considering issues relating to sustainability and flood risk.

(I) ARE THERE ANY ISSUES REGARDING LAND CONTAMINATION?

The application has been submitted with a Phase 2 Geo-Environmental Assessment dated March 2016. This identifies a number of contaminants on the site. The report proposes the made ground is removed from the site to facilitate the design of the scheme and to remove the source material. The Contamination Team is concerned that the natural material underlying the site has not been subject to testing and therefore we do not know the chemical composition of these soils, whilst the borehole logs do not indicate contamination is present there is the potential that leaching has occurred. Likewise it is not clear if the material is suitable physically for use as a topsoil. We therefore would expect the future garden areas to be validated as part of the remediation scheme and validation process and where necessary clean imported materials to be bought onto site at a suitable depth.

Conditions will be attached in respect of remediation and unexpected contamination,.

## CONCLUSION

The issues of this case have been carefully balanced and considered against local and national planning policy. The principle of the development is accepted and whilst there may be some limited harm to the amenity of neighbouring properties this is not considered to be so severe to warrant the application's refusal.

The proposals have considered the impact of parking in the area and have provided a parking space for each of the dwellings. It is acknowledged that there could be additional parking pressures in the area but the impact is not considered to be severe.

The proposed design is considered to have an acceptable impact on the streetscene and not impact on views of the church.

The proposals would provide 6 good sized family homes in a sustainable location.

## COMMUNITY INFRASTRUCTURE LEVY

### HOW MUCH COMMUNITY INFRASTRUCTURE LEVY (CIL) WILL THE DEVELOPMENT BE REQUIRED TO PAY?

The CIL liability for this development is £50,212.95, however social housing relief may be claimed on those residential dwellings included in the development that are to be managed by a Housing Association for the provision of affordable housing.

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**RECOMMENDED GRANT subject to Planning Agreement and 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.

**Pre commencement condition(s)**

2. Construction management plan

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

Parking of vehicle of site operatives and visitors  
 routes for construction traffic  
 hours of operation  
 method of prevention of mud being carried onto highway  
 pedestrian and cyclist protection  
 proposed temporary traffic restrictions  
 arrangements for turning vehicles

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

3. Prior to clearance of the site or site excavation, a detailed method statement for clearance works with respect to the potential presence of reptiles, to be prepared by a suitably qualified ecologist shall be submitted to and agreed in writing by the local planning authority. Works shall then proceed in accordance with the agreed method statement.

Reason: To ensure that if legally protected reptiles are present on the site that they are not harmed.

4. Sample Panels before specified elements started

Sample panels of the following 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.

- o Reference panel of brick work to show coursing, pointing and mortar colour
- o Reference panel of recessed brick work detail to show coursing, pointing and mortar colour
- o Reference panel of stone work, demonstrating re-use of material from the existing wall, to show typical coursing, joints, mortar and unit size

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



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5. Sustainable Drainage System (SuDS)

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

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

6. Land affected by contamination - Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that 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.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase 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.

7. Large Scale Details

The relevant part of the development shall not take place until detailed drawings at 1:20 scale in plan, section and elevation have been submitted to and approved in writing by the Local Planning Authority.

- Typical Windows and all external doors (including lintel, cills, surrounds, reveals, jambs, frames, glazing bars etc
- New pedestrian entrances in rubble stone wall
- Roof edging including parapets, eaves, verges, ridges,
- Details of the garage doors to include unit profile, mechanism, surround, reveals and header detail

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

8. Submission of samples before specified elements started

Samples of the brick and render shall be submitted to and be 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 samples before the building is occupied.

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

9. Submission and approval of landscaping scheme

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The scheme shall include the planting of 8 new trees the species and size of which shall be agreed by the Local Planning Authority. The approved scheme shall be implemented so that planting can be carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

**Pre occupation condition(s)**

10. Land affected by contamination - Implementation of Approved Remediation Scheme

In the event that contamination is found, the houses shall not be occupied until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination both during the construction phase and 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.

11. 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.

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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.

12. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

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

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

13. Completion of Vehicular Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

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

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

Reason: In the interests of highway safety.

15. Installation of vehicle crossover - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the vehicular crossover(s) has been installed and the footway has been reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety and accessibility

16. Completion and Maintenance of Car/Vehicle Parking - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

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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. Artificial Lighting (external)

No building or use hereby permitted shall be occupied or use commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority.

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

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

19. Renewable Energy Equipment

Prior to the first occupation of the dwellings hereby permitted, further details including the final roof layout, visual appearance, method of fixing, and technical specifications (including the output) of the renewable energy equipment shall be submitted to and approved in writing by the Local Planning Authority (LPA). The equipment shall be installed in accordance with the approved details and made fully operational prior to the first occupation of the dwellings and maintained in situ in accordance with the approved details and as fully operational at all times thereafter, unless otherwise agreed in writing by the LPA.

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

**Post occupation management**

20. Parking within the development site is to be restricted to the garages only. Cars shall not be parked in the areas in front of the garages at any time.

Reason: To ensure that the pavement is not obstructed by cars over hanging the pavement.

21. No Further Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 the north west side elevation of the building/extension hereby permitted 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.

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## 22. Retention of garage/car parking space(s)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

**List of approved plans**

## 23. List of approved plans and drawings

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

Arboricultural Report (inc. Constrains & AIA), received 10 June 2016  
 Preliminary Ecological Appraisal, received 10 June 2016  
 Sustainability Statement, received 8 March 2016  
 Energy Statement (Endplanner D 1143), received 8 March 2016  
 Phase 2 Geo Environmental Assessment, received 21 June 2016  
 Energy Strategy Table, received 21 June 2016  
 Solar Assessment Statement, received 10 June 2016  
 Tree Assessment Statement, received 10 June 2016  
 Proposal for Drainage of Foul and Surface Water, received 23 June 2016  
 Mitigation for Loss of Community Facility Statement, received 23 June 2016  
 10213 001 Site Location Plan, received 8 March 2016  
 10213 002 B Existing Site Plan, received 8 March 2016  
 10213 003 E Proposed Site Plan, received 30 June 2016  
 10213 004 G Proposed Ground Floor, received 30 June 2016  
 10213 005 E Proposed First Floor, received 30 June 2016  
 10213 006 C Proposed Second Floor, received 8 March 2016  
 10213 007 B Proposed Roof Layout, received 8 March 2016  
 10213 008A Proposed Site Sections, received 10 June 2016  
 10213 009 F Proposed Elevations, received 30 June 2016  
 10213 016 Window Reveal Detail, received 10 June 2016  
 10213 018 Community Facilities within 1000m of proposal, received 23 June 2016  
 10213 D01 Window Sizes, received 8 March 2016  
 10213 D02 Elevation Study, received 8 March 2016

Reason: For the avoidance of doubt.

**Advices**

## 1 Asbestos Advice:

The applicant is advised to undertake an asbestos survey prior to works commencing. Any asbestos containing materials present on site must be removed in accordance with the Control of Asbestos Regulations 2012

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## 2 Guidance in respect of Slow Worms and Method Statement

Please note that if slow-worms are found on site that features to promote their conservation such as a hibernaculum and the retention or provision of suitable vegetation, should be incorporated within the method statement. Please also note that slow-worms can only be translocated (moved) when they are active, which is usually between April and September inclusive.

## 3 No site clearance or tree or hedge removal shall be carried out on site between 1st March and 30th September inclusive in any year, unless a check has been carried out beforehand by a qualified ecologist as agreed with the local planning authority.

## BACKGROUND PAPERS

Arboricultural Team	15 April 2016
Contaminated Land Environmental Protection	3 May 2016
Flood Risk Manager	8 April 2016
Transport Development Management	7 April 2016
Urban Design	8 April 2016
Contaminated Land Environmental Protection	23 June 2016
Transport Development Management	21 June 2016
Nature Conservation Officer	6 April 2016
Community Buildings Manager	21 April 2016
Flood Risk Manager	20 June 2016

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**WARD:** Southville **CONTACT OFFICER:** Heather Faulkner  
**SITE ADDRESS:** 127 - 131 Raleigh Road Bristol BS3 1QU

**APPLICATION NO:** 16/00013/F Full Planning  
**EXPIRY DATE:** 13 June 2016

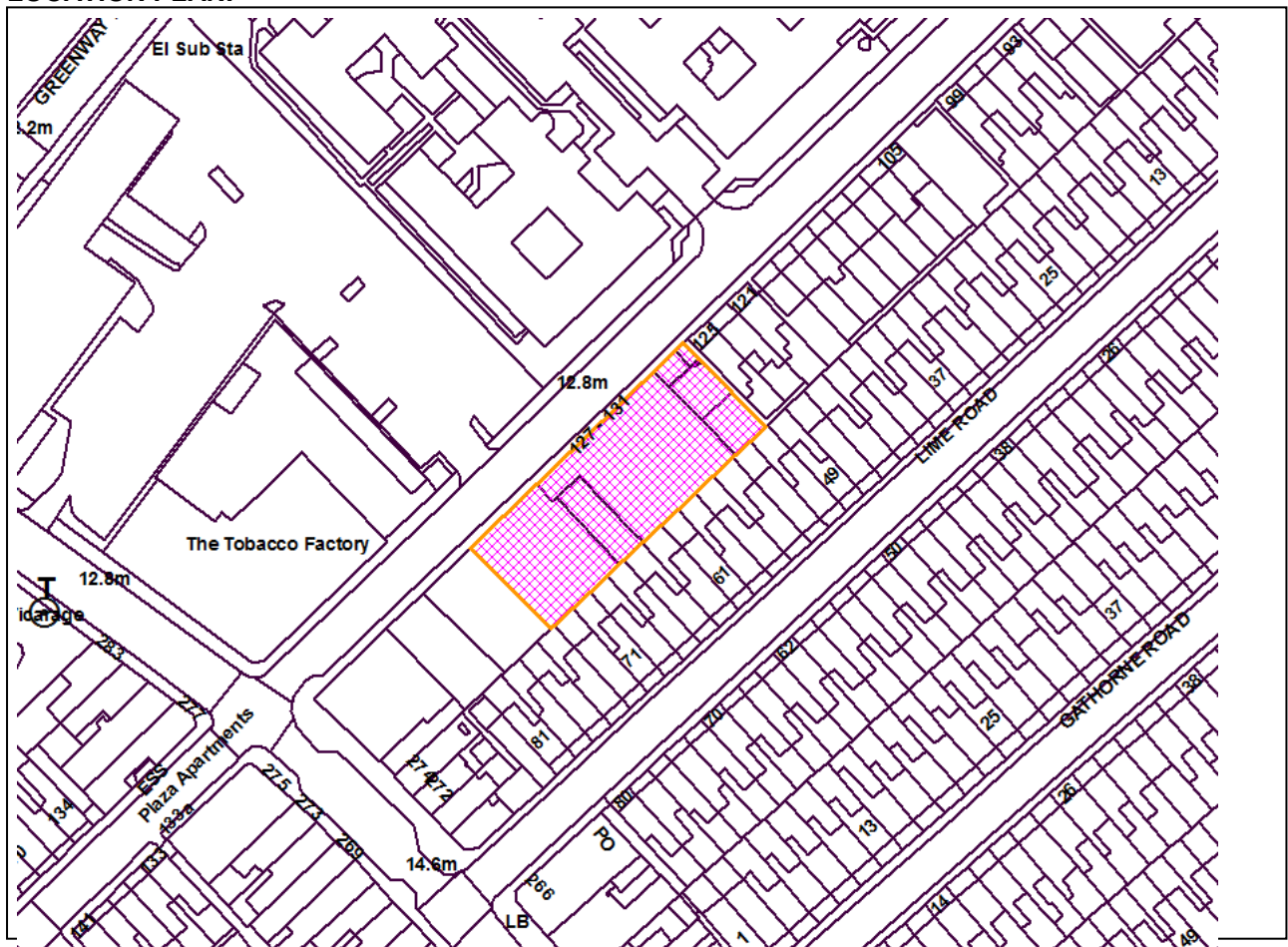
*Conversion of existing second floor from Use Class B1(c) to form 9 apartments (Use Class C3) with associated third floor roof extension, external alterations, refuse and cycle storage.*

**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Aspect360 Ltd  
45 Oakfield Road  
Bristol  
BS8 2AX  
**APPLICANT:** Ellson Homes Ltd  
C/o Agent

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

**LOCATION PLAN:**



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## SITE DESCRIPTION

The site is located to the south side of Raleigh Road, occupying a considerable frontage. The building abuts Raleigh Road and the three storey section is set back from the rear (south-eastern) boundary by approximately 2.5 metres, a single storey glazed lean-to running the length of the building occupying the area between the main three storey building and the boundary wall. Adjacent to the street is a two-storey projecting section of the building measuring 7metres by 4.5 metres. There is a separate building to the south west of the site which is within the application boundary but no works are proposed to the building as part of this application.

The site is currently vacant and had been previously occupied as the offices and production premises for a chair manufacturing firm.

The site is bounded by the rear gardens of terrace properties on Lime Road to the south east, and to the southwest by car parking serving the bank building on the corner of Raleigh Road and North Street. The north east of the site is bounded by a building which is known as The Old Fire Station.

## RELEVANT HISTORY

08/03736/F Refurbishment of existing three storey employment building to provide B1 office floorspace; addition of a central, glass atrium and four, single storey, one bedroom, penthouse flats in an additional floor at roof level; demolition of single storey, brick storage outbuilding and erection of two/three storey building comprising ten, one bedroom flats; 16 no. parking spaces; bike and bin storage - REFUSED 2 December 2008.

This application was subsequently allowed at appeal on 19th May 2009.

14/01805/R Extension of time for planning permission 08/03736/F - Refurbishment of existing three storey employment building to provide B1 office floorspace; addition of a central, glass atrium and four, single storey, one bedroom, penthouse flats in an additional floor at roof level; demolition of single storey, brick storage outbuilding and erection of two/three storey building comprising ten, one bedroom flats; 16 no. parking spaces; bike and bin storage - Granted 22 April 2015.

15/05097/COU Prior approval for the change of use from office floor space within Use Class B1(a) to residential accommodation falling within Class C3 (dwelling houses) - Given 27 November 2015

15/06453/CP Application for a Lawful Development Certificate for a Proposed use or development - proposed to a change from Use Class B1(c) light industry to B1(a) offices - Certificate issued 1 March 2016

## APPLICATION

This application seeks to convert the existing second floor of the building from B1c use to form 9 apartments. The works will include an extension to the roof and further external alterations. The external alterations include the addition of window louvres to the windows on the rear elevation, demotion of part of a single storey projection to the building and new windows and doors.

These works would be in addition to the previously approved residential conversion of the lower floors which was granted under Prior Approval.



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There are no changes of use to the ground floor.

The works will also include the provision of cycle storage and seven parking spaces.

Changes to the application - there have been amendments to the application during the application process and these include the following:

- Changes to the 'red line' to incorporate the vehicular access
- Changes to the internal layout to improve the living conditions for future occupiers
- Addition of louvres to the windows in the rear of the building
- Increase in the number of parking spaces to 7
- Demolition of part of single storey side projection to change access arrangements and cycle storage
- Change to location of refuse storage
- Alterations to boundary

The application also needs to be considered in light of the change of use of the first floor to provide 10 flats and an extant consent which could result in the construction of a separate building on the same site containing a further 10 flats.

## RESPONSE TO PUBLICITY AND CONSULTATION

Neighbouring properties were notified by letter of the application and were also re-consulted following changes to the proposals. Objections have been received from 15 properties and support from 4 properties. The comments raised are summarised below, however, there are two key issues to come out of the consultation process and this is the lack of parking and the impact on the privacy of the properties on Lime Road.

### Objections

- Lack of parking provision, not enough parking for existing residents let alone any new ones.
- There should be at least one parking space per flat
- The proposals represent over development
- Loss of privacy for residents on Lime Road
- Privacy screens/obscure glazing will need to be taken seriously and is essential.
- Increase in noise and disturbance.
- Loss of privacy and disturbance during construction works, as well as concerns regarding security and dust/pollution
- The entrance lobbies are too small
- Lack of amenity space for future residents
- The window coverings will look unsightly

### Support

- There is a shortage of property in the area and it is hard for local young people to buy flats in the area.
- Parking is available in the area and in an urban area people cannot expect to park right outside their homes at all times
- Good to see buildings being bought back into use
- In theory the proposals would not need to provide any parking so that fact that some is provided is a bonus

**Transport Development Management** has commented as follows:-

Further to revised plans being received approval subject conditions is recommended. The applicant has submitted a revised drawing which has included extra vehicular parking and demonstrated the

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proposed arrangement for cycle and refuse storage. The proposed doors for the cycle store abutting Raleigh Road at the front of the site, must not open out onto the adopted highway under any circumstance.

A parking management plan must be installed to avoid conflicts with future occupiers. The refuse operatives must be given access to the refuse store for the bins to be collected from the store and returned as this level of bins on the adopted highway will cause an obstruction to passing pedestrians. Please be aware that this request is at the buildings request and the refuse crew will not be responsible for the security or any damage that may be caused however, the refuse crew will take responsible care where ever possible. If the applicant wishes to employ a Management Company to open the bin store on collection day and return the bins, this would also be an acceptable arrangement.

**Contaminated Land Environmental Protection** has commented as follows:-

Whilst we appreciate this development is on the upper floors the property address is situated on land formally part of the Wills tobacco factory, immediately to the south were clay pits and a mortar mill. Previous applications have included contamination conditions.

As this proposal will only be a conversion of upper levels on land not knowingly subject to land uses which have the potential to be causing vapour issues at the present time we can limit the conditions to C1 only.

We do remind the applicant that any future prior approval notice or conversion of the ground floors will require the risk assessments as specified by condition in the granted planning consent. Any development that occurs without risk assessment is undertaken at the developers own risk.

We do advise the applicants to undertake an asbestos survey prior to commencement of the works.

## RELEVANT POLICIES

**National Planning Policy Framework – March 2012****Bristol Core Strategy (Adopted June 2011)**

BCS1	South Bristol
BCS5	Housing Provision
BCS10	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS17	Affordable Housing Provision
BCS18	Housing Type
BCS21	Quality Urban Design
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM3	Affordable housing provision: smaller sites
DM12	Retaining valuable employment sites
DM14	The health impacts of development
DM23	Transport development management
DM26	Local character and distinctiveness

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DM27	Layout and form
DM30	Alterations to existing buildings
DM32	Recycling and refuse provision in new development
DM22	Development adjacent to waterways
DM34	Contaminated land

## KEY ISSUES

## (A) ARE THE PROPOSALS ACCEPTABLE IN PRINCIPLE?

Policies set out in the National Planning Policy Framework, NPPF, the Bristol Development Framework Core Strategy and Site Allocations and Development Management Policies Document.

The previous applications on this site have approved the loss of some of the existing commercial floor space. The ground floor would be retained for commercial use and the first floor has already gained prior approval for residential use. This application relates therefore to the top floor of the building only. The original application (08/03736/F) would have resulted in some loss of floor space in this area due to the provision of the atrium.

The building is not within a protected employment area. Policy BCS8 states that employment sites outside Principal and Warehousing Areas (PIWAs) will only be retained where they make a valuable contribution to the economy and employment opportunities. Development Management Policy DM12 states that employment sites should be retained for employment use unless it can be demonstrated that there is no need for employment uses; continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or the proposal is necessary to improve the existing premises or would provide facilities for employment-related training. Information submitted with the application show that the property was marketed on a number of occasions, in 2004, 2012 and 2015, however no viable offers were forthcoming. The interest in the building was generally from other residential developers. The applicant also points out that it is a difficult site with a number of constraints. The developer is intent on retaining commercial use on the ground floor and creating accessible, flexible and high quality open plan office accommodation. Due to the work required it is not viable to retain more commercial space. The applicant anticipates that ultimately there will be a significant increase in the number of people employed at the site as office works fill the ground floor space and that this use would appear to be far more appropriate for the immediate local context and would positively benefit the shops and services on North Street. There is some agreement with this sentiment. It is also of note that paragraph 23 of the NPPF is supportive of sites being used for alternative uses based on their merits. In this instance the residential use is acceptable and compatible with other changes of uses proposed to the building. Balanced against the fact that commercial floor space will remain on the ground floor the proposals are considered to be acceptable in principle.

In terms of the residential use the proposals provide a good mix in the size of the units proposed with 3 3-bedrooms flats, 2 2-bedroom flats and 4 one bedroom flats.

Concerns have been raised by local residents that the site is being over developed. However, higher densities are not in appropriate within central location and provided issues below such as amenity and design are adequately addressed it cannot be considered that the site is over developed.

## (B) DO THE PROPOSALS RAISE ANY RESIDENTIAL AMENITY ISSUES?

The residential amenity of both the surrounding residents and the future residents of the building need to be considered.

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**IMPACT ON NEIGHBOURING PROPERTIES**

The main properties to be affected by the proposals are those on Lime Road and Raleigh Road.

The height of the building will increase although this will not be significantly higher than the existing roof, although it does rise towards the centre. The central tower of the building would also be removed. The massing of the overall building would not significantly alter and it would have similar if not smaller proportions to the previously approved scheme. A new extension is proposed over the south west section of the building but this would not be any higher than the adjacent part of the building. It is not therefore considered that the roof extensions/alterations would have any serious impact on neighboring properties.

The critical issue for the adjacent properties is the issue of overlooking. This matter has been under discussion with the applicant throughout the process and they have sought to address this issue. There is a very close relationship between the rear of the Vector building and the properties on Lime Road. There is a single storey projection at the rear of around 2.3 metres in depth with the main part of the building therefore sitting just of the boundary. There is around 8 metres between the rear windows in the building and the two storey rear projections of the properties on Lime Road.

The prior approval scheme which has been previously granted under the recent changes to Permitted Development allowed for the change of use of one of the floors (to be split into two through the insertion of a mezzanine). This change would result in the six existing windows being able to overlook neighbouring properties from a residential use. The current application seeks to add a further 12 windows to the rear elevation of the building. Without any form of mitigation it would not be acceptable to approve these windows due to the increased loss of privacy for the Lime Road residents. The scheme has been amended during the application process so that a series of louvres would be placed over the windows on the proposed second floor windows. The arrangement and placement of the louvres will restrict views out of the windows and protect the privacy of the adjacent residents. Louvres are also proposed on the lower floor windows which previously would have remained clear as it was not possible to consider the impact of overlooking as part of the Prior Approval application. Therefore, the addition of louvres to the lower windows would represent an improvement in terms of privacy for the Lime Road residents. The detailing of the louvres in terms of their appearance and effectiveness will be conditioned to ensure that privacy is maintained. The balanced view of the existing situation and improvements is considered satisfactory.

There are further windows proposed in the roof extension of the building and these would remain clear. The angle of the windows and their height means that that only very limited views in to the neighbouring properties would be possible and this would not be harmful.

None of the other proposed windows are considered to cause any harmful overlooking.

A roof terrace is proposed on a flat roof section on the southwest section of the building. This section is further away from the neighbouring properties and would have suitable screening to retain privacy.

Overall whilst the arrangements for securing the privacy of the Lime Road residents is not an ideal solution it is considered to be an adequate compromise to ensure that the building can be developed and the residents can be protected.

Concerns have been raised in respect of increased noise and disturbance from due to the increased number of residents. The number of cars potentially using the car parking area may increase but not to a discernable degree in terms of noise. There may also be some additional noise from open windows however given the building is in a central location where there is also background noise and also taking into consideration the previous commercial use of the building the overall impact is not considered to have a significantly harmful impact.

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**LIVING CONDITIONS FOR FUTURE OCCUPIERS**

The future residents living conditions also need to be considered. The plans show the arrangement of the flats on the lower floors of the building which have previously been approved and are not considered here. The flats need to comply with the national space standards. The majority of the flats comply with the minimum occupancy levels for the number of bedrooms. There are three three-bedroom flats proposed, one has sufficient floor place to accommodate 6 people, the other two are sufficient for between 4 and 5 persons and given the context this is considered to be acceptable.

There are two two-bedroom flats one is large enough for full occupancy and one for is marginally below the three person standard.

There are 4 one bedroom flats proposed, these are either above or marginally below the 58 metres required. Where the flats are below this is to a minimal degree and also does not take account of any floor space which has a head height of less than 1.5 metres, due to the accommodation in the roof there is additional areas less than 1.5 metres which would be available for storage.

Whilst there is some of the flats fail to meet the full occupancy standard taken as a whole and considering the mix of accommodation and the flexibility of the units the provisions at a level which is not considered to be refusable.

The other matter to consider is the access to outlook and daylight. The layouts of the flats has been carefully considered to make the best use of windows and to ensure that habitable rooms have the best outlook.

All of the flats on the front and south side elevation of the building have a good outlook for nearly all rooms. There is an exception with one bedroom to unit 12 and one bedroom to unit 18 which would overlook the atrium but given that these are not a primary rooms this is accepted.

The flats to the rear of the building would have a more compromised living arrangement due to the arrangements in place to protect the privacy of the properties on Lime Road. Units 16 -19 have had their accommodation switched so that the living areas are above the bedrooms. This results in all the living area having a reasonable outlook of the sky from unrestricted windows. Some of the rooms would also have views into the internal atrium. The bedrooms would have more restricted views due to the louvres over the windows. Whilst this is not an ideal arrangement it is considered to be preferable to obscure glazing as in this instance as it would allow for some limited outlook. Arrangement with the louvered windows is not a desirable arrangement and it has been necessary to come to a balanced view and it has been considered that the arrangement is acceptable, although it is acknowledged that this is a marginal case.

With the exception of unit 13 none of the flats would benefit from any outside amenity space. This is not unusual in flat developments and given that this is a development involving the reuse of an existing building it is not considered to be inappropriate.

**(C) ARE THE PROPOSALS VISUALLY ACCEPTABLE?**

There are limited changes to the appearance of the site. The works include the addition of extra windows to three of the elevations and an extension to the side projection.

The additional windows on the front elevation are broadly similar to those on the approved scheme and where further windows are added these complement the existing situation. Where additional windows have been added to the side elevation these do not have a harmful impact on the appearance of the building.

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The removal of the single storey element at the side of the building is acceptable in terms of the buildings appearance.

In terms of the addition of a new roof to the building the principle of this has been agreed by the previous schemes on this site. The current proposal is seen as an improvement compared to the previous scheme. The massing of the structure is reduced as is the overall height. The addition of this type of roof has been achieved on similar buildings in other parts of the city (for example the Robinsons Building) and is considered to be a successful approach.

The only area of concern is to the rear of the building. The addition of the louvres does add an extra feature to the building which may not be a wholly positive addition. This element of the building would not be visible from the general public realm and only from the properties on Lime Road. Whilst these properties would have close range views of the rear elevation less weight can be attached to the overall visual impact. In visual terms the principle of the louvres is accepted however, the detailed design will be important to ensure that they are as light weight as possible whilst still achieving the desired level of privacy. These details will be conditioned.

**(D) WILL THE PROPOSED DEVELOPMENT MAKE AN ADEQUATE CONTRIBUTION TO THE SUSTIANABILITY AND CLIMATE CHANGE GOALS OF ADOPTED PLANNING POLICIES?**

Policies BCS13, BCS14, BCS15 and BCS16 of the adopted Core Strategy give guidance on sustainability standards to be achieved in any development, and what measures to be included to ensure that development meets the climate change goals of the development plan. Applicants are expected to demonstrate that a development would meet those standards by means of a sustainability statement.

The Sustainability Statement submitted with the application demonstrates a number of measures to improve the performance of the building. This includes improvement to the fabric of the building, in comparison with building regulations, as well as the provision of a Photovoltaic panels. The result of this would be a saving on residual CO2 emissions of around 22.1% through the use of Photovoltaic panels.

With regard to site drainage, it is noted that currently the site is covered in building or hardstanding, and this would not change as a result of the proposal.

**(E) DO THE PROPOSALS RAISE ANY TRANSPORT AND MOVEMENT ISSUES?**

There has been no objection to the proposal from the Transport Development Management Team, although further details were requested throughout the application process. The level of parking provided is a key objection from the residents neighbouring the site.

The application was originally submitted with 3 parking spaces proposed, following local resident opposition to the scheme the number of spaces has been increased to 7. Due to the limited parking this development is predominately a low car development; with this Transport Development Management (TDM) expect the applicant to be promoting sustainable transport and not relying on the local highway network to provide parking facilities. The amount of vehicles that could be associated with this development, if they were all to attempt to park on the adopted highway, would have a detrimental effect. Acting on behalf of Traffic Authority, TDM is within Policy terms by ensuring low car ownership and use. The proposed site falls within Southville Residents Parking Scheme which was implemented on the 23rd of November 2015. TDM recommended the residents of the proposed development are not able to apply for parking permits. The occupiers will have to enquire to Parking Services for availability on parking permits; this is at Parking Services discretion.

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The application site is within a highly sustainable location with adequate transportation links; however, it would be naïve to expect a development with this level of flats and bedrooms to not expect any future owners to own cars. Given the control over the issuing of parking permits the development is considered not to have an unacceptable impact and cannot be refused on the level of parking provided, particularly as the parking standards within the local plan are maximum standards and the location is considered to be sustainable.

The arrangements for the refuse store and the cycle storage meet the relevant standards for the commercial and residential use.

The layout of the site is considered appropriate for use by pedestrians and vehicles.

Conditions will be attached in line with the TDM recommendations and this includes a construction management plan,

**(F) DO THE PROPOSALS RAISE ANY OTHER ISSUES SUCH AS AFFORDABLE HOUSING?**

The proposal is for 9 units and therefore is below the threshold for affordable housing. The change of use of the lower parts of the building to residential use cannot be considered as these are Permitted Development.

**(G) HAS THE EXTANT PLANNING PERMISSION BEEN CONSIDERED?**

There is an extant planning permission 14/01805/R which will remain valid until 22nd April 2018. If this current application is implemented then the elements involving change to the building itself would not be implementable. However, the extant consent also includes the construction of a building containing flats on the opposite side of the site. It is possible for the building to be constructed without affecting this proposal and the impacts between the two have been considered. There would potentially need to be a slight rearrangement to the parking area and therefore a condition will be attached to ensure that plans showing a revised layout are submitted prior to any further works taking place.

**(H) OTHER MATTERS**

Although there are limited external works conditions will be attached in respect of unexpected contamination and an advice will be added in respect of asbestos.

**CONCLUSION**

It is concluded that on the balance of issues the proposed development is acceptable. It is acknowledged that there is a level of compromise with the arrangement of the windows/screening on the rear elevation but that there is insufficient harm to amenity or visual appearance to warrant the refusal of the application on this basis.

With regard to parking the level of provision has been increased although it is acknowledged that the approval of 19 flats, commercial use and potentially further flats approved under the extant consent will increase demand in the area. However, as the development is within a residents parking area there is some control over the number of permits to be issued.

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**COMMUNITY INFRASTRUCTURE LEVY**

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

The CIL liability for this development is £14,433.93

**RECOMMENDED GRANTED 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. Submissions of samples before specified elements started

Samples of the roofing material shall be submitted to and be 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 samples before the building is occupied.

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

3. Prior to any works taking place to implement the detached building as approved on the site under application 14/01805/R, plans showing any required alterations to the external site layout including parking areas shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be completed in accordance with those details.

Reasons: To ensure that there is sufficient manoeuvring space within the site.

4. Construction management plan

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

Parking of vehicle of site operatives and visitors  
routes for construction traffic  
hours of operation  
method of prevention of mud being carried onto highway  
pedestrian and cyclist protection  
proposed temporary traffic restrictions  
arrangements for turning vehicles

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



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5. Prior to the residential occupation of the building further large scale details of the louvres/screens for the windows in the rear elevation shall be submitted and approved in writing by the Local Planning Authority. Further to these details being approved, following the installation of the louvres confirmation shall be sought from the Planning Authority that a suitable level of privacy is achieved for the residents of Lime Road and the new occupiers.

Reasons: To ensure the appearance of the louvres/screens are acceptable and to ensure that privacy is adequately protected.

**Pre occupation condition(s)**

6. 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.

7. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

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

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

8. Completion and Maintenance of Car/Vehicle Parking - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

9. Renewable Energy Equipment

Prior to the first occupation of the dwellings hereby permitted, further details including the final roof layout, visual appearance, method of fixing, and technical specifications (including the output) of the renewable energy equipment shall be submitted to and approved in writing by the Local Planning Authority (LPA). The equipment shall be installed in accordance with the approved details and made fully operational prior to the first occupation of the dwellings and maintained in situ in accordance with the approved details and as fully operational at all times thereafter, unless otherwise agreed in writing by the LPA.

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

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10. Detailed drawings at the scale of 1:10 of the following shall be submitted to and be approved in writing by the Local Planning Authority before the relevant part of work is begun. The detail(s) thereby approved shall be carried out in accordance with that approval prior to the first occupation of the dwellings hereby approved.

- a) All new external windows and doors
- b) The privacy barriers shown at the edge of the 3rd floor terrace.

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

11. Prior to the first occupation of any element of the development hereby approved, details of all boundary treatments (existing and proposed) shall be submitted to and be approved, in writing, by the Local Planning Authority. All of the approved boundary treatments shall be retained/erected and completed prior to the first occupation of the development and retained at all times thereafter.

Reason: In the interests of residential amenity and to ensure that the external appearance of the development is acceptable.

12. 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.

13. Prior to the first occupation of the development hereby approved, details of any external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting details which shall be installed prior to the first occupation of the development, and maintained and retained at all times thereafter, unless otherwise first agreed, in writing by the Local Planning Authority.

Reason: In the interests of protecting residential amenity.

14. Prior to the occupation of the building a parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate the allocation of the parking spaces.

Reason: To limit conflict between future users.

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## 15. Non opening and obscured glazed window

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed window listed below shall be non-opening and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as non opening and obscure glazed.

Unit 17 Kitchen and utility room window facing into atrium  
Unit 16 Kitchen window facing into atrium

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

**List of approved plans**

## 16. 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.

TOPO Topographical plan, received 18 April 2016  
122A Privacy Screen Section, received 18 April 2016  
123 Section & elevation extract, received 18 April 2016  
124 Privacy Screen Section & Samples, received 18 April 2016  
125 Privacy Screen 3D Perspectives, received 18 April 2016  
130B Street Scene, received 18 April 2016  
LP-A Site location plan, received 18 April 2016  
SP-A Existing site plan, received 18 April 2016  
01 Existing ground floor plan, received 18 April 2016  
02 Existing first floor plan, received 18 April 2016  
03 Existing second floor plan, received 18 April 2016  
04 Existing roof plan, received 18 April 2016  
10 Existing SW elevations, received 18 April 2016  
11 Existing NE elevations, received 18 April 2016  
12 Existing NW elevations, received 18 April 2016  
13 Existing SE elevations, received 18 April 2016  
20 Existing sections, received 18 April 2016  
21 Section CC, received 18 April 2016  
100B Proposed site plan, received 23 June 2016  
101C Proposed ground floor plan, received 23 June 2016  
102B First floor plan. Consented Permitted Development 15/05097/COU, received 18 April 2016  
103B Upper first floor mezzanine plan. Consented Permitted Development 15/05097/COU, received 18 April 2016  
104B Proposed second floor plan, received 18 April 2016  
105B Proposed upper second floor mezzanine plan, received 18 April 2016  
106D Proposed roof plan, received 18 April 2016  
110C Proposed SW elevation, received 18 April 2016  
111C Proposed NE elevations, received 18 April 2016

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112C Proposed NW elevations, received 18 April 2016  
113C Proposed SE elevations, received 18 April 2016  
120C Proposed section AA, received 20 April 2016  
121B Proposed section CC, received 18 April 2016  
Energy Sustainability Statement, received 4 January 2016

Reason: For the avoidance of doubt.

**Advices**

- 1 Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
- 2 You are advised that this permission does not authorise any window or door openings other than those shown on the approved plans (listed under condition). Any new openings in any part of the development hereby approved will require full planning permission for which a new planning application would be required.
- 3 Asbestos Advice:  
  
The applicant is advised to undertake an asbestos survey prior to works commencing. Any asbestos containing materials present on site must be removed in accordance with the Control of Asbestos Regulations 2012

**BACKGROUND PAPERS**

Contaminated Land Environmental Protection

25 February 2016

commdelgranted  
V1.0211

**WARD:** Lawrence Hill **CONTACT OFFICER:** Susannah Pettit  
**SITE ADDRESS:** Land On West Side Of 95 Jacob Street Bristol

**APPLICATION NO:** 15/06483/F Full Planning  
**EXPIRY DATE:** 26 April 2016

*Conversion of three existing buildings to commercial use (Use Classes A1, A3 and/or B1) with associated alterations and extensions. Demolition of all other buildings and erection of new buildings to provide student accommodation (sui generis) and residential dwellings (Use Class C3) with associated landscaping, parking and access arrangements, including the relocation of Hawkins Street, creation of a public park to the rear of One Temple Way, and associated works (Major Application).*

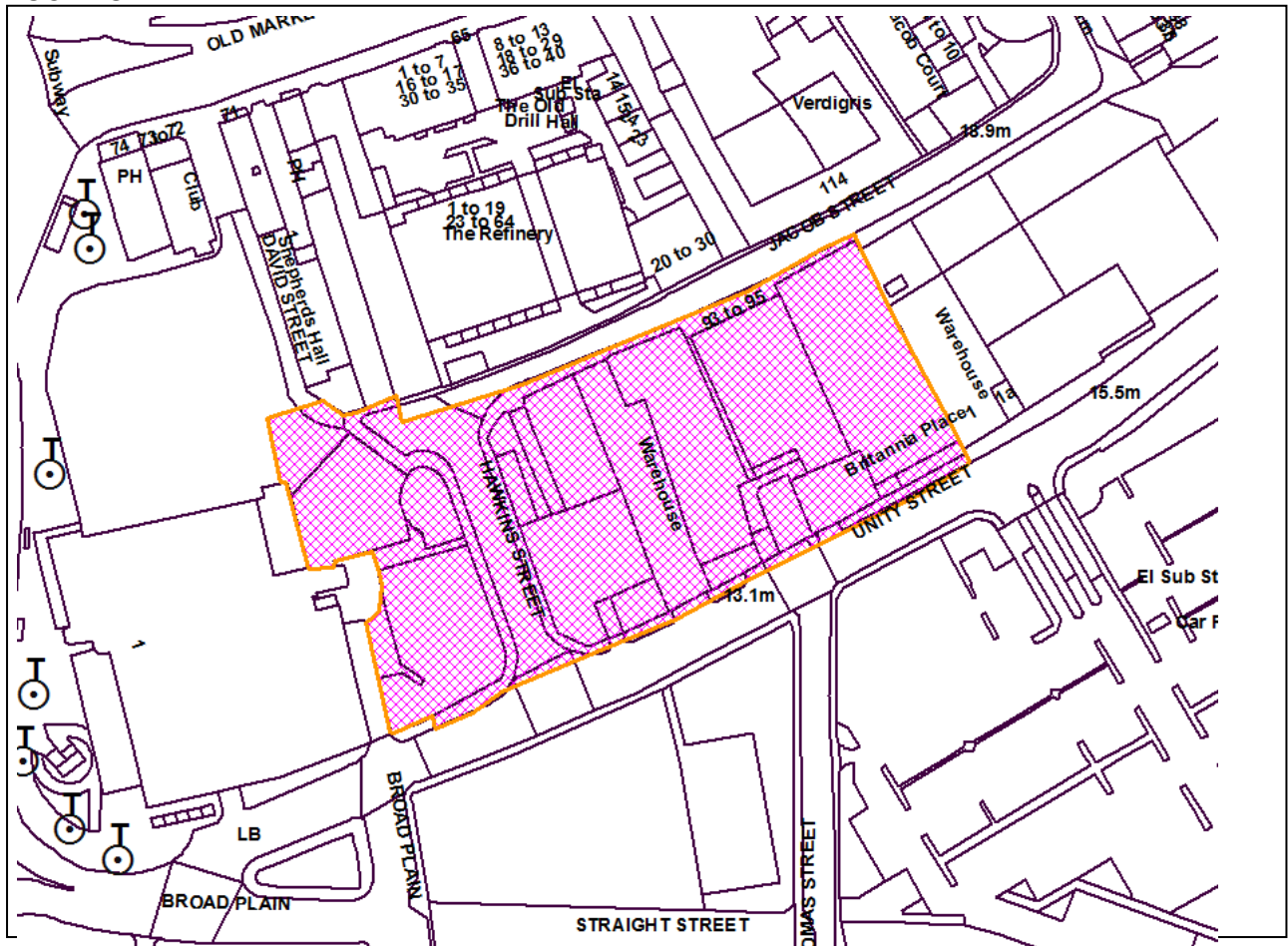
**RECOMMENDATION:** GRANT subject to Planning Agreement

**AGENT:** Indigo Planning  
 Swan Court  
 11 Worple Road  
 London  
 SW19 4JS

**APPLICANT:** Harmsworth Pension Fund  
 Trustees Ltd.  
 C/O Agent

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

**LOCATION PLAN:**



**Development Control Committee B – 13 July 2016**  
**Application No. 15/06483/F : Land On West Side Of 95 Jacob Street Bristol**

## SUMMARY

The application has been referred to Committee due to the number of objections and because the scheme as a Major development, has implications for the future of the Old Market area.

The site is within the City Centre, the Old Market Neighbourhood Plan (OMNP) area and the Old Market Conservation Area.

The scheme proposes 202 student bedspaces within a 4, 5 and 6 storey building, and also proposes a mix of new residential dwellings (48 in total), including family sized homes and a policy compliant level of affordable housing. Hawkins Street would be removed and re-located to the east to result in two blocks on the development site. This will also facilitate the creation of an expanded area of green space between the current Hawkins Street and the Bristol Post building.

Central Area Plan BCAP 46 - requires improved pedestrian and cycle links and acknowledges improvement in the area due to increased residential developments.

OMNP C6 - Development which can be shown to have been subject to consultation with the local community will be encouraged.

The site is an Allocated site within the OMNP which contains detailed guidance on how the neighbourhood forum would like to see the site developed.

Officers are recommending approval subject to s106 to secure the affordable housing units, due to the fact that the scheme would deliver a range of benefits to the area and would be in accordance with policies within the Bristol Local Plan.

## SITE DESCRIPTION

The application site is located within the Lawrence Hill ward and consists of an area of land bounded by Jacob Street to the north, Unity Street to the south, the Bristol Post building to the west and a large warehouse on the site's eastern edge. The submitted red line plan showing the application area also incorporates Hawkins Street and an area of green space to its left. To the east of the site there is a mix of single storey industrial warehouses used by various businesses, as well as a collection of vacant and derelict former industrial buildings. These are mainly brick built Victorian or early 19th Century two storey buildings, five of which are identified as Buildings of Merit in the Old Market Conservation Area Character appraisal (July 2008).

The site is located within the Old Market Neighbourhood Plan area and is situated one block south of the main Old Market bus interchange and shopping area. Construction works are taking place at the time of the application to implement the planning consent granted on the neighbouring Print Hall site, (the details of which are set out in the planning history section below).

The entire site is within the Easton /St Philips Residents' Parking Scheme. There are no listed buildings within the site, but the part of the site east of Hawkins Street is located within the Old Market Conservation Area. The site is also close to the boundary of allocated site KS01, which is Temple Meads Station and surrounding land and encompasses the Bristol Temple Quarter.

## RELEVANT HISTORY

Planning permission reference 11/05107/F was granted on 31.05.2012 for:  
Development of 42 apartments, 6 townhouses, 4 shopfront units and 34 car parking spaces within existing and new buildings. Demolition of existing depot building and partial demolition to plinth level of former food processing building. Extension and alteration to existing buildings. New vehicle accesses and new public thoroughfare.

This scheme was not implemented.

Print Hall site (adjacent to application site, to the west)

**Development Control Committee B – 13 July 2016**  
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Planning permission reference 14/06283/F was granted on 16.04.15 for:  
 Erection of a part 2, 4, 5, 6 and 11 storey building above ground floor level providing a mixed use development including 26 cluster flats, 104 studios, with ancillary facilities to be used for student accommodation (sui generis) and 93sqm of commercial floorspace (Use Class A3) with landscaping and associated works. (Major Application).

#### APPLICATION

The application proposals include as follows:

- Retention of three of the existing buildings of merit and use as three commercial units (within Use Classes A1 retail / A3 restaurant / B1 office), and demolition of all other buildings on site.
- Closure of Hawkins Street and formation of green landscaped public open space
- Formation of a new street (New Hawkins Street) which would effectively divide the site into two blocks
- Construction of buildings arranged in two blocks, of 2, to 6 storeys in height with the taller blocks on the western part of the site
- Provision of 19 Affordable homes within Shared Ownership and 29 private homes (48 units in total)
- Provision of 202 student bedspaces (arranged on the western-most block) with a central landscaped courtyard

The application proposes 17 car parking spaces in total (off street) relating to the C3 housing and will also relocate 7 existing pay and display bays which are currently on Hawkins Street, (four to be positioned along New Hawkins Street and 3 along Unity Street).

#### PRE APPLICATION COMMUNITY INVOLVEMENT

The application includes a document entitled Statement of Community Involvement, on behalf of Alaska Developments.

This document states that the involvement plan has included written communication with representative bodies, circulation of early sketch proposals in the public realm, project website entitled [www.unitystreetbristol.com](http://www.unitystreetbristol.com) ; public presentation of design proposals (14 April 2015) with Old Market Community Association.

The Statement concludes that all comments have been recorded and responded to. A summary of the main themes and the team's responses is within the Design and Access statement.

- i) Process - which would be NPN's CI summary
- ii) Fundamental Outcomes - CIS

Guidance and good practice examples exist to inform the choice of appropriate methods in order to help ensure effective, efficient, transparent and accountable community involvement. Those responsible for undertaking community involvement are expected to reflect such good practice to ensure inclusive, fair and effective initiatives. Failure to do so may limit the validity and relative credibility of the involvement undertaken.

#### RESPONSE TO PUBLICITY AND CONSULTATION

Letters were sent to 443 neighbouring occupiers on 15.02.2016, and a site notice was posted near the site on 17.02.2016. The final date for comments was given as 05.04.2016. A second 21 day consultation exercise was carried out on 05.05.16 to consult on amendments made during assessment.

One objection from Cllr Weston was received, objecting to the removal of Hawkins Street which is essential for HGV deliveries to a number of businesses on Jacob Street

From members of the public and local stakeholders, a total of 11 objections were received and 2 letters of support. Comments are summarised below:

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Impact on local businesses

71 Old Market Street - HMO for the homeless. The development would potentially block access to the service yard which is essential for the long term viability of the business.

Kingsown House - Amphora Aromatics. The development would block access for HGV trucks which are essential for the running of this business. This objection was also forwarded to the Mayor.

Wilts Electrical Wholesalers (Rexel )(address withheld) - The development would block access for HGV trucks which are essential for the running of this business.

Bristol Stair and Joinery Unit - Unit 2 Unity Street. Articulated vehicles regularly make deliveries to this business and the road closure would be of serious detriment.

Following the first round of consultation, the applicant submitted revisions to certain aspects of the scheme, primarily to the characteristics of New Hawkins Street. Comments received in response to the first consultation made it clear that the requirement of local businesses to use this road for their deliveries by HGV trucks had not been accounted for as these were unable to access existing businesses on Jacob Street. On receipt of revised drawings a further consultation was undertaken, which generated the following responses;

Access for businesses - 71 Old Market Street and Shepherd Hall

Shepherd Hall is run as a House in Multiple Occupation for the homeless with residents staying for different lengths of time, a single day to several years, depending on their particular needs and circumstance. The rear of the property has an open service yard which is accessed from Jacob Street with a couple of parking spaces for vehicles. Refuse and recycling facilities are also provided within the space and the waste is collected by the Council's contractors from Jacob Street. The service yard is regularly used and 24/7 and unencumbered access is essential for the smooth operation of the accommodation. Following our previous objection to the Harmsworth Pension Fund Trustees Ltd plans in March, we note that nothing has been amended that categorically demonstrates access to Shepherd's Hall be maintained. We are gravely concerned that the plans to create the pedestrianised space at the eastern end of Jacob Street remain ambiguous and unresolved when it comes to vehicle access for servicing. There is apparently a significant safety issue given the number of pedestrians that may use the space and vehicles needing to enter it.

The above concern has been submitted from nos. 68 and 69 Old Market Street.

Amenity

The proposed building would adversely affect the sunlight, outlook and privacy received in flats in The Refinery.

The flats have been described as serviced apartments within the application documents, which is incorrect.

The new building would block sunlight and daylight, and would result in overlooking to residents of The Refinery. The revised proposals have done nothing to take account of these concerns.

Trees

Existing trees are ticked on the application form but there is not enough information to assess if any trees are to be lost or if mitigation is needed.

More greenery should be provided.

Transport

Parking would become difficult in surrounding streets. Not having a parking permit does not prevent people being able to park for free in the evenings and at weekends.

Re-routing the cycle path through The Refinery instead of David Street would result in a conflict between pedestrians and cyclists.

Seven pay and display bays will be re-located but no additional parking is to be provided. This will



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lead to more on-street parking pressure outside of the permit-only hours (in the evenings and at the weekends).

One of the re-located pay and display bays is located directly opposite the loading bay of Veals Fishing Tackle. This could result in conflict along Unity Street and would block access.

**Bristol Civic Society**

Whilst the provision of 40% affordable housing is welcomed, it is considered there is potential for a higher proportion of non-student housing within the development. We remain to be convinced of the need for 156 student units in a location which is not particularly convenient for either of the City's Universities. The Old Market Neighbourhood Plan states that the area has a plentiful supply of student accommodation. There is, however, a demand for larger family homes and this proposal should reflect the local need more closely.

**OTHER COMMENTS**

**Archaeology Team** has commented as follows:-

An archaeological desk-based assessment and a subsequent evaluation of the site were carried out prior to the consent for the previous application. This application appears to retain less of the linear nature of the plan form that is apparent on the early plans of the area and which is still to a lesser extent reflected in the surviving building layout on the site. Although the retention of the buildings closer to Hawkins Street and on Jacob Street is welcomed, the removal of the buildings, especially those numbered 6 and 7 in the Planning Statement, located further along Unity Street, will need more robust justification in this application.

Regarding below-ground archaeology, the archaeological evaluation demonstrated that there was good survival, with a potentially 17th century or possibly earlier building towards the Jacob Street frontage and later structures elsewhere on the site. There will certainly need to be a programme of archaeological work, consisting of archaeological excavation and recording, carried out prior to the commencement of development. This work should be followed by an archaeological watching brief during development groundworks. These works should be secured by a series of standard conditions (B28, to specify the need for archaeological excavation, C17, to ensure the necessary analysis and publication of the results, including the creation of an accessible archive, and C18, to secure the conduct of a watching brief).

**Pollution Control** has commented as follows:-

The acoustic report details two main noise sources which determine much of the sound insulation requirements. These are the Exchange Nightclub and the neighbouring Joinery.

Information will be required prior to the implementation of the A3 use to show that any such that commercial uses will not cause any nuisance to residents by way of noise or odour.

Conditions on sound insulation, noise from development, construction management, odour management, noise from plant and equipment use of refuse and recycling facilities and deliveries are recommended.

**Archaeology Team** has commented as follows:-

An archaeological desk-based assessment and a subsequent evaluation of the site were carried out prior to the consent for the previous application. This application appears to retain less of the linear nature of the plan form that is apparent on the early plans of the area and which is still to a lesser extent reflected in the surviving building layout on the site. However, it is accepted that some of the older buildings within the site are in a ruinous condition and could probably not be salvaged.

Nevertheless, it is disappointing that this scheme retains fewer of those buildings that are highlighted as unlisted buildings of merit in the Old Market Conservation Area Character Appraisal and as Character Buildings in the Old Market Neighbourhood Plan. Although the retention of the buildings

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closer to Hawkins Street and on Jacob Street is welcomed, the removal of the buildings, especially those numbered 6 and 7 in the Planning Statement, located further along Unity Street, will need more robust justification in this application.

Regarding below-ground archaeology, the archaeological evaluation demonstrated that there was good survival, with a potentially 17th century or possibly earlier building towards the Jacob Street frontage and later structures elsewhere on the site. There will certainly need to be a programme of archaeological work, consisting of archaeological excavation and recording, carried out prior to the commencement of development. This work should be followed by an archaeological watching brief during development groundworks. These works should be secured by a series of standard conditions.

**Arboricultural Team** has commented as follows:-

Paragraph 4.7 of the Arboricultural Report states that the routing of services and utilities were not provided at the timing of the report. This needs to be addressed if they are within the root protection area of the retained trees.

The fence protection should be installed as designed within the Arb report prior to work commencing on site.

No trees will be removed to aid the development and therefore no BTRS calculation needs to be sought and the landscape plan can be conditioned as suggested. With note to the landscape plan; this and the neighbouring development are large in scale and the tree species proposed within the plan need to in proportion with the scale of the development.

**Nature Conservation Officer** has commented as follows:-

Shrubs and trees which have the potential to support nesting birds are likely to be removed as part of this proposal. Buildings with the potential to support nesting birds are also proposed to be demolished. All species of wild birds, their eggs, nests and chicks are legally protected until the young have fledged. The Preliminary Ecological Assessment and Bat Activity Surveys report dated October 2015 recorded commuting and foraging common pipistrelle bats on the site and recommends the provision of bird and bat boxes.

Conditions are recommended to address the removal of these habitats.

In accordance with Policy DM29 in the Local Plan, the provision of living (green/brown) roofs is recommended to provide habitat for wildlife. Policy DM29 states that 'proposals for new buildings will be expected to incorporate opportunities for green infrastructure such as green roofs, green walls and green decks.'

Living roofs can be integrated with photovoltaic panels and also contribute towards Sustainable Urban Drainage Systems (SuDS).

**Wessex Water** has commented as follows:-

If continued surface water discharge to the sewer is pursued the flows should be attenuated to 50 l/s maximum.

The strategy will require the approval of the LLFA.

**Contaminated Land Environmental Protection** has commented as follows:-

The proposal is for a development on land that has been in industrial/commercial use for the past 150 years or so. The land uses are varied but include scrap metal merchants, blacksmiths, masonry works and animal product processing works.

**The Coal Authority** has commented as follows:-

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The Coal Authority concurs with the recommendations of the submitted Phase 1 Geo Environmental Assessment Report (October 2011). Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

A condition should therefore be imposed.

**Flood Risk Manager** has commented as follows:-

An analysis of the existing site surface water run off rates should be undertaken. This should assess the pre-development site run off characteristics rather than looking at discharge rates based on the outfall pipe capacity. The rates calculated should then be reduced and improved upon in the new proposed drainage strategy. Provision of the calculations made and method followed to devise this should be submitted with greater detail.

**Transport Development Management** has commented as follows:-

Detailed discussions and negotiations have taken place with the applicant's agent and transport consultant during the course of the application, and the amended version of the plans are now acceptable in transport terms. See detailed analysis within the Transport section of this report.

**Urban Design** has commented as follows:-

Coordinated comments covering Archaeology, Conservation, Landscape, Public Art and Urban design considerations are contained within the Design and Conservation section (Key Issue B) below. Officers are satisfied with the height and detailed design response, and with the justification given for the demolition of the three unlisted Buildings of Merit. Conditions are imposed to secure Public Art and Landscaping.

## RELEVANT POLICIES

### **National Planning Policy Framework – March 2012**

#### **Bristol Core Strategy (Adopted June 2011)**

BCS2	Bristol City Centre
BCS5	Housing Provision
BCS7	Centres and Retailing
BCS8	Delivering a Thriving Economy
	BCS10
	Transport and Access Improvements
BCS11	Infrastructure and Developer Contributions
BCS13	Climate Change
BCS14	Sustainable Energy
BCS15	Sustainable Design and Construction
BCS16	Flood Risk and Water Management
BCS17	Affordable Housing Provision
BCS18	Housing Type
BCS20	Effective and Efficient Use of Land
BCS21	Quality Urban Design
BCS22	Conservation and the Historic Environment
BCS23	Pollution

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

DM1	Presumption in favour of sustainable development
DM7	Town centre uses
DM4	Wheelchair accessible housing
DM12	Retaining valuable employment sites
DM15	Green infrastructure provision
DM16	Open space for recreation
DM17	Development involving existing green infrastructure
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM28	Public realm
DM29	Design of new buildings
DM31	Heritage assets
DM32	Recycling and refuse provision in new development
DM33	Pollution control, air quality and water quality
DM34	Contaminated land
DM35	Noise mitigation

**Bristol Central Area Plan (Adopted March 2015)**

BCAP1	Mixed-use development in Bristol City Centre
BCAP7	Loss of employment space
BCAP3	Family sized homes
BCAP4	Specialist student housing in Bristol City Centre
BCAP13	Strategy for retail development in Bristol City Centre
BCAP15	Small scale retail developments and other related uses in Bristol City Centre
BCAP46	The approach to Old Market and The Dings

**Old Market Quarter Neighbourhood Development Plan 2015**

B1	Protection of historic buildings
B2	Beautiful new buildings
C1	Employment
C5	Better balanced housing
E1	Trees
T1	Back streets and footpaths
T3	Residential parking

**KEY ISSUES****(A) PRINCIPLE OF LAND USE****Loss of Employment**

The NPPF states that the planning system should do all it can to promote sustainable economic growth. Core Strategy policy BCS8 states that employment land outside the Principle Industrial and Warehousing Areas will be retained on sites where it makes a valuable contribution to the economy and employment opportunities. Bristol Central Area Plan policy BCAP7 goes on to say employment sites in Old Market and other areas of inner east Bristol should be retained for employment use unless the developer can demonstrate:

- i) There is no demand for employment uses; or
- ii) Continued employment use would have an unacceptable impact on the environmental quality of the surrounding area; or

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- iii) A net reduction in floorspace is necessary to improve the existing premises; or
- iv) It is to be used for industrial or commercial training purposes.

The officer assessment in respect of the previously consented scheme (11/05107/F, granted in May 2012 and described in the Planning History section above) reached the view that although the site has historically been in employment use, such uses ceased some years ago. This view is still applicable today. A number of buildings on the site are in a poor condition and would require significant refurbishment and improvement before they could be occupied as industrial premises

The May 2012 consent is a material consideration for this application. Whilst the Bristol Local Plan (Site Allocations and Development Management Policies and Central Area Plan) suite of policies have all been adopted since this decision, conditions on site remain similar, and a the same conclusion may be drawn in respect of the loss of employment. As set out within the applicant's planning statement, 'The site has made no contribution to the economy or employment opportunities for some time. Instead, in its current state, it acts as a drag on the local economy by undermining confidence in the area, discouraging people from passing through to the shops and businesses on Old Market and to the south.'

The Central Area Plan policy aim for Old Market (BCAP46) sets out that this City Centre neighbourhood suffers from severance caused by major surrounding roads and has experienced decline for many years. It does however report that in recent years since the adoption of the Plan in 2015, the area has seen a growth in residential population.

The introduction of a range of residential uses on this site is therefore considered acceptable bearing in mind that this is an underused site in a sustainable inner city location, subject to the other housing related land-use matters considered below.

The OMNP guidance for the site confirms that student housing as well as residential would be encouraged on this site along with a mix of commercial units at ground floor level.

#### New Commercial Units

The 3 commercial units would be 67sq, 62sqm and 81sqm respectively, and would contain A1/A3/B1 uses. These uses are considered to be acceptable in this location and will ensure the development offers activity at street level to add to the vibrancy of the Old Market area and to attract footfall through the site. Conditions shall be imposed relating to ventilation plant, servicing and operating hours of these units in view of the close proximity to residential uses.

#### Mixed and Balanced Communities

Bristol comprises a diverse range of residential neighbourhoods with significant variations in housing type, tenure, size, character and quality. A wide range of factors influence the housing needs and demands of neighbourhoods. Such factors include demographic trends, housing supply, economic conditions and market operation. The inter-relationship between these and other factors is often complex and dynamic. In the circumstances, housing requirements will differ greatly across the city and will be subject to change over time. With this in mind an overly prescriptive approach to housing mix would not be appropriate. However, it has been possible to identify broad housing issues that are applicable to many neighbourhoods.

The Core Strategy sets out the requirement that major developments should demonstrate measures to enhance social inclusion and community cohesion, especially in respect of those communities close to the city centre. Developments should also provide or contribute to a mix of housing types and avoid excessive over-concentration of one particular type. This should include the provision of more family sized accommodation as well as accommodation for smaller households.

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OMNP policy C5 states that proposals for residential development will only be permitted where a satisfactory standard of amenity and privacy can be provided. The same policy also encourages more housing for families, with dwellings with at least 3 bedrooms due to an existing imbalance within the area.

2011 census data reports percentages of Households with dependent children, which gives an indication of the need for family-sized accommodation in each LSOA:

Old Market and Temple Meads 7.6%

Cabot Circus 32.9%

The Dings 14%

As can be seen from the statistics, the area typically contains a small proportion of families. The proposal contains 14 units with at least 3 bedrooms, of which 5 would be Affordable units. Of the proposed units this would equate to 12% of the units being family sized homes, and this is considered appropriate for this location.

#### Acceptability of Student Dwellings

Policy DM2 of the SADMP states that development involving specialist student accommodation and other forms of shared housing will not be permitted where:

1. The development would result in harm to the residential amenity of character of the locality in terms of levels of activity, noise, parking, physical alterations, and storage of refuse / recycling;
2. The development would create or contribute to a harmful concentration of such uses within a locality as a result of any of the following: exacerbation of harmful conditions listed above, reducing the choice of homes in the area by changing the housing mix.

The policy states that specialist student housing will be acceptable in the city centre, however, a more local area-based assessment is required to assess the development's contribution to housing mix and whether it would lead to an unacceptable concentration of student housing in view of other large student schemes in the vicinity. An assessment of the neighbourhood area, defined within the Census Lower Super Output Area (LSOA, average of 1,500 residents) has therefore been carried out.

The census data for 2011 census states that 5.6% of the Lawrence Hill ward population was students. The site is located within the Old Market and Temple Meads Lower Super Output Area (LSOA) which in the 2011 census contained 25% full time students. For comparison, neighbouring Cabot Circus LSOA contained 39.2% and The Dings LSOA contains 9.3%

These figure would be slightly less now as further planning consents have been delivered for all types of housing, so is probably proportionately slightly less.

Policy BCAP4 reinforces this, unless it will contribute to a harmful concentration of specialist student housing. Whilst Temple Way has been the focus for recent large scale student led developments, (including on the adjacent Print Hall site) the LSOA contained 25% students, which is significantly lower than some central wards. Therefore, whilst there is a concentration of student accommodation around Temple Way, the overall picture across Lawrence Hill is that there is relatively limited student accommodation. Given that large-scale student accommodation has in recent years been focussed mainly in the city centre, (around Lewins Mead) the Old Market area is comparatively, not one of the areas where concentration is particularly high. Since the scheme will also deliver other types of housing, including family-sized housing, the inclusion of student accommodation is considered appropriate on this site.

Whilst there is no nationally adopted space standard for student accommodation, schemes are instead assessed on the quality of their layout, and all of the units offered with this scheme offer an acceptable layout, each room having at least one window, and with sufficient communal space for students to live within. The student units would therefore offer an acceptable standard of accommodation.

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### Affordable Housing

BCS17 requires 40% affordable housing in this area, on developments of 15 or more dwellings. Developments should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities. The tenure, size and type of affordable units will reflect identified needs, site suitability and economic viability.

The scheme proposes 19 of the proposed 48 residential units to be Affordable. This figure equates to 40% which is policy compliant, however all 19 units are proposed to be within Shared Ownership. The Shared Ownership product requires delivery by a Housing Association, and the applicant for this scheme already has Sovereign on board to deliver the units. It is likely that more than 19 of the proposed dwellings would be delivered as Shared Ownership homes, however it is only possible for the s106 to secure what is required to meet planning policy: nothing more.

Whilst the scheme proposes a single tenure, the Council's adopted Affordable Housing Practice Note offers some flexibility on tenure so that the Council may secure affordable housing to reflect local and current needs.

The affordable housing shall be secured within a s106 agreement, which is discussed at Key Issue (H).

### (B) DESIGN AND CONSERVATION

Section 12 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation with any harm or loss requiring clear justification. The Authority is also required (under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special regard to the desirability of preserving or enhancing the character and appearance of the listed building and the Conservation Area.

BCS22 requires developments to safeguard or enhance heritage assets. DM31 expects development to conserve and enhance the listed asset. DM30 states that extensions or alterations to existing buildings will be expected to retain and/or reinstate traditional or distinctive architectural features and fabric.

OMNP Site guidance states that new buildings should be of a height and scale that have regard to neighbouring buildings.

### Elevation treatment

The composition of the built form and the design of the buildings in general are well formed and supported. The applicant made amendments during the course of the application following discussions with officers, to the design of the elevation facing the public open space and consistent plinth which wraps around the corner of the elevation. These elements were both amended satisfactorily. The town house elevations fronting New Hawkins Street would be robust warehouse-style with elements of glazed brick, red brick and timber cladding to the upper floors and metal framed windows. This is considered an acceptable response and mirrors the existing residential buildings on Jacob Street which also have no defensible space and are sturdy townhouses, able to provide a barrier with the HGV trucks which use the neighbouring roads.

### Unlisted buildings of Merit

The Victorian Industrial aesthetic is important in this sub-area of the Conservation Area. This is also noted within the Conservation Area Appraisal which considers the existing buildings on site retain

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important industrial character typical of the early 20th Century period, particularly the buildings fronting Unity Street. As non-designated heritage assets, the presumption should be to retain and reuse the existing buildings. The application addresses the loss of three of these buildings (buildings 4,6,7 and 8) in a Statement on Unlisted Buildings of Merit. The buildings identified to be removed have structural issues which would make them costly to incorporate within the scheme. Furthermore, they possess a scale and fenestration pattern which would not lend itself to the higher density residential development proposed across the site. Finally, one of the buildings (8) is simply a facade revisited the free-standing façade fronting Unity Street with limited fenestration, and subject to a significant level change. This would not translate into residential development.

The three unlisted buildings of merit that are to be incorporated within the scheme (buildings 1, 2 and 3 on the western portion of the site) would be more successfully restored and would make the maximum contribution to the site. Officers are in agreement that the benefits of bringing the site into mixed use using 3 unlisted buildings of merit, would outweigh the loss of the 4 unlisted buildings of merit and that adequate justification has been provided for their loss.

#### Public Art and Landscaping

Following negotiations with officers during the course of the application, the applicant has provided a revised public art plan for the public park on the site, and the connecting walkways through to Old Market and to Temple Way. The public art response on this site will be delivered alongside that on the Print Hall site (As the two sites are within the same ownership). A draft public art plan has therefore been drafted to show the scope of the area to be covered by the appointed artist, albeit clearly separated into the two applications so that one scheme may still be delivered without relying on the other. The plan shows the connectivity between the two sites and how the artist's brief will incorporate both. Finally, it sets out a draft commissioning programme as well as proposed sections for the final public art plan. A condition requiring the submission of this alongside a landscaping plan shall be imposed. This is to ensure that public art and landscaping are designed together and to ensure a co-ordinated response to this space.

#### (C) AMENITY

Policy BCS21 requires development to safeguard the amenity of existing development and create a high quality environment for future occupiers.

#### Impact of additional height on nearby residents in terms of daylight and sunlight

The nearest residents are at The Refinery to the north of the site. This building is five storeys in height, with the upper floors being recessed into the roof slope. The building contains a mix of permanent residential flats and serviced apartments.

This building is set back from Jacob Street behind a rusticated wall of some 1.5 storeys in height, with arched openings. There are flats within The Refinery with south facing balconies, and these would be between 15m and 16m away from the 5 storey northern façade of the proposed building (distance varies due to the slight angle of The Refinery). Several objectors residing in this building have raised concerns relating to the proximity of this additional height and it is acknowledged that a five storey building would seem imposing after having enjoyed an open southerly aspect over the vacant plot for a number of years. The applicant has prepared a BRE Daylight and Sunlight report which explores whether the new building would unreasonably affect light received by buildings to the north of the site, including nos. 1-30 The Refinery, 61 Old Market Street and 114 Jacob Street.

The BRE consists of a set of tests which can be applied according to the type of development. In this case, the Vertical Sky Component (VSC); Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH) tests have been used.



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### Vertical Sky Component (VSC)

The VSC is a measure of light falling on a window, and the target for a good level of light is 27% - meaning a ratio of direct sky luminance falling on the surface of the window. 40% is the maximum possible VSC score, and would mean that if one had a view from a window which was totally unobstructed by buildings, 40% of the total hemisphere would be visible. If a development would reduce the VSC from a given window to less than 27%, AND to less than 0.8 times its former value, then according to the BRE guidelines it is likely that the loss of light would be harmful. It should, nevertheless, be noted that the 27% VSC target value is derived from a low density suburban housing model. The independent daylight and sunlight review states that in an inner city urban environment, VSC values in excess of 20% should be considered as reasonably good, and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.

### VSC results

The results in the submitted analysis document show that 36 out of the 83 windows tested would experience a reduction of less than 0.8 times their former value. However, none of the values measured would fall below 20%.

### Annual Probable Sunlight Hours (APSH)

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then there is likely to be a noticeable loss of light experienced. BRE states that in any case, loss of proposed values should not be less than 0.8 times their previous value in each period.

### APSH results

The results in the submitted analysis document show that 22 out of the 83 windows tested would fail to meet the requirements. However, these figures are lower because of the existence of balconies above the flats tested, which already have limitations to the potential light that could be received.

### Conclusion on Daylight and Sunlight

The site is within a City Centre location and residents facing south over Jacob Street currently enjoy a relatively open aspect due to the vacant and underdeveloped site. The area is one where typically higher densities and taller buildings can be expected, and the development itself does not significantly breach established building heights in the area (being at 5 storeys on the north-west corner, matching the height of The Refinery, and stepping down from its neighbours at the Print Hall and the Bristol Post Building. Whilst a proportion of the windows tested would experience some loss of daylight or sunlight, it is considered that these impacts would not be significantly harmful as to warrant a refusal of this planning application.

### Impact on nearby residents in terms of privacy

Since the second consultation, the applicant has revised the plans to address residents' concerns on potential overlooking from the student bedrooms into flats in The Refinery. This has been done by proposing a deeper reveal to the windows in the north elevation of the student building so that the windows are more set-back, as well as the installation of obscure glazed louvres so as to allow light and outlook from these rooms but to avoid direct views into The Refinery. These are illustrated in a document entitled 'Jacob Street Offsets and Setbacks'. This is considered to successfully address the

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issue of overlooking and would still allow sufficient outlook from the study bedrooms, which have only one window.

#### Quality of Accommodation

Adopted Bristol Core Strategy Policy BCS18 makes specific reference to residential developments providing sufficient space for everyday activities and space which should be flexible and adaptable, by meeting appropriate space standards. The National Space Standards came into effect on 1 October 2015 and are applied to all new residential development.

Of the 48 units, 37 generously meet with the National Space Standards. Of the 11 units that fall short, only 4 of these fall short by 5 to 6.5sqm, most only having a shortfall of 1 to 2 sqm. Most of the units that fall short have the benefit of private outdoor amenity space within the central courtyard and enjoy, a dual or triple aspect, which is unusual in such a central location and the scheme in general delivers good quality housing with sufficient outlook, daylight and sunlight received within the units and areas of soft landscaping. The scheme is therefore considered to be acceptable in this regard.

#### Wheelchair accessible housing

Policy DM4 requires developments of 50 dwellings or more to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As this development falls below this threshold and provides only 48 residential dwellings, the policy does not apply and no wheelchair accessible housing is therefore required.

#### Access to public parks, green space and childrens' play areas

Aside from creating an improved public park on the west side of the existing Hawkins Street with an interactive public art installation and landscaping, the application site is also within 6 minutes walk of a play area at Mathias Park. Castle Park is also a 7 minute walk away. This complies with the SADMP appendix 1 which requires 0.3sqm childrens play area within 10 minutes' walk, and 2sqm formal green space within 10 minutes' walk.

#### Protection of existing and future residents from noise

Core Strategy policy BCS21 states that development should safeguard the amenity of existing development and create a high quality environment for future occupiers. Bristol Local Plan policy DM35 states that development with noise implications should provide appropriate mitigation.

Residents of the proposed scheme need to be protected from nearby sources of noise. These have been identified as The Exchange nightclub on Old Market Street and the joinery business on Jacob Street. Conditions are imposed to require sound insulation and recommended sound levels to be adhered to within the units. Proposed sources of noise may also potentially arise from the proposed commercial units, from plant or servicing late at night. Conditions are also proposed to be imposed relating to operations at these three units.

#### (D) TRANSPORT

The main justification for moving Hawkins Street to the east is to improve pedestrian connectivity between Jacob St and Unity St through to Temple Quarter and Old Market Street (although contrary to the issue raised in an objection, there are no plans to direct the cycle route through The Refinery). This is in line with BCS2 which requires developments to take opportunities to reduce severance of parts of the city centre from neighbouring communities caused by major roads and other physical barriers. Also (in urban design terms) would create two more regular development plots in which the buildings of merit may be retained.

The cobble stone road surface would be reinstated when works are complete.

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BCAP35 (Bristol Temple Quarter) encourages new walking and cycling routes to connect developments to the rest of the city centre and surrounding neighbourhoods.

The main transport concern relates to whether access would still be possible for HGV trucks making deliveries to manufacturing businesses. Initially, New Hawkins Street was shown as a residential street rather than an adoptable road. Discussions were held with the applicant's agent and transport consultant and a new design for New Hawkins Street was submitted, which showed sufficient tracking space for HGVs without conflicting with pedestrian movements or parked cars. The seven Pay and Display spaces on the current Hawkins Street are proposed to be re-located so that there would be four on New Hawkins Street and three on Unity Street. These proposed new locations are acceptable following an initial concern that one space was located directly opposite the loading bay for Veals Fishing Tackle. Officers have explored this issue and there is sufficient space for loading and unloading at Veals Fishing Tackle, and the applicant also proposes to construct a loading bay adjacent to this unit, which can be used.

A number of objections have also raised the issue of whether suitable access would still be possible for servicing to the rear of properties on Old Market Street (at no. 71 and Shepherd Hall). The swept path diagrams show that the refuse trucks would still be able to gain access to these properties so that they may be serviced in the usual way.

#### Car Parking

The private mews houses would have integral garages providing one car parking space, and there would be 10 communal parking spaces within the central courtyard relating to the 4 bedroom houses, as well as 1 Car Club bay. The scheme shall be subject to the usual informative restricting parking permits from being obtained by residents of the scheme, and there shall be a condition relating to the student drop-off area to require it to be subject to a management plan.

#### Cycle Parking

The initially submitted scheme showed 40 cycle parking spaces for the residential units which fell short of the Council's adopted standards. The scheme has since been amended to show 73 cycle parking spaces plus two each in each of the town houses on New Hawkins Street. The student scheme would contain 96 cycle parking spaces all within covered and secured enclosures accessed from the central courtyard. This is considered to deliver sufficient cycle parking.

#### Refuse and Recycling

There is sufficient storage for refuse and recyclables on the site, and the residential part of the development would be serviced from communal refuse enclosures on both New Hawkins Street and Jacob Street. For the student scheme, the main area for refuse storage is accessed from the communal courtyard and would be serviced from Unity Street.

#### (E) SUSTAINABILITY

Sustainability should be integral to all new development in Bristol. BCS13 encourages developments to respond pro-actively to climate change, by incorporating measures to mitigate and adapt to it. BCS14 expects development to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%. BCS15 requires developments to demonstrate through a Sustainability Statement how they have addressed energy efficiency; waste and recycling; conserving water; materials; facilitating future refurbishment and enhancement of biodiversity.

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The application is accompanied by a Sustainability Statement (including a BREEAM pre-assessment giving a score of Very Good) and an Energy Strategy.

The Very Good rating is largely due to the fact that three of the buildings are Victorian warehouses to be converted, therefore a fully policy compliant Excellent score would be very difficult in this case. The retention of the unlisted building of merit is considered to outweigh the BREEAM shortfall in this case. In addition, the Sustainability Assessment also sets out how the new buildings would offer thermally efficient construction fabric, a pre-demolition audit to determine whether any of the materials resulting from demolition are recoverable, and water butts in the gardens of the houses to encourage use of grey water and reduce use of potable water for gardens.

The Energy Strategy confirms the use of PV panels on all roofs and this would result in a 20% reduction in residual carbon emissions to comply with Core Strategy policies and this is acceptable.

#### (F) BIODIVERSITY AND TREES

Policy BCS9 states that individual green assets should be retained wherever possible, and that development should incorporate new or enhanced green infrastructure of an appropriate type, standard and size.

Policy DM19 seeks to protect habitat, features and species which contribute to nature conservation, and developments are expected to be informed by appropriate surveys.

No trees are proposed to be removed as part of the development, and trees that are to be retained will be covered by a tree protection condition. A further condition shall be imposed to require details of service and utilities routes to ensure that these do not impede on root protection areas. Whilst a landscaping plan has been submitted, this does not detail species. As set out above, landscaping and public art will be dealt with in a combined condition to the combined nature of the public space on this application site. The condition will therefore set out that details of species are required to be included within a planting plan. Landscaping of the site including the proposed reconfiguration of the pocket park should predominantly employ native species of local provenance including berry and fruit-bearing tree, hedgerow and shrub species for birds and nectar-rich flowering plants for invertebrates.

Due to the proposed removal of shrubs, conditions are proposed requiring inclusion of swift bricks and bat boxes. Conditions shall also be imposed requiring development to take place outside the summer months to ensure the protection of nesting birds.

#### (G) FLOOD RISK

The site is within Flood Zone 1 and is the proposed 'more vulnerable' residential use (as categorized by the Environment Agency) states that such a use is compatible in Flood Zone 1 and passes the Sequential Test approach. The Exception Test is not required in this instance. Drainage is discussed within the submitted Sustainability Statement and confirms that the water run-off from the site would not be increased as a result of the development. This is an acceptable response to the issue.

#### (H) SECTION 106 AGREEMENT

A S106 agreement has been prepared and at the time of writing this report is likely to be resolved shortly. The S106 agreement will secure 19 of the units (40%) as affordable, within the Shared Ownership tenure. It is likely that the scheme would deliver in excess of this number as Shared Ownership, however the additional units may not be secured within the s106 as they are not required by policy. This fact is nevertheless considered worthy of note.

There would be no other S106 obligations required or necessary to make the development acceptable.

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**CONCLUSION**

The scheme is considered to be acceptable as it provides the following:

- a policy compliant affordable housing offer;
- a good mix of dwellings, including family sized dwellings and an acceptable balance between student and private residential development;
- retention and improvement of a public park;
- improved pedestrian links through the site between Temple Quarter and Old Market;
- a good quality of urban design including retention of unlisted buildings of merit;
- public art on the linked site with Print Hall;
- 12 family sized homes with private gardens;
- private parking for 17 cars
- generous provision of cycle parking
- it would bring forward an allocated brownfield site that makes the best use of the land available

The issues raised in the application (access for neighbouring businesses and overlooking) have been successfully addressed by the applicant.

The above factors are seen to outweigh the less desirable parts of the scheme, which are the shortfall in some of the unit sizes and the Very Good instead of Excellent BREEAM score.

The scheme is therefore recommended for approval.

**COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is £862,010

**RECOMMENDED GRANT subject to Planning Agreement**

**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. Coal mining reports

No development (excluding demolition to ground level only) shall take place until the following has been submitted to and been approved in writing by the Local Planning Authority:

- \* The submission of a scheme of intrusive site investigations for approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

Reason: In order to safeguard the health and safety of future occupiers.

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3. Site Specific Construction Environmental Management Plan

No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- \* Procedures for maintaining good public relations including complaint management, public consultation and liaison
- \* Arrangements for liaison with the Council's Pollution Control Team
- \* All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
- \* Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- \* Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- \* Procedures for emergency deviation of the agreed working hours.
- \* Bristol City Council encourages all contractors to be 'Considerate Contractors' when working in the city by being aware of the needs of neighbours and the environment.
- \* 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.
- \* Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

4. Construction management plan

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

Parking of vehicle of site operatives and visitors  
 routes for construction traffic  
 hours of operation  
 method of prevention of mud being carried onto highway  
 pedestrian and cyclist protection  
 arrangements for turning vehicles

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

5. Highway to be adopted

No development (with the exception of demolition and works below the prevailing ground level surrounding the site) shall take place until construction details of the internal access road(s) to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.

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Reason - To ensure the internal access roads are planned and approved in good time to include any Highways Orders and to a satisfactory standard for use by the public and are completed prior to occupation.

6. Odour Management Plan A3 use only

No commencement of use of the individual commercial units (if for A3 use) at the development shall take place until there has been submitted to and approved in writing, by the Council, an Odour Management Plan, setting out cleaning, maintenance and filter replacement policies. The plan should include a written recording system to record and demonstrate when all such work is carried out.

Reason: In order to safeguard the amenity of surrounding occupiers.

7. Protection of Retained Trees During the Construction Period

Tree protection measures identified within the Arboricultural Impact Assessment (dated 11 December 2015) shall be adhered to throughout the development unless agreed otherwise in writing by the LPA.

Reason: To protect the retained trees from damage during construction, including all ground works and works that may be required by other conditions, and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

8. Ventilation system A3 use only

Use of the individual commercial units at the development (if for A3 use) shall not take place until details of ventilation system for the extraction and dispersal of cooking odours including details of the flue, method of odour control, noise levels and noise attenuation measures has been submitted to and approved in writing by the Council.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenity of nearby occupiers.

9. Noise from development

Use of the individual commercial units at the development shall not take place until an assessment on the potential for noise from the commercial units affecting other residential or commercial properties as part of the development has been submitted to and approved in writing by the Council. If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Council prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 1997. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice".

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The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order that noise levels may be agreed prior to the commencement of works on site which may require changes to the design and to safeguard the amenities of nearby occupiers.

10. The scheme of noise insulation and ventilation measures detailed in the acoustic report and the recommendations detailed in the Cole Jarman Noise Assessment submitted with the application shall be implemented in full prior to the commencement of the use permitted and be permanently maintained.

Reason: In order to safeguard the amenity of future residents of the site.

11. To ensure implementation of a programme of archaeological works

No development (excluding demolition to ground level only) shall take place until the applicant/developer has secured the implementation of a programme of archaeological work, (to include excavation and watching brief), in accordance with a Written Scheme of Investigation which has been submitted by the developer and approved in writing by the Local Planning Authority.

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

12. BREEAM

No development (with the exception of demolition and works below the prevailing ground level surrounding the site) shall take place until evidence that the development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated final BREEAM level. No building shall be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating has been achieved for this development unless the Local Planning Authority agrees in writing to an extension of the period by which a Certificate is issued.

Reason: To ensure that the development achieves BREEAM rating level Very Good; (or any such equivalent national measure of sustainability for building design which replaces that scheme) and that this is done early enough in the process to allow adaptations to designs and assessment and certification shall be carried out by a licensed BREEAM assessor and to



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ensure that the development contributes to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

**Pre occupation condition(s)**

13. 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.

14. Submission and Approval of Landscaping Scheme

Notwithstanding the requirements of the Public Art and Landscaping condition (condition 16), no building or use hereby permitted shall be occupied or the use commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building(s) or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory.

15. To secure the conduct of a watching brief during development groundworks

The applicant/developer shall ensure that all groundworks, including geotechnical works, are monitored and recorded by an archaeologist or an archaeological organisation to be approved by the council and in accordance with the Written Scheme of Investigation approved under condition.

Reason: To record remains of archaeological interest before destruction.

16. Submission and approval of public art and landscaping scheme

No development (with the exception of demolition and works below the prevailing ground level surrounding the site) shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Public Art and Landscaping Plan for the area indicated within the Interim Public Art Plan (dated May 2016). The Plan shall also contain a timetable for delivery and details of future maintenance responsibilities and requirements. All public art and landscaping works shall be completed in accordance with the agreed scheme and thereafter retained as part of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that public art and landscaping are integrated into the design of the development.

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17. To ensure completion of a programme of archaeological works

No building shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

18. Implementation/Installation of Refuse Storage and Recycling Facilities - Shown on approved plans

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

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

19. Reinstatement of Redundant Accessways - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the existing accesses to the development site has been permanently stopped up and the footway reinstated in accordance with the approved plans.

Reason: In the interests of pedestrian safety.

20. Travel Plans - Not submitted

No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets to the satisfaction of the council.

Reason: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

21. Completion and Maintenance of Car/Vehicle Parking - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

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22. o No development (with the exception of demolition and works below the prevailing ground level surrounding the site) shall take place until a general arrangement plan showing the following works to the highway have been submitted to and been approved in writing by the Local Planning Authority:
- o Loading only bay on Unity Street;
  - o Continuation of footway on Jacob Street and Unity Street (where Hawkins Street previously formed priority junctions);
  - o Relocation of 7No existing on-street RPS/P&D parking spaces;

Associated ancillary works including (without limitations) dropped kerbs, bollards, footway crossovers, tactile paving, signing, lining, street lighting, reinstatement, drainage and return to store of any recyclable materials identified by the Engineer.

The building hereby permitted shall not be occupied until the highway works have been completed in accordance with technically agreed engineering details.

Reason: To ensure that all road works associated with the proposed development are planned and approved in good time to include any statutory processes, are undertaken to a standard approved by the Local Planning Authority and are completed before occupation. NB Undertaking works in the highway will require a legal agreement with the Highway Authority and contact should be made with the Local Highway Authority at least 6 months in advance of commencing the works so that an agreement is completed prior to starting any works on the highway.

23. Completion of Vehicular Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

24. Provision shall be made within the communal parking area associated with the residential part of the scheme (shown on drawing P101 rev B) for at least two disabled bay (Blue Badge Holder) spaces, and these spaces shall be maintained as such throughout the lifetime of the development.

Reason:

To ensure ease of access for residents and visitors with mobility problems.

**Post occupation management**

25. Retention of garage/car parking space(s)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

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26. Protection of parking and servicing provision

The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development.

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

Reason: To safeguard neighbouring amenity.

28. Prior to occupation of development provision shall be made for built-in bird nesting and bat roosting opportunities. This shall include twelve built-in swift bricks or boxes and four built-in bat bricks or boxes. (See informative for advice on choosing locations for these).

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

29. No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the local planning authority. The authority will require evidence provided by a suitably qualified ecologist that no breeding birds would be adversely affected before giving any approval under this condition.

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

30. A1 /A3 use only  
 Activities relating to deliveries shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to protect nearby occupiers from late-night noise disturbance and in the interest of safeguarding amenity.

31. Use of Refuse and Recycling facilities (A1 and A3 use only)

Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby occupiers.

**List of approved plans**

32. 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.

SCP/14345/ATRSK03 REVISION F , received 21 June 2016

SCP/14354/F04 REVISION H , received 9 June 2016

SCP/14345/F08 REVISION A , received 9 June 2016

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SCP/14345/SK05 REVISION B , received 9 June 2016  
 SCP/14345/SK03 REVISION C , received 9 June 2016  
 AP224\_P101B , received 9 June 2016  
 AP224\_P102A , received 9 June 2016  
 AP224\_P103A , received 9 June 2016  
 AP224\_P104A , received 9 June 2016  
 AP224\_P105A , received 9 June 2016  
 AP224\_P107B , received 9 June 2016  
 AP224\_P099 Site location and ownership plan, received 26 January 2016  
 AP224\_P100 Roof plan in context, received 26 January 2016  
 AP224\_P106 Fifth floor level 06, received 26 January 2016

Reason: For the avoidance of doubt.

**Advices**

- 1 Note that in deciding to grant permission, the Committee/Planning Service Director also decided to recommend to the Council's Executive in its capacity as Traffic Authority in the administration of the existing Controlled Parking Zone of which the development forms part, that the development should be treated as car free / low-car and the occupiers ineligible for resident parking permits.
- 2 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>.
- 3 Bat boxes and Swift bricks  
 Bats  
 If bat boxes cannot be provided within built structures, they should be provided on trees (with no more than one bird box per tree).  
 Bat boxes should face south, between south-east and south-west. Bat boxes should be erected at a height of at least four metres, close to hedges, shrubs or tree-lines and avoid well lit locations. Bat boxes which are being placed on buildings should be placed as close to the eaves as possible.  
 Swifts  
 Internal nest trays or boxes are particularly recommended for swifts. Swift bricks are best provided in pairs or groups (e.g. at least two or three on a building, avoiding windows) at least one metre apart. This is because they are usually colonial nesters. Swift boxes/bricks are best located on north, north-east or east facing walls, at least 5 metres high, so that there is a clear distance (drop) below the swift boxes/bricks of 5 metres or more so that there is space for the swifts to easily fly in and out of the boxes.
- 4 Works on the public highway: The development hereby approved includes the carrying out of work on the public highway. You are advised that before undertaking work on the highway you must enter into a formal agreement with the council which would specify the works and the terms and conditions under which they are to be carried out. You should contact City Development, Wilder House, Wilder Street, Bristol, BS2 8PH or telephone 0117 903 6846, allowing sufficient time for the preparation and signing of the agreement. You will be required to pay fees to cover the councils cost's in undertaking the following actions:
  - 1) Drafting the agreement
  - 2) A monitoring fee equivalent to 15% of the planning application fee
  - 3) Approving the highway details
  - 4) Inspecting the highway works.

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- 5 Traffic Regulation Order (TRO): In order to comply with the requirements of condition ; you are advised that the implementation of a TRO is 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.
- 6 Highway to be adopted: All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Highway Engineer's specification and terms for the phasing of the development, in accordance with section 38 (Adoption of highway by agreement) or section 219 (the Advance Payments code) of the Highways Act 1980. You must also contact the Engineering Design and Main Drainage Design section of City Transport to discuss the requirements for adopted roads or sewers and in due course submit a separate application in respect of these works. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Telephone 0117 9222100.
- 7 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 9036852 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.

**BACKGROUND PAPERS**

City Centre Projects (Public Art)	10 March 2016
Landscape	8 March 2016
Archaeology Team	1 March 2016
Landscape	3 March 2016
Crime Reduction Unit	22 February 2016
Wessex Water	3 March 2016
The Coal Authority	1 March 2016
Flood Risk Manager	22 February 2016
Urban Design	11 March 2016

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**WARD:** Henbury & Brentry      **CONTACT OFFICER:** Andrew Cross  
**SITE ADDRESS:** Land Adj To 81 Hallen Road Bristol BS10 7RA

**APPLICATION NO:** 16/00665/F      Full Planning  
**EXPIRY DATE:** 5 April 2016

**Erection of a single dwelling and associated works.**

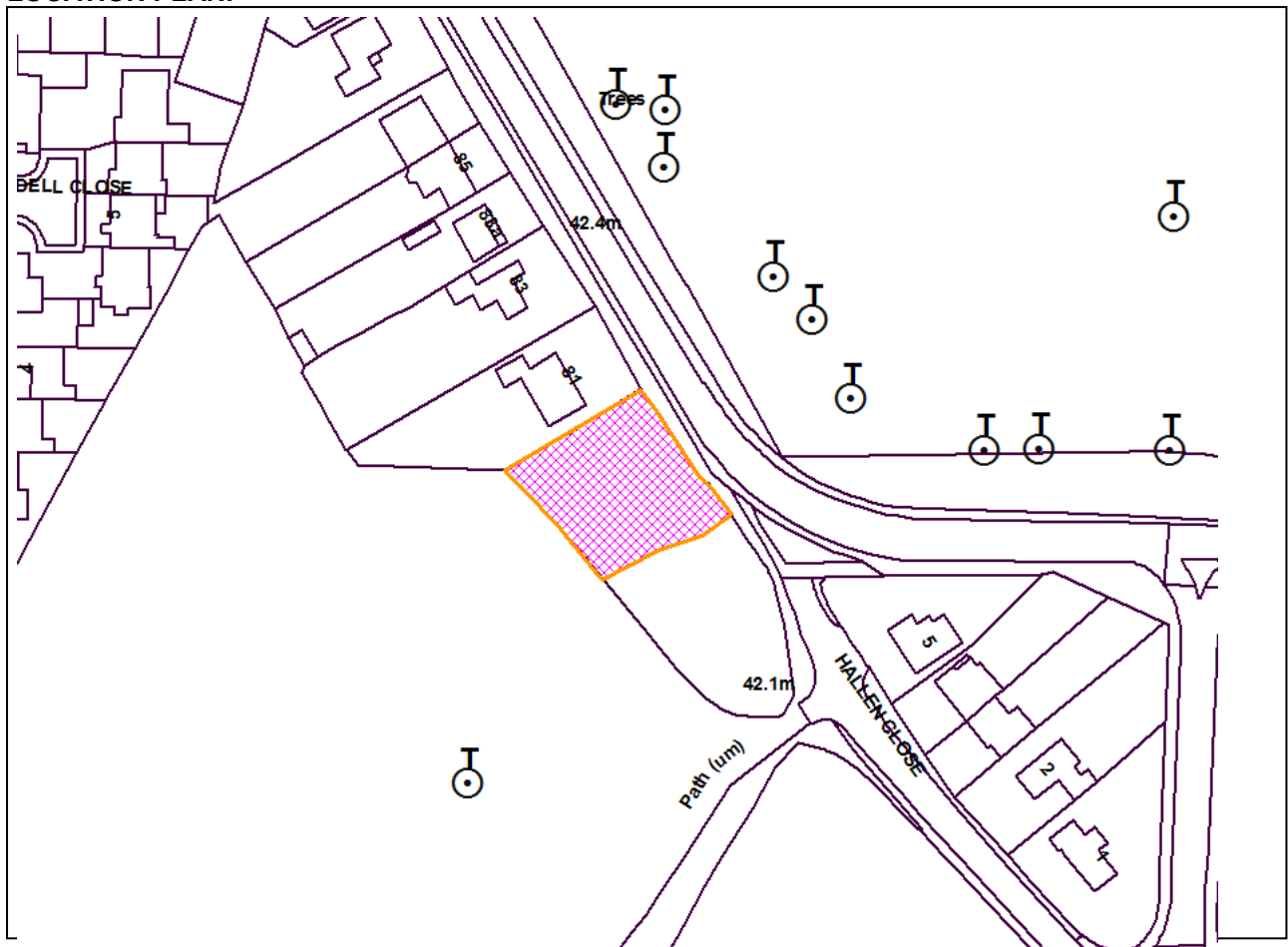
**RECOMMENDATION:** Grant subject to Condition(s)

**AGENT:** Alder King Planning Consultants  
Pembroke House  
15 Pembroke Road  
Clifton  
Bristol  
BS8 3BA

**APPLICANT:** Mr Richard Bryan  
c/o agent  
United Kingdom

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

**LOCATION PLAN:**



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#### SITE DESCRIPTION AND APPLICATION

The application site is a plot of land with existing vehicular access from Hallen Road, set alongside existing residential development to the north-west, an area of woodland to the south-east, and a Site of Nature Conservation Interest (SNCI) to the south-west. The site abuts the Kingsweston and Trym Valley Conservation Area, although is set outside it.

The application proposes the construction of a detached house with associated garden space and parking.

See plans and photographs for full details.

#### RELEVANT HISTORY

There is no relevant planning history at the application site.

#### RESPONSE TO PUBLICITY AND CONSULTATION

Consultation was undertaken via site notice along with letters sent to surrounding properties. Four written responses were received, including comments from a local Councillor.

Councillor Mark Weston has commented as follows:

I have looked at the proposals but find myself opposing the development. I fear that the drawings fail to adequately show the location in its context next to a very sharp turn. I fear that gaining access both to and from the site once built would be dangerous to both the residents but also other road users. I am also concerned that the construction period would cause profound problems to the road network. I must also echo the comments regarding the loss of trees on the edge of a conservation area. I would request that this application be rejected by officers. Failing that I believe that a planning committee should consider this following a site visit that allows a greater understanding of the location.

The comments from local residents can be summarised as follows:

- o Disruption during construction works (see key issue B)
- o Increased traffic (see key issue C)
- o Tree replacement is required in accordance with policy DM17 (see key issue E)
- o The site is part of a wider area that is a haven for wildlife (see key issue G)

**City Design Group** has commented as follows:-

No objection.

**Transport Development Management** has commented as follows:-

Full comments available on electronic file.

Recommendation:

In principal I have no objection to the proposed works which are not considered to pose any highway safety concerns providing:

The hedges to the front of the site are maintained at a height of no more than 0.6m to allow any



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emerging drivers to be seen by approaching traffic/pedestrians in the interest of highway safety. The applicant clarifies what the hardstanding will be constructed from and what drainage will be provided at the point of access to avoid any surface water being discharged onto the adopted highway.

The size of the garage is increased so that as a minimum it measures at least 6m long by 6m wide and a clear plan showing the layout of the garage and the location and design of the cycle storage is provided.

Refuse/recycling cannot be stored within the garage as this would be contrary to Policy DM32: Recycling and Refuse Provision in New Development of The Bristol Local Plan: Site Allocations and Development Management Policies (adopted July 2014). A screened and secure store needs to be provided to store any refuse/recycling that will not be stored within the utility room.

**Arboricultural Team** has commented as follows:-

(Response to original submission)

In all it appears that seven individual trees (C grade and above) will be removed in addition to an area of woodland that comprises mainly of young self sown ash trees.

Whilst there has been some information submitted to address the replacement trees under the Bristol Tree Replacement Standard, I consider that it is currently not sufficient to adequately compensate for the loss of trees on site.

32 Ash - Size and number of 6 trees reasonable

31 Cherry - 5 Trees reasonable, require trees (min 10-12 cm size) not whip planting.

30 Ash - 6 trees ok and species adequate but min 10-12 cm size.

29 Field Maple - 3 trees ok - minimum 10 -12 size

28 Ash - 2 Trees ok but minimum 10-12 size

27 G - This area is mainly populated with young self sown ash trees, but reasonably still required some compensatory planting for its loss. Considering the loss of canopy area that the trees collectively produce it would seem reasonable to require an additional six trees to be planted which at maturity would represent a similar replacement area.

We will also require a landscape plan showing location, size, protection measures and aftercare proposals for all of the tree replacements.

Also a tree protection plan for retained trees on site, showing the location of the Protective fencing illustrated in Para 2.6 of the Arboricultural Impact assessment.

Should there not be sufficient space for all of the trees, we will actively offer council land to receive any off site replacement trees. We will require a fixed sum to cover establishment and maintenance costs over a 15 year period. This figure is currently £765 for trees to be planted in soft landscape areas.

**Nature Conservation Officer** has commented as follows:-

This site adjoins a Site of Nature Conservation Interest, Moorgrove Wood and Fields which is immediately to the south-west. As a planning condition, robust fencing with warning signs on should be provided alongside the boundary with the SNCI to protect it from impacts during construction works.

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Slow-worms are legally protected against being killed or injured. Slow-worms were recorded on site during the reptile survey undertaken as part of the ecological assessment dated December 2015. The following planning condition is recommended.

Condition: Prior to clearance of the site and/or commencement of development, a method statement shall be submitted to and approved in writing by the Local Planning Authority for the protection of slow-worms from killing or injury as a result of the development. The development shall be carried out in accordance with the statement or any amendment approved in writing by the Local Planning Authority. This shall include the provision of at least two hibernacula/refugia.

Reason: To protect legally protected slow-worms and their habitats.

The recommendations in section 9 of the ecological assessment dated December 2015 should also be secured by condition. These recommendations include the retention and additional planting of the western boundary hedgerow, the production of a woodland management plan, measures to take account of the bird nesting season, two bat boxes/bricks, two bird boxes, the creation of two habits piles for reptiles, measures to protect badgers during construction (in addition to the stated measures open pipework larger than 150 mm outside diameter should be blanked off at the end of each working day - please can this be added to the wording of the condition) and gaps in fences (e.g. 15 x 15 cm) to allow the passage of hedgehogs, a priority species.

**RELEVANT POLICIES****National Planning Policy Framework – March 2012****Bristol Core Strategy (Adopted June 2011)**

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

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

DM1	Presumption in favour of sustainable development
DM17	Development involving existing green infrastructure
DM19	Development and nature conservation
DM23	Transport development management
DM26	Local character and distinctiveness
DM27	Layout and form
DM29	Design of new buildings
DM31	Heritage assets

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KEY ISSUES

(A) IS THE REDEVELOPMENT OF THE SITE ACCEPTABLE IN LAND USE TERMS?

The application site has no specific land use designation, although can be considered residential due to its location amongst existing dwellings within a residential area.

Core Strategy policy BCS5 aims to deliver new homes within the built up area to contribute towards accommodating a growing number of people and households in the city. The policy states that the development of new homes will primarily be on previously developed sites across the city, but some new homes will be developed on open space which does not need to be retained as part of the city's green infrastructure provision.

Policy BCS20 encourages the efficient use of land, but in doing so acknowledges the need to achieve high quality well designed environments, and the need for development to be informed by local context, accessibility and the characteristics of the site. This is furthered by policy BCS21.

The development of the site to provide an additional residential dwelling is not precluded in land use terms. Issues of residential amenity, design, movement and sustainability must however be appropriately addressed, which will be discussed within the following key issues.

(B) WOULD THE PROPOSAL CAUSE ANY UNACCEPTABLE HARM TO THE RESIDENTIAL AMENITY OF NEIGHBOURING OCCUPIERS?

The scale and positioning of the proposed works are such that no unacceptable harm would be caused to the residential amenity of neighbouring residents through overshadowing or the creation of any overbearing sense of enclosure.

The proposed building has been designed such that main windows do not face the neighbouring property to the north. This is with the exception of a bathroom window at first floor level and a secondary kitchen window at ground floor level. A condition requiring the provision of obscured glazing to the bathroom window would mitigate against any overlooking impact, while the position of the aforementioned ground floor would be such that boundary treatments would prevent unacceptable levels of overlooking.

A first floor balcony is incorporated into the proposal, set at the southern corner of the building. The position and orientation of the balcony is such that neighbouring houses would not be overlooked, subject to the provision of a privacy screen to the north-western end of the balcony to prevent overlooking of the neighbouring property at 81 Hallen Road. This can be secured by condition. A condition should also be added to prevent the use of the flat roof areas as raised terraces.

The proposed house accords with current space standards requirements, and the site has ample space for servicing facilities.

Disruption during construction works was raised as a concern within objection comments received. Any residential amenity impact by virtue of disruption during construction would represent a temporary situation rather than a long-term effect of the proposal, and as such refusal on this basis is not warranted.

It is therefore concluded that the proposed works would not cause any unacceptable harm to the residential amenity of neighbouring occupiers or future occupiers of the site.

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**(C) DOES THE PROPOSAL ADDRESS MOVEMENT, TRANSPORT AND HIGHWAY SAFETY ISSUES?**

The proposed development would use the existing vehicular access to/from the site. Concern has been raised in relation to the safety of this access by a local Councillor.

In relation to the access/visibility, the City Council Highways Officer has stated the following:

"The site will be accessed via an existing 3m wide access point off of Hallen Road. A plan showing the visibility splays has been provided which clearly demonstrates that despite being located near to a bend in the road any vehicle leaving the access point will be able to see far enough to be able to stop should there be any oncoming traffic. Either side of the access point will be evergreen hedges. These should be no more than 0.6m high [within the visibility splay], as stated within the Department for Transport's Manual for Streets<sup>1</sup>, to allow any emerging drivers to be seen by approaching traffic/pedestrians."

The proposed layout is such that vehicles are able to turn within the site, enabling entrance and exit in a forward gear.

The available space for off-street parking exceeds current local plan standards, however given that the site is not particularly sustainably located, reliance on private cars is likely by future residents, and as such the over-provision of off-street parking is not considered problematic in this instance. Within his comments the highways officer recommended that the garage be enlarged, however given the over-provision of parking, and the fact that the garage is of a generous and useable size, it is considered that such a change is not necessary.

A garage is incorporated into the proposal, which would provide adequate cycle storage provision to serve the development.

Increased traffic was raised as a concern within the objection comments received. The provision of an additional dwelling accessed via a classified C-road, is not likely to have any significant impact upon the local highway network.

It is concluded that the proposal is acceptable in terms of transport and movement issues.

**(D) WOULD THE PROPOSED DESIGN BE ACCEPTABLE?**

Core Strategy policy BCS21 relates to overarching urban design principles to ensure high quality development acceptable within its context. Policy DM26 requires development to contribute towards local character and distinctiveness, in relation to various factors including pattern and grain of development, scale, character, function and architectural styles. Policy DM27 is concerned with layout and form, including principles in relation to blocks and plots.

The immediate context on Hallen Road and Hallen Close is characterised by detached and semi-detached houses set within spacious plots, set back from the highway, with off-street parking. There is some variation in building form, with a mixture of hipped and gable-ended roof forms, but no locally characteristic architectural style. The local palate of materials includes render, facing brickwork, timber cladding, and brown tiled roofs.

The proposal is for a contemporary detached house set within a spacious plot. The form of the dwelling proposed would sit comfortably within the varied context of built form, while reflecting the local palate of materials, with render, timber and brickwork proposed to the exterior.

As such, given the siting, scale, and plot size, the proposed development would accord with the

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established character of the locality, and is considered of an appropriate design when giving consideration of the immediate context.

**(E) IS THE PROPOSAL ACCEPTABLE IN RELATION TO TREES?**

It is proposed to remove a number of trees from the site. This comprises seven mature trees to the front and rear boundaries of the site, along with an area of Ash saplings to the south-eastern side of the site.

The replacement tree planting initially proposed fell short of the requirements of policy DM17. A revised, more appropriate scheme of replacement tree planting was therefore sought. This was forthcoming and proposes two replacement trees to the front boundary, along with the provision of 27 trees within the adjacent field (also in the ownership of the applicant and within the blue-line site). The proposed planting to the front boundary would comprise Himalayan Birch, while the planting to the field would comprise Oak, Hawthorn and Field Maple.

The scheme of replacement tree planting, as revised, was formulated through consultation with our Arboricultural Officer, and is found to be acceptable.

If planning permission is granted, the scheme of replacement tree planting will be secured by condition, along with the submitted tree protection details to safeguard retained trees during construction.

**(F) WOULD THE PROPOSAL BE ACCEPTABLE IN RELATION TO ISSUES OF SUSTAINABILITY AND FLOOD RISK MITIGATION?**

Current planning policy within the adopted Bristol Development Framework, Core Strategy (2011) requires new development to be designed to mitigate and adapt to climate change and meet targets to reduce carbon dioxide emissions. This should be achieved, amongst other measures, through efficient building design, the provision of on-site renewable energy generation to reduce carbon dioxide emissions by at least 20% based on the projected residual energy demand of new buildings and extensions to existing buildings, and for new development to mitigate against the risk of flooding, including rainwater soak-away drainage. The approach proposed should also be supported by the provision of a sustainability statement and an energy strategy.

On site renewable energy generation is provided as part of the proposal, adequate to reduce CO2 emissions from the residual energy demand of the dwellings by in excess of 20%, in accordance with current policy requirements.

The application site is set within flood zone 1 and as such is at low risk from tidal and fluvial flooding. The site, at present, is entirely covered by soft landscaping.

In order to mitigate against increased rainwater run-off as a result of the proposal, if permission is granted, a condition will be attached requiring the provision of a scheme of sustainable drainage to serve the development, including the provision of permeable paving.

Given the imposition of appropriate planning conditions, the proposal is found to be acceptable when considering issues relating to sustainability and flood risk.

**Development Control Committee B – 13 July 2016****Application No. 16/00665/F : Land Adj To 81 Hallen Road Bristol BS10 7RA****(G) WOULD THE PROPOSAL BE ACCEPTABLE IN RELATION TO WILDLIFE AND NATURE CONSERVATION?**

The application submitted is accompanied by an Ecological Assessment. This includes a number of recommendations linked to the development of the site in relation to habitats; the provision of bird and Bat boxes; retention of native hedgerow; measures to protect Slow Worms; the provision of a woodland management plan; and other measures.

The City Council Nature Conservation Officer was consulted in relation to the scheme, and did not raise objection, subject to the provision of condition(s) to ensure that the recommendations of section 9 of the Ecological Assessment are carried out. A condition was also suggested for the provision of a method statement for the protection of Slow Worms, however this has been set out within the Ecological Assessment, and as such is considered unnecessary.

Subject to the development being carried out in accordance with the recommendations of the submitted Ecological Assessment, the proposal is found to be acceptable in relation to nature conservation.

**COMMUNITY INFRASTRUCTURE LEVY****HOW MUCH COMMUNITY INFRASTRUCTURE LEVY (CIL) WILL THE DEVELOPMENT BE REQUIRED TO PAY?**

The CIL liability for this development is £12,109.82

**RECOMMENDED GRANTED 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. Protection of Retained Trees and Hedgerows During the Construction Period

No work of any kind shall take place on the site until the protective fence(s) has (have) been erected around the retained trees and hedgerows in the position and to the specification shown on Drawing No. 266/L01/B and within the Arboricultural Impact Assessment. The Local Planning Authority shall be given not less than two weeks prior written notice by the developer of the commencement of works on the site in order that the council may verify in writing that the approved tree protection measures are in place when the work commences. The approved fence(s) shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no excavation of trenches, no site huts, no fires lit, no dumping of toxic chemicals and no retained

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trees shall be used for winching purposes. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the council.

Reason: To protect the retained trees and hedgerows from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

## 3. Nature conservation

The development shall be commenced and completed in accordance with the recommendations of the approved Ecological Assessment. In addition to the recommendations set out, open pipework with an outside diameter greater than 150mm shall be blanked off at the end of each working day; and 15cm by 15cm gaps shall be provided at the base of fences, and retained thereafter.

Reason: In the interests of Nature Conservation.

## 4. Sustainable Urban Drainage System (SUDS)

No development shall take place until a detailed design of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal.

## 5. Sample Panels before specified elements started

Sample panels of all external finishing materials 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)**

## 6. Green roofs

The green roofs to the flat roof areas of the development hereby approved shall be completed prior to the first occupation of the dwelling, and retained and maintained as such thereafter.

Reason: In the interests of biodiversity and sustainable drainage.

## 7. Renewables

The scheme of on-site renewable energy generation shall be completed in accordance with the approved details prior to the occupation of the dwelling hereby approved, and shall be retained and maintained as such thereafter.

Reason: To ensure adequate provision of on-site renewable energy generation.

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## 8. Privacy screen to balcony

The development shall incorporate the provision of a 1.8 metre high privacy screen to the north-western end of the first floor balcony, which shall be completed prior to the first occupation of the dwelling hereby approved, and retained and maintained as such thereafter.

Reason: To safeguard the residential amenity of neighbouring occupiers from overlooking/loss of privacy.

## 9. Completion of Vehicular Access - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.

Reason: In the interests of highway safety.

## 10. Completion and Maintenance of Car/Vehicle Parking - Shown on approved plans

No building or use hereby permitted shall be occupied or the use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development.

**Post occupation management**

## 11. No further extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this (these) dwelling(s) or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area.

## 12. Landscape (Planting) Works - Shown

The planting proposals hereby approved, as shown on drawings 266/L01/B and 266/L02, shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory and to mitigate against the trees to be removed.



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## 13. Obscured Glazed Window

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the proposed first floor side-facing bathroom window shall be non-opening or top-hung quarter-light opening only, and glazed with obscure glass to a specification to be agreed with the Local Planning Authority and shall be permanently maintained thereafter as such.

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

## 14. No Further 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 the north-western side elevation of the building hereby permitted 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.

## 15. Restriction of Use of Roofs

The flat roof areas of the development hereby permitted shall not be used as balconies, roof gardens 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 and loss of privacy.

## 16. Boundary height restriction within visibility splay

Any boundary treatment, including vegetation, set within the visibility splay detailed on drawing 266/V01, shall be no more than 0.6 metres in height.

Reason: In the interests of highway safety.

## 17. Retention of garage/car parking space(s)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

Reason: To retain garage/car space for parking purposes.

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**List of approved plans**

18. 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.

266/L02 Landscaping 2, received 10 May 2016  
Arboricultural Impact Assessment [revised], received 10 May 2016  
Ecological appraisal, received 9 February 2016  
Energy statement, received 9 February 2016  
Sustainability statement, received 9 February 2016  
Tree survey, received 9 February 2016  
258/S01/A Site location plan, received 9 February 2016  
258/S10/A Survey, received 9 February 2016  
266/PL02 Proposed floor plans, received 9 February 2016  
266/PL03 Proposed elevations, received 9 February 2016  
266/PL04 Proposed sktech views, received 9 February 2016  
266/PL05 Proposed sections, received 9 February 2016  
266/PL01 Proposed site & roof plan, received 9 February 2016  
266/L01/B Landscaping plan, received 10 May 2016  
266/S03/A Site analysis, received 9 February 2016  
266/S04 Site survey, received 9 February 2016  
266/V01 Visibility splays, received 9 February 2016

Reason: For the avoidance of doubt.

**BACKGROUND PAPERS**

City Design Group  
Transport Development Management  
Arboricultural Team  
Nature Conservation Officer

1 March 2016  
29 February 2016  
1 April 2016  
17 March 2016